



## STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

Strasbourg, 8 November 2016

CEP-CDCPP-WG (2016) 14E

### **WORKING GROUP ON THE EUROPEAN LANDSCAPE CONVENTION**

*LANDSCAPE AND DEMOCRACY*

**3<sup>rd</sup> Meeting**

**Report**

Council of Europe Offices, Paris  
Headquarters of the Bank of Development of the Council of Europe

18-19 October 2016

*Secretariat document of the Council of Europe  
Democratic Institutions and Governance Department*

## **I. OPENING OF THE MEETING**

Mrs Liv Kirstine Mortensen, Chair of the Council of Europe Conference on the European Landscape Convention, opened the Meeting and welcomed the participants (list of participants in Appendix 1 to this Report).

## **II. ADOPTION OF THE DRAFT AGENDA**

*[Document: CEP-CDCPP-WG (2016) 7E]*

The Working Group adopted the agenda as it appears in Appendix 2 to this Report.

## **III. EXAMINATION OF THE WORKING DOCUMENTS**

### **1. Documents landscape and democracy**

#### **1.1. Conceptual report for reference on Landscape and the European Landscape Convention's contribution to democracy, human rights and sustainable development**

*[Document: CEP-CDCPP-WG (2016) 8E]*

*The Working Group decided, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), on the preparation of the following document: Issue paper (a conceptual report for reference) as asked at the 8<sup>th</sup> Conference of the Council of Europe on the European Landscape Convention, on: Landscape and the European Landscape Convention's contribution to democracy, human rights and sustainable development (CEP-CDCPP-WG (2016) 8E). This document was prepared by Mr Michel Prieur, Professor Emeritus at the Faculty of Law of Limoges and Mr Yves Luginbühl, Emeritus Research Director at the CNRS, France, in the capacity of Experts of the Council of Europe.*

The Working Group congratulated the experts for the quality of the work achieved, asks them to review the report on the basis of comments made, and decided that the document will be presented for information, as a conceptual report for reference at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention, Council of Europe, Palais de l'Europe, Strasbourg, 23-24 March 2017, and then to the 6<sup>th</sup> Meeting of the CDCPP (2017).

*Summary of comments:*

*Summary:* Indicate “landscape process/shared process” instead of “landscape project” (in all the report).

*Introduction:* Diagram in order to introduce the terms “social” and “economy”.

*Chapter II – The contribution of landscape to the implementation of human rights:*

- Considering the existing environment regulation, make clarifications on the specificity of the landscape separated from the environmental regulations; The Working Group stressed the fact that though landscape in law is much connected to the environment, it is important to consider the specificity of the landscape, in accordance to the Convention and the provisions of Appendix 2 of Recommendation CM/Rec (2008) 3 of the Committee of Ministers on the guidelines for its implementation. Asked if this could possibly have been pointed out in chapter II or/and in the conclusion of the report.
- Add a footnote indicating the difference between the Commission and the CEDH;
- Indicate that the Aarhus Convention is opened to the accession of non-member States of the UN-ECE.

*Chapter III – Landscape and sustainable development:*

- Add titles on “Landscape and society” or “Landscape and social needs” and “Landscape and culture”, in the same way as “Landscape and economy”; in order to make the connection between landscape and the social and cultural (included cultural heritage) aspects clearer.

*Conclusions:*

- Change the first conclusion to Pan-European and refer to the EU in a separate point;  
 - Add a reference to the role of the European Landscape Convention to promote awareness and participation in the democratic process;  
 - Remember the importance of the provisions of Appendix 2 of Recommendation CM / Rec (2008) 3 of the Committee of Ministers on the guidelines for the implementation of the European Landscape Convention.

**1.2. Draft Recommendation on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, within the perspective of sustainable development**

*[Document: CEP-CDCPP-WG (2016) 9E]*

*The Working Group decided, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), on the preparation of the following document: Draft Recommendation on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, in a perspective of sustainable development, based on the issue paper (conceptual report for reference) (CEP-CDCPP-WG (2016) 9E). This document was prepared by Mr Michel Prieur, Professor Emeritus at the Faculty of Law of Limoges and Mr Yves Luginbühl, Emeritus Research Director at the CNRS, France, in the capacity of Experts of the Council of Europe.*

The Working Group formulated amendments to the draft recommendation (Appendix 3 to this report) and decided to present it, after consultation of the Directorate of Legal Advice and Public International Law (DLAPIL) of the Council of Europe, at the 9<sup>th</sup> Council of Europe Conference on the European Landscape Convention (Strasbourg, 23-24 March 2017) and at the Steering Committee for Culture, Heritage and landscape (CDCPP) in 2017.

**1.3. Draft Recommendation on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention**

*[Document: CEP-CDCPP-WG (2016) 10E]*

*The Working Group decided, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), on the preparation of the following document: Draft Recommendation on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention. This document was prepared by Mrs Liv Kirstine Mortensen and Mrs Maria José Festas, as members of the Working Group. In the preparation, they have used parts of the document CEP-CDCPP (2015)20 prepared by Mr Audun Moflag.*

The Working Group formulated amendments to the draft recommendation (Appendix 4 to this report) and decided to present it, after consultation of the Directorate of Legal Advice and Public International Law (DLAPIL) of the Council of Europe, at the 9<sup>th</sup> Council of Europe Conference of the European Landscape Convention (Strasbourg, 23-24 March 2017) and at the Steering Committee for Culture, Heritage and Landscape (CDCPP) in 2017.

#### **1.4. Preparation of an information brochure**

A leaflet will be prepared after the adoption of the draft recommendations with extracts of these texts and of the report for reference.

### **2. 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention, Council of Europe, Palais de l'Europe, Strasbourg, 23-24 March 2017**

#### **2.1. List of national representatives in charge of implementing the European Landscape Convention, who are also correspondents of the Information System of the Council of Europe European Landscape Convention (ELC L6), responsible for completing the online questionnaire**

*[Document: CEP-CDCPP-WG (2016) 11E]*

*The Working Group, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), expressed the wish that, in preparation for the 18<sup>th</sup> Council of Europe Meeting of the Workshops on "National policies for the implementation of the European Landscape Convention: challenges and opportunities" (Yerevan, Armenia, 5-7 October 2016), the National Representatives for the European Landscape Convention would complete the form of the Information System.*

National representatives of Andorra and Poland have already completed the Information System and other national representatives will also complete it soon.

The Working Group requested the Secretariat to kindly send out a reminder to all the national representatives with their passwords and necessary guidance for completing the on-line questionnaire regarding the Information System.

#### **2.2. List of non-governmental organisations invited to participate at the Council of Europe Conferences on the implementation of the European Landscape Convention, as observers**

*[Document: CEP-CDCPP-WG (2016) 12E]*

*The Working Group, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), considered the following:*

*– Conferences of the Council of Europe on the European Landscape Convention: considering the large number of non-governmental organisations working on landscape issues, only the international and European NGOs, representative of a significant number of countries, and whose themes relate to the European Landscape Convention work programme, will be invited to participate in the Conferences, as observers;*

*– Meetings of the workshops of the Council of Europe: international, European and national NGOs will continue to be invited to participate in the Meetings of the workshops.*

*The Working Group requested the Secretariat to kindly complete the working document with the missing information for the next meeting, and create a template to gather information that the international and European NGOs will be asked to provide.*

The Working Group considered the elements of the document concerning the List of non-governmental organisations to be invited to participate in the Council of Europe Conferences on the European Landscape Convention and the Information framework concerning the non-governmental organisations with observer status in the Council of Europe Conferences on the European Landscape Convention, and asked the Secretariat to prepare a list of NGOs members of the INGO Conference of the Council of Europe and to send the questionnaire completed (with a question about the name of the formal NGO representative to the Conference), asking them to complete the questionnaire by the end of November.

### **2.3. Preparation of work programme and action plan for the implementation of the European Landscape Convention 2017-2018**

The Working Group entrusted the Chair in consultation with the Secretariat, to kindly prepare a document to be presented at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention.

### **2.4. Preparation of a document for the working group and, if so decided, proposal for members on the next period 2017-2018**

The Working Group entrusted the Chair in consultation with the Secretariat, to kindly prepare a document to be presented at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention.

### **2.5. Other documents that need to be prepared before the Conference (See also IV other business)**

The Working Group entrusted the Chair in consultation with the Secretariat, to kindly prepare other documents to be presented at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention.

## **3. Next meetings of the workshops and practical organisation of meetings of the Council of Europe**

*[Document: CEP-CDCPP-WG (2016) 13E]*

*The Working Group of the European Landscape Convention on “Landscape and democracy” noted, at its 2<sup>nd</sup> Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), that:*

- the Council of Europe Meetings of the Workshops for the implementation of the European Landscape Convention are generally held annually in the autumn, on a theme relating to the implementation of the Convention, selected by the Council of Europe Conference on the European Landscape Convention / CDCPP, in liaison with the Secretariat of the Council of Europe and in co-operation with the State hosting the meeting;*
- under the direction of the Chair of the Conference, in liaison with the Secretariat of the Council of Europe, the Working Group on the Convention may propose to the Conference relevant topics that may be discussed in forthcoming meetings, as part of the Work Programme of the Convention;*
- the Working Group will consider the requests by States to host meetings, so that the Conference can register the proposals as part of its work programme;*
- to the extent that the meeting would be held in the autumn, the Parties to the Convention are contacted earlier in the year by the Secretariat of the Council of Europe and Chair to ask them kindly to send the Secretariat any suggestions or proposed presentations. Their answers (which should reach the Secretariat in the month following the request) should be accompanied by a written summary of the presentation that they propose, in order that the Working Group may prepare the programme in agreement with the host State;*
- the programme can thus be finalised in order to be transmitted by the Secretariat of the Council of Europe in June/mid-July to the Parties to the Convention, and other government and non-government representatives.*

*The Working Group requested the Secretariat to kindly prepare, in liaison with the Chair of the Conference, a document reflecting the various types of meetings organised by the Council of Europe for the implementation of the European Landscape Convention (Council of Europe Conferences on the European Landscape Convention, Meeting of the Workshops, Forums on the Landscape Award of the Council of Europe, regional and national meetings), referring to the working methods of the Council of Europe. The document should have a practical approach, to assist the State hosting the meeting in its planning. It also requested that the document refer to the meetings and activities that are not conducted under the auspices of the Council of Europe and that mention be made of the applicable*

*provisions on the use of the Council of Europe logos, documents and publications concerning the conventions on cultural heritage and landscape adopted under the auspices of the Council of Europe.*

The Working Group took note of the elements mentioned in the working document and entrusted the Chair in consultation with the Secretariat, to kindly prepare a document to be presented for information at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention.

#### **IV. OTHER BUSINESS**

The Working Group:

- expressed the wish that the document on funding sources that can be used for the implementation of the European Landscape Convention be sent by the Secretariat to the Parties to the Convention;
- took note that the conclusions of the following meetings will be presented at the 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention:
  - 17<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention, “*Forum of the national selections for the Council of Europe Landscape Award – Session 2014-2015*”, Budapest, Hungary, 8-10 June 2016;
  - 18<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention, “*National policies for the implementation of the European Landscape Convention: challenges and opportunities*”, Yerevan, Armenia, 5-7 October 2016.

#### **V. DATE OF THE NEXT MEETING**

The 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention will be held in the Palais de l’Europe, Strasbourg, on 23-24 March 2017.

#### **VI. CLOSING OF THE MEETING**

The Chair of the Working Group thanked the participants and closed the meeting.

## APPENDIX 1

### AGENDA

#### I. OPENING OF THE MEETING

#### II. ADOPTION OF THE DRAFT AGENDA

*[Document: CEP-CDCPP-WG (2016) 7E]*

#### III. EXAMINATION OF THE WORKING DOCUMENTS

##### 1. Documents landscape and democracy

1.1. Conceptual report for reference on Landscape and the European Landscape Convention's contribution to democracy, human rights and sustainable development

*[Document: CEP-CDCPP-WG (2016) 8E]*

1.2. Draft Recommendation on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, within a perspective of sustainable development

*[Document: CEP-CDCPP-WG (2016) 9E]*

1.3. Draft Recommendation on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention

*[Document: CEP-CDCPP-WG (2016) 10E]*

1.4. Preparation of an information brochure

##### 2. 9<sup>th</sup> Council of Europe Conference on the implementation of the European Landscape Convention, Council of Europe, Palais de l'Europe, Strasbourg, 23-24 March 2017

2.1. List of national representatives in charge of implementing the European Landscape Convention, who are also correspondents of the Information System of the Council of Europe European Landscape Convention (ELC L6), responsible for completing the online questionnaire

*[Document: CEP-CDCPP-WG (2016) 11E]*

2.2. List of non-governmental organisations invited to participate at the Council of Europe Conferences on the implementation of the European Landscape Convention, as observers

*[Document: CEP-CDCPP-WG (2016) 12E]*

2.3. Preparation of work programme and action plan for the implementation of the European Landscape Convention 2017-2018

2.4. Preparation of a document for the working group and, if so decided, a proposal for members next on the period 2017-2018

2.5. Other documents that need to be prepared before the Conference

**3. Next meetings of the workshops and practical organisation of meetings of the Council of Europe**

*[Document: CEP-CDCPP-WG (2016) 13E]*

**IV. OTHER BUSINESS**

**1. Conclusions of the 17<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention, “Forum of the national selections for the Council of Europe Landscape Award – Session 2014-2015”, Budapest, Hungary, 8-10 June 2016**

**2. Conclusions of the 18<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention, “National policies for the implementation of the European Landscape Convention: challenges and opportunities”, Yerevan, Armenia, 5-7 October 2016.**

**V. DATE OF THE NEXT MEETING**

**VI. CLOSING OF THE MEETING**

**Reference documents:**

**Documents presented at the 8<sup>th</sup> Council of Europe Conference on the European Landscape Convention** (<http://www.coe.int/en/web/landscape/conferences>)

– Considering interrelations between landscape, spatial planning, human rights and democracy  
*[Document: CEP-CDCPP (2015) 20]*

– Report “*Landscape and democracy: prospects*” *[Document: CEP-CDCPP (2015) 13]*

– Establishment of procedures for the participation of the general public and other parties with an interest in the definition and implementation of the landscape policies *[Document: CEP-CDCPP (2015) 11]*

**Documents of the previous meetings of the Working Group “Landscape and Democracy”**  
(<http://www.coe.int/en/web/landscape/working-groups>)

– First Meeting (Andorra la Vella, Andorra, 3 October 2015)  
CEP-CDCPP-WG (2015) 37-E - Report

– Second Meeting (Paris, Council of Europe Office, France, 17-18 March 2016)  
Working documents | CEP-CDCPP-WG (2016) 6-E - Report



**APPENDIX 2****LIST OF PARTICIPANTS****ANDORRA / ANDORRE**

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**FORMER CHAIR OF THE COUNCIL OF EUROPE CONFERENCE ON THE EUROPEAN LANDSCAPE CONVENTION / ANCIENNE PRESIDENTE DE LA CONFERENCE DU CONSEIL DE L'EUROPE SUR LA CONVENTION EUROPEENNE DU PAYSAGE**

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*In accordance with the decision of the Steering Committee for Culture, Heritage and Landscape (5th Meeting, Strasbourg, 13-15 June 2016 - CDCPP (2016) 19, item 5.3), the composition of the Working Group was be extended to interested CDCPP delegations, Parliamentary Assembly, Congress, Conference of INGOs and observers.*

**CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE / CONFERENCE DES OINGs DU CONSEIL DE L'EUROPE**

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**GENERAL SECRETARIAT OF THE COUNCIL OF EUROPE  
*SECRETARIAT GÉNÉRAL DU CONSEIL DE L'EUROPE***

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### APPENDIX 3

**Draft Recommendation CM/Rec (2017) ... of the Committee of Ministers to member States on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, within a perspective of sustainable development**

*Prepared by the Working Group “Landscape and Democracy” of the European Landscape Convention, in order to be presented at the 9<sup>th</sup> Council of Europe Conference on the European Landscape Convention, and then to the Steering Committee for Culture, Heritage and Landscape (CDCPP)*

#### **Presentation of the draft Recommendation**

The draft recommendation builds on the report on “The Contribution of Landscape and the European Landscape Convention to Democracy, Human Rights and Sustainable Development” (Ref.). It aims to increase the visibility of the European Landscape Convention and strengthen its implementation by focusing on the Council of Europe’s intangible values in matters of democracy and human rights.

Drawing on the universal character of human rights, the forthcoming opening of the European Landscape Convention to non-European States through the Protocol amending the Convention offers a unique opportunity to demonstrate that the Convention provides a practical and living illustration of several human rights – health, well-being, dignity, the environment, culture, cultural heritage, education, participation and non-regression – that are applicable in relation to the landscape.

The “territorial” dimension of human rights, which is implemented through policies aiming at protecting, managing and planning landscapes, thereby contributes to strengthening intercultural integration, social cohesion, living together, education for democratic citizenship and environmental education.

From the standpoint of participatory democracy and the adoption and implementation of landscape policies, more precise procedures must be incorporated into urban and spatial/regional planning documents to take account of landscape issues.

Democracy also entails universal access to the landscape, as part of our shared natural and cultural heritage, without discrimination and in accordance with human dignity.

The media and non-governmental organisations should also develop information and awareness-raising activities, key elements of human rights education and education for democratic citizenship, concerning the role of landscape and the European Landscape Convention as dynamic and practical means of strengthening human rights and democracy.

The Council of Europe having developed special indicators relating to social cohesion and to culture and democracy, it should enrich these indicators by including data on the Landscape Convention and its implementation.

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**Draft Recommendation CM/Rec (2017) ... of the Committee of Ministers to member States on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, in the context of sustainable development**

*(Adopted by the Committee of Ministers on ... at the ...<sup>th</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe, by virtue of Article 15.b of the Statute of the Council of Europe;

Considering that the aim of the Council of Europe is to achieve a greater unity among its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Having regard to the European Landscape Convention (CETS No. 176), adopted by the Committee of Ministers on 19 July 2000, opened for signature by member States of the Council of Europe in Florence on 20 October 2000 and entered into force on 1 March 2004, comprising 38 States Parties and two signatory States;

Taking into consideration the Protocol amending the European Landscape Convention, adopted by the Committee of Ministers on 15 June 2016 at its 1260<sup>th</sup> meeting and opened for ratification, acceptance or approval on 1 August 2016;

Considering that, pursuant to this Protocol, the European Landscape Convention, which was already open to European non-member States of the Council of Europe, may be acceded to by non-European States and concern landscapes throughout the world;

Believing that the landscape can promote the sharing among peoples of an unshakeable commitment to the spiritual and moral values that underlie the principles of freedom and the rule of law, on which all genuine democracy is based, in accordance with the Preamble to the Statute of the Council of Europe;

Considering that protecting, managing and planning the landscape are fully consistent with the Council of Europe's aims of facilitating economic and social progress and realising human rights and fundamental freedoms, in accordance with Articles 1 *a.* and 1 *b.* of the Statute of the Council of Europe;

Wishing to draw attention to the contribution of the Council of Europe Landscape Convention to securing democracy and human rights, within the context of sustainable development;

Referring to the principles set out in Recommendation CM/Rec (2008) 3 of the Committee of Ministers to member States on the guidelines for implementation of the European Landscape Convention;

Emphasising in particular four points that are made in the Preamble to the Convention:

- the landscape contributes to human well-being,
- the landscape is a key element of individual and social well-being,
- it is necessary to respond to the public's wish to enjoy high quality landscapes and to play an active part in the development of landscapes,
- protecting, managing and planning the landscape entail rights and responsibilities for everyone;

Recalling that signatory States to the Convention wish to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment, and considering that the landscape has an important public interest role in the cultural, ecological,

environmental and social fields and that it constitutes a resource favourable to economic activity, whose appropriate protection, management and planning can contribute to job creation and a balanced territorial development,

Noting that the Council of Europe Landscape Convention refers directly and expressly, in a number of contexts, to the territorial dimension of human rights and that attention should be drawn to these interactions;

Having regard to the threats, pressures and obstacles sometimes faced by individuals or groups acting in favour of human rights and the protection, maintenance and enhancement of significant or characteristic features of landscapes whose heritage value derive from their natural configuration and/or human activity;

Considering that both the wording and the spirit of the Convention require the States Parties not only to promote landscape protection, management and planning by means of appropriate legal instruments but also to establish universal rights and obligations, making the Convention a key tool for implementing human rights and democracy;

Bearing in mind the recommendations and guidelines adopted by the Committee of Ministers of the Council of Europe on landscape education in accordance with the European Landscape Convention, on education in democratic citizenship, in application of the right to education and teaching laid down in Article 2 of Protocol No. 1 to the European Convention on Human Rights, on intercultural integration to promote living together and social cohesion in shared public spaces, in accordance with the principles of dignity and non-discrimination embodied in the Universal Declaration of Human Rights and human rights in culturally diverse societies:

- Recommendation CM/Rec (2014) 8 on promoting landscape awareness through education,
- Recommendation CM/Rec (2015) 7 on pedagogical material for landscape education in primary school,
- Recommendation CM/Rec (2002) 12 on education for democratic citizenship,
- Recommendation CM/Rec (2010) 7 on the Council of Europe Charter on education for democratic citizenship and human rights education,
- Recommendation CM/Rec (2015) 1 on intercultural integration,
- Guidelines CM/Del/Dec (2016) 1249 on the protection and promotion of human rights in culturally diverse societies;

[Referring to the Recommendation CM/Rec (2017) ... of the Committee of Ministers to member States on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention, and to the Report “The Contribution of Landscape and the European Landscape Convention to Democracy, Human Rights and Sustainable Development” ([ref.](#));]

Wishing to pursue the work on the interactions between landscape, spatial planning, human rights and democracy taking into consideration the documents of the 7<sup>th</sup> and 8<sup>th</sup> Council of Europe Conference on the European Landscape Convention (Appendix of the Conclusions of the 7<sup>th</sup> Conference on “The Council of Europe activities within landscape and spatial planning”, CEP-CDCPP (2013) 12E; and the Report “Landscape and democracy: prospects”, CEP-CDCPP (2015) 13E);

Taking into account the work achieved by the “Landscape and Democracy” Working Group established according to the 2015-2017 work programme for the implementation of the European Landscape Convention, as approved by the Steering Committee for Culture, Heritage and Landscape (CDCPP(2015)15; see also CEP-CDCPP-WG (2015) 37 and (2016) 6 and 14);

Recommends that governments of member States:

- a) use the Council of Europe Landscape Convention as a universal instrument for the effective implementation of human rights, in particular the rights pertaining to health, to individual and social wellbeing, to the environment, to the natural and cultural heritage, to education and to non-discrimination;
- b) respect, protect and secure human rights in activities relating to landscape protection, management and planning;
- c) use the Convention to ensure that policies with possible direct or indirect impact on landscape strengthens ethical principles and democratic citizenship, through the rights to full access to information and direct participation, by local inhabitants and the general public, by local and regional authorities and by other stakeholders concerned by the formulation, implementation and follow up of landscape policies;
- d) ensure that the general public have effective access to, and enjoyment of, a high quality landscape;
- e) secure constant improvements to the landscape, according to the principle of environmental non-regression;
- f) make education in democratic citizenship, in close conjunction with human rights education, a priority objective of landscape policies, particularly in deprived urban areas, degraded areas and everyday landscapes;
- g) encourage the media and non-governmental organisations to draw on the Convention to promote education for citizenship;
- h) use the Convention and its implementing mechanisms as instruments of social cohesion, better living together, cultural development and democracy, particularly in culturally diverse societies;
- i) incorporate the landscape into the Council of Europe methodological guide on social cohesion indicators and in its Indicator Framework on Culture and Democracy (IFCD).

#### APPENDIX 4

### **Draft Recommendation of the Committee of Ministers to member States on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention**

*(Adopted by the Committee of Ministers on ... at the ...<sup>th</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe, by virtue of Article 15.b of the Statute of the Council of Europe;

Considering that the aim of the Council of Europe is to achieve a greater unity among its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity, cultural identity and the environment;

Taking into account that the Universal Declaration of Human Rights adopted in 1948 was an aspiration to guarantee both the basic necessities for survival and the spiritual, emotional and psychological needs that are quintessential to the human experience and that the landscape, with its tangible and intangible dimensions, overlaps with the rights that support both life and human dignity;

Considering that the landscape is now being redefined as a vital public good, breaking new ground for a dialogue on the convergence of landscape and human well-being;

Considering that active citizens require transparency and openness in planning and decision-making processes;

Recalling the Nafplion Declaration “Promoting territorial democracy in spatial planning” (Resolution No1, 16 CEMAT, Nafplion, 17 June 2014);

Considering that the European Landscape Convention offers the national, regional and local authorities a range of measures for the protection, management and planning of landscape (Articles 5 and 6);

Considering also that the European Landscape Convention states that each Party undertakes to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies (article 5.c);

Recalling the provisions of the European Landscape Convention indicating that landscape protection, management and planning entail rights and responsibilities for everyone;

Considering that strengthening the relationship between the population and its living surroundings underpins sustainable development and affects the whole process of landscape policy definition and implementation;

[Referring to the Recommendation CM/Rec (2017) ... of the Committee of Ministers to member States on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, in the context of sustainable development, and to the Report “The Contribution of Landscape and the European Landscape Convention to Democracy, Human Rights and Sustainable Development” (ref.);]



Recommends that governments of member States:

- take note of the interrelationship between the participation of the general public in the landscape policies and policies with territorial impacts, including spatial planning;
- recognise that active public participation is a key factor in ensuring human rights, democracy and a living environment;
- advise all levels of government, in the Council of Europe member States, to ensure that landscape concerns are included in policies with territorial impacts and in spatial planning with active public participation, in accordance with the following Appendix.

## **Appendix**

### **Introduction**

The landscape is always changing – due to natural processes and/or human activity, the human activity being by far the most significant. The Convention does not aim to prevent changes: on the contrary, its measures are designed to ensure that the landscape changes are planned and managed in a way that realises the aspirations of the community.

Development policies, in particular territorial development, impact our lives, maybe far more than we are aware, affecting everyone in society, regardless of age or background. They influence our choices concerning where and how to live, where to go to work or school, how to get there and subsequently what we happen to experience along the way. Of particular importance is the public realm – streets, public spaces and places of contact – their locality and atmosphere can often decide the character and quality of the communal interaction between individuals and groups.

To ensure balanced implementation of the Convention between protection, management and planning, spatial planning is a key tool: it helps to identify and enhance the high quality landscape favoured by the citizens. It encourages a development in which the inevitable changes result in quality environments and landscapes, making it possible to control changes that would otherwise lead to an undesirable development. To encourage citizen involvement and active participation, the landscape quality potential is particularly important in all spatial planning processes.

The knowledge, creativity and ingenuity of a population is ultimately the primary resource of an advanced society. The principle of subsidiarity do acknowledges that local challenges are most effectively met by local initiatives. Mobilisation of entrepreneurs, young people and voluntary associations has indeed brought new life to many communities.

With regard to landscape issues, professionals and citizens should all have equal status – regardless of academic, ethnical, social or cultural background. Everybody has a relationship of perception, understanding and experience of the place where they live, work or visit. Nor indeed does the landscape, according to the Convention, belong to one academic discipline alone, being a common meeting ground for a number of professions.

Under the principle of subsidiarity, local decisions have also to be seen in a larger picture. The local demands and demands by the society in general have to be balanced. To find a good balance between local and general demands is the greatest challenge for landscape policies. To ensure balanced and equal rights participation, the lowest levels in the decision making process, single citizens, as well as local communities, need to be empowered to make informed decisions and to truly influence the outcome of the planning process.

New approaches may emerge in our increasingly multi-cultural societies, where citizens come not only from diverse cultural backgrounds, but also from very diverse landscape backgrounds. Sensitive,

flexible and creative spatial planning approaches will be required to ensure that the shared common landscape is not alien to a specific population segment.

Active citizens and public participation bring new life and new approaches to the political debate. If people understand, accept and recognise the quality of their living environment, they are likely to defend it and pursue solutions that satisfy them. In addition, citizens who are aware of these issues will back their politicians, for example, when facing developers who present glossy but unsustainable schemes which are likely to cause detrimental changes to their living environment.

Active public participation is likely to encourage and support political creativity and increase the range of feasible solutions that support good decision-making. The transparency, openness and good governance that are associated with active citizen participation can discourage attempts at bribery and corruption.

In this way, conflicts are prevented or solved in open, transparent and democratic processes. The consideration of spatial development and landscape policies are based on political reasoning and democratic debate – rather than being governed by developer profits, complicated legal procedures or court decisions.

### **Aim of public participation**

The aim of public participation is to enable the general population (either directly or indirectly concerned) and other relevant stakeholders to play an active role in defining and implementing landscape policies, specifically in formulating, implementing and monitoring landscape quality objectives.

### **General principles**

In the framework of the European Landscape Convention, public participation:

- is a democratic process involving all the relevant stakeholders;
- is regarded as an instrument for strengthening the expression of the diversity of people's shared cultural and natural heritage, and a foundation of their identity, so that they can recognise themselves in their surroundings;
- respects the principle of subsidiarity, both in the sense that:
  - Each State decides what methods and tools are appropriate for the process,
  - It should take place at the most appropriate level regarding the concerned decision-making authority;
- involves taking into account the social perception of landscape and popular aspirations in choices regarding landscape policies (protection, management, planning and rehabilitation);
- should take place at all phases of the processes of drawing up, implementing and assessing landscape policies;
- it is more than simple consultation, implying real involvement of those concerned, as well as a negotiation process;
- implies two-way communication between authorities, experts and citizens;
- implies that all the participants have equal rights and duties during the procedure;

– implies adequate, timely and comprehensive information and full access to it.

### **Stakeholders**

National, regional and local authorities, the citizens directly and indirectly affected, the general public, non-governmental organisations, business community and professional organisations, landscape experts and scientists, either as individuals or organised groups.

### **Procedures**

The participation procedures must be chosen by each State from among methods and tools appropriate to the different problems identified, taking account of already existing procedures, the different administrative organisations, the characteristics of the various territorial situations, the social and cultural background of the population, and the types of operational instruments used, the scale and scope of operation.

Different processes, methods and tools, such as consultation, public inquiries, information meetings, exhibitions, videos, and scenarios and so on, may be used individually or simultaneously.

National, regional and local authorities can participate in the procedure either as decision-makers or as concerned stakeholders.

Whenever the public participation related to landscape issues happens in the framework of policies with territorial impacts, in spatial development policy or in impact assessment (EIA and SEA), it shall adequately take into account the specific landscape issues;

Public participation procedure needs to be adequately prepared and disseminated both by the responsible authority and the concerned stakeholders, have a clear definition of the timings and phases involved and consider, if necessary, awareness-raising activities in order to be more effective.

### **Information**

In order to be effective, public participation needs adequate, timely and easy-to-access information. If necessary, specific information may be prepared for awareness-raising activities preceding and during the public participation procedure.

The information provided should be both technical and non-technical, easy to understand by all who want to participate in the process. Care must be taken however to consider those not familiar with, or with no easy access to, digital or electronic means of communication.

Whenever there is sensitive information that cannot be disclosed, this should be publicly acknowledged.

### **Results of the public participation**

All the results of the public participation (comments submitted, objections, additional or alternative proposals, and so on) whether taken into consideration or not, must be made public, namely by means of a dedicated report. Whenever the results are not taken into consideration, this decision has to be justified.

The decisions taken at local level as a result of public participation should have an effect on national and international policies.

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