

# Europe's Cultural Landscape: archaeologists and the management of change

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*Cover illustration: An early medieval stronghold at Moraczewo, in the Wielkopolska region of Poland, one of c. 7,000 entries on the Polish official register of scheduled sites and monuments. The stronghold is dated to between the 8<sup>th</sup>-11<sup>th</sup> century AD, and is associated with the power base of the Polanie tribe, one of the foundations of the future feudal Christian State. It sits within an agricultural landscape of much later date. Current agriculture activities on or near the site are monitored by the Service for the Protection of Monuments. The modern farm near the stronghold was built before the site was designated in 1972. Photo: W. Stêpień.*

## 2: The European Landscape Convention, Florence

*Maguelonne Déjeant-Pons*

**Abstract:** *The European Landscape Convention was opened for signature in October 2000. It already has over 22 signatures and one ratification, and it is already influentially changing the parameters of the debate about landscape protection and management. In this paper, the Council of Europe's officer responsible for the Convention and its implementation offers an authoritative account of the Convention's origins, evolution, scope, content and aspirations.*

*The landscape...*

*... has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;*

*... contributes to the formation of local cultures and ... is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity;*

*... is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;*

*... is a key element of individual and social well-being and... its protection, management and planning entail rights and responsibilities for everyone.*

(Preamble to the European Landscape Convention)

### The Council of Europe and the environment

The Council of Europe is an international intergovernmental organisation based in Strasbourg, France. Set up in 1949, it currently consists of 43 member States, from Iceland to Turkey, from Finland to Portugal, and from Azerbaijan to Ireland (fig.2.1). Its main objectives are to promote democracy, human rights and the rule of law and to find joint solutions to the major problems facing European society today.

The Council is committed to environmental protection and sustainable spatial development (as recently defined in the 'Guiding Principles for Sustainable Spatial Development of the European Continent' adopted in Hanover on 8 September 2000 by the European Conference of Ministers responsible for Regional Planning of the Member States of the Council of Europe (CEMAT). The aim is to preserve the quality of life and well-being of Europeans with due regard for their natural and cultural heritage. In pursuit of this goal, the Council has produced a series of conventions that establish principles and procedures, notably:

- the *Convention on the Conservation of European Wildlife and Natural Habitats* (Bern, 19 September 1979)
- the *European Convention for the Protection of the Architectural Heritage of Europe* (Grenada, 3 October 1985)
- the *European Convention on the Protection of the Archaeological Heritage* (revised) (Valetta, 16 January 1992).

On 20 October 2000 a further convention was published in Florence covering the European Landscape.

### Origins of the European Landscape Convention

The *European Landscape Convention* was developed by a Council of Europe restricted group of experts from a first draft elaborated by the Congress of Local and Regional Authorities of Europe (CLRAE). This first draft was mainly a product of a recommendation to its successor by the Standing Conference of Local and Regional Authorities of Europe, shortly before it was replaced by CLRAE.

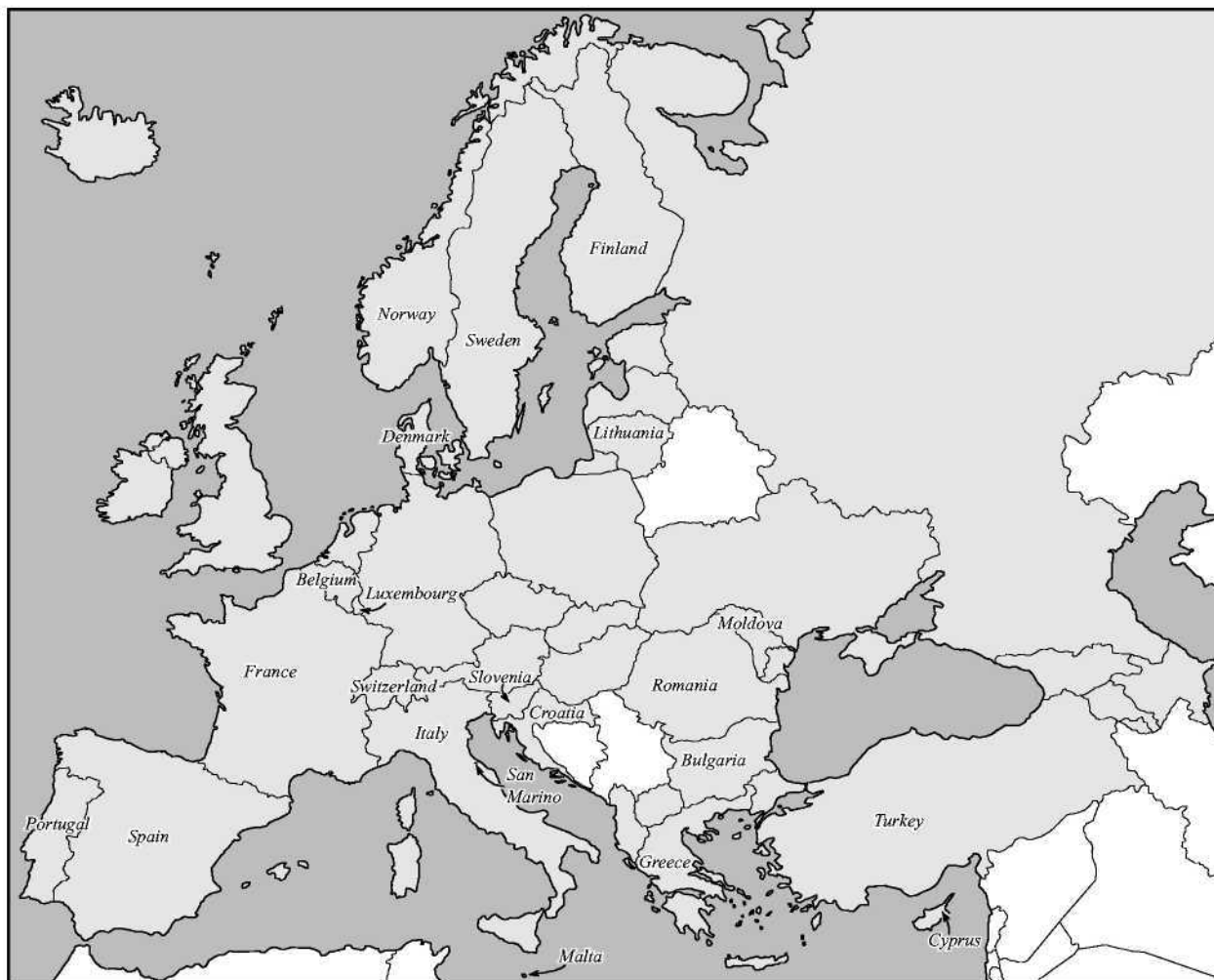


Fig.2.1: Member states of the Council of Europe (shaded); those named are signatories to the European Landscape Convention (as of December 2001).

In March 1994, a few months before the 1<sup>st</sup> Plenary Session of the Council of Europe's Congress of Local and Regional Authorities (CLRAE), its predecessor adopted Resolution 256 (1994) on the 3<sup>rd</sup> Conference of Mediterranean Regions. In this text, the Standing Conference called on its successor, the CLRAE, 'to draw up a framework convention on the management and protection of the natural and cultural landscape of Europe as a whole'; this was to be on the basis of the existing Mediterranean Landscape Charter, adopted in Seville by the regions of Andalusia (Spain), Languedoc-Roussillon (France) and Tuscany (Italy).

There were other stimuli to the process. The European Environment Agency's *Europe's environment: the Dobriř assessment* published in 1995 in response to the 1<sup>st</sup> Conference of European Environment Ministers held in Dobriř in June 1991, expressed the hope that the Council of Europe would take the lead in drawing up a European convention on rural landscapes. A year earlier, in 1994, the World Conservation Union (IUCN) had published *Parks for life: actions for protected areas in Europe*, which advocates an international convention on rural landscape protection in Europe, involving the Council of Europe.

On the basis of these recommendations, the Congress of Local and Regional Authorities (CLRAE) decided to draw up a draft European landscape convention for adoption by the Council of Europe's Committee of Ministers. In September 1994, it set up a drafting group composed of members of the CLRAE's Chamber of Local Authorities and Chamber of Regions which met for the first time in November of that year. Several international, national and regional bodies and programmes were invited to take part in the group's work: the Parliamentary Assembly, the Cultural Heritage Committee of the Council of Europe (CC-PAT), the Committee for the activities of the Council of Europe in the field of biological and landscape diversity (CO-DBP), the UNESCO World Heritage Committee, the IUCN, the Committee of Regions, the Commission of the European Union, the Bureau for the Pan-European Biological and Landscape Diversity Strategy and the signatories of the Landscape Charter Andalusia (Spain), Languedoc-Roussillon (France) and Tuscany (Italy).

The CLRAE working group drew up, as preparatory documents, a full version of a draft convention in non-legal language and a comparative study of European landscape

law. During a consultation programme, the working group held two specific hearings in Strasbourg; the first was attended by interested national and regional scientific bodies, both public and private (8<sup>th</sup> and 9<sup>th</sup> November 1995), while the second was for interested international organisations and regional authorities (24<sup>th</sup> March 1997).

At CLRAE's 4<sup>th</sup> Plenary Session in Strasbourg on 3<sup>rd</sup>-5<sup>th</sup> June 1997, the Congress adopted the preliminary draft European Landscape Convention in Resolution 53 (1997), and decided to consult the representatives of the national ministries concerned. Furthermore, Recommendation 31 (1997) of the meeting asked the Council of Europe's Parliamentary Assembly (and the European Union's Committee of the Regions) to examine the preliminary draft, to give an opinion and, if possible, to express support.

At the invitation of the Italian ministry for Cultural Heritage and Environmental Assets, a consultation conference for ministerial representatives and major international and non-governmental organisations with technical expertise in landscape matters was held in Florence (Italy) on 2<sup>nd</sup>-4<sup>th</sup> April 1998. This enabled the working group to produce a final draft European landscape convention in the form of a draft recommendation. This was presented to the 5<sup>th</sup> CLRAE Plenary Session in Strasbourg on 26<sup>th</sup>-28<sup>th</sup> May 1998 and was adopted as Recommendation 40 (1998).

The Council of Europe Ministers' Deputies considered CLRAE Recommendation 40 (1998) in September 1998. They asked the Committee for the activities of the Council of Europe in the field of biological and landscape diversity (CO-DBP) and the Cultural Heritage Committee (CC-PAT) to consider whether a Council of Europe landscape convention could and should be drawn up on the basis of the CLRAE draft.

The CC-PAT and the CO-DBP delivered a favourable opinion in February and April 1999, and in July the Committee of Ministers decided to set up a select governmental committee of experts to take responsibility for drafting a final version of the European landscape convention. This committee of experts met three times (September, November 1999 and January 2000), and submitted a new draft convention to the CC-PAT and the CO-DBP in January 2000 which was jointly examined by the two Committees on 10<sup>th</sup> March 2000 and subsequently submitted it to the Committee of Ministers together with the report of their meeting for possible adoption and opening for signature. Following opinions from the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe the text of the Convention was adopted by the Committee of Ministers on 19 July 2000.

The *European Landscape Convention* was opened for signature in Florence, Italy, on 20 October 2000 in the context of the Council of Europe Campaign 'Europe, a

common heritage', at a ministerial conference held specially for the occasion. As at December 2001, 22 States had signed it (fig.2.1) and one of them, Norway, had ratified it. The convention will come into force shortly after ten Council of Europe member States have ratified it.

### Why a landscape convention?

Landscape is a key factor in individual and social well-being and in people's quality of life. It contributes to human development and serves to strengthen the European identity. It plays an important public interest role in the cultural, ecological, environmental and social fields and is a valuable resource conducive to economic activity, notably tourism.

Developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy have in many cases led to the destruction of landscapes.

While every citizen must certainly play a part in preserving the quality of the landscape, public authorities have a duty to define the general framework for ensuring this quality. The convention establishes the general legal principles, which should serve as a basis for adopting national landscape policies and establishing international co-operation in such matters.

### Structure and philosophy of the Convention

The text of the convention comprises a Preamble and four main chapters, containing altogether 18 Articles (see appendix):

- Chapter I, setting out the objectives and scope of the convention, plus key definitions;
- Chapter II, stating the measures to be taken at national level;
- Chapter III, stating the basis for European co-operation, the measures to be taken at international level and the role of the Committees responsible for monitoring the implementation of the convention;
- Chapter IV, dealing with procedures for adopting the convention and related matters.

In addition, the Convention is accompanied by an Explanatory Report providing additional guidance, amplification and detail.

The aims of the Convention are to promote European landscape protection, management and planning, and to organise European co-operation on landscape issues. This means ensuring the protection, management and planning of European landscapes through the adoption of national measures and the establishment of European co-operation between the Parties.

The Convention is part of the Council of Europe's work on natural and cultural heritage, spatial planning, environment and local self-government. The preamble states that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles, which are their common heritage. This aim should be pursued in particular through agreements in the economic and social fields.

The concern for sustainable development expressed at the Rio de Janeiro conference makes landscape an essential consideration in striking a balance between preserving the natural and cultural heritage as a reflection of European identity and diversity, and using it as an economic resource capable of generating employment in the context of the boom in sustainable tourism. The preamble mentions the desire of the Council of Europe member States to 'achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment'.

The landscape is important as a component of the environment and of people's surroundings in both town and country, whether the landscape in question is ordinary or of outstanding beauty. The public is accordingly encouraged to take an active part in landscape management and planning, and to feel it has responsibility for what happens to the landscape. The Explanatory Report considers that Europe's populations want policies and instruments affecting national territory to take account of their wishes regarding the quality of their surroundings. In their view, this quality to some extent has to do with the feelings aroused in them by contemplating the landscape.

People have come to realise that the quality and diversity of many landscapes are deteriorating as a result of a wide variety of factors and that this is having an adverse effect on the quality of their everyday lives. The report considers that official landscape activities can no longer be allowed to be an exclusive field of study or action monopolised by specialist scientific and technical bodies. Landscape must become a mainstream political concern, since it plays an important role in the well-being of Europeans who are no longer prepared to tolerate the alteration of their surroundings by technical and economic developments in which they have had no say.

Landscape is the concern of all, and lends itself to democratic treatment, particularly at local and regional level. If people are given an active role in decision-making on landscape, they are more likely to identify with the areas and towns where they spend their working and leisure time. If they have more influence on their surroundings, they will be able to reinforce local and regional identity and distinctiveness. This will bring rewards in terms of individual, social and cultural fulfilment.

This in turn may help to promote the sustainable development of the area concerned, as the quality of landscape has an important bearing on the success of economic and social initiatives, whether public or private.

The general purpose of the Convention is to encourage public authorities to adopt policies and measures at local, regional, national and international level for protecting, managing and planning landscapes throughout Europe so as to maintain and improve landscape quality and bring the public, institutions and local and regional authorities to recognise the value and importance of landscape and to take part in related public decisions. The Convention demands a forward-looking attitude on the part of all those whose decisions affect the protection, management or planning of landscapes. It has implications for many areas of official policy and official or private action, from the local to the European level.

The Council of Europe member States, anxious to promote through international agreements the ideals which are their common heritage, possess a precious asset in their landscape, and one which needs to be maintained and managed by means of effective international co-operation based on a legal instrument exclusively devoted to landscape. The preamble recognises that the quality and diversity of European landscapes constitute a common resource, and that it is important to co-operate towards its protection, management and planning.

In addition to their local significance, Europe's landscapes are of value in various ways to all Europeans. They are cherished outside the locality and beyond national borders. In addition there are landscapes which have identical characteristics on both sides of borders and therefore require trans-border measures to implement the action principles. Finally, landscapes bear the consequences, whether positive or negative, of processes which may originate elsewhere and whose impact is not checked by national boundaries. That is why it is legitimate to be concerned with landscape at a European level. In their diversity and quality, the cultural and natural values linked to European landscapes are part of Europe's common heritage, and so European countries have a duty to make collective provisions for the protection of these values. Only an international convention at Council of Europe level can help to reach this objective in order to provide a legal reference to other international initiatives operating in this field.

### Relationship with other texts

The signatory States declare in their preamble that they 'wish to provide a new instrument devoted exclusively to the protection, management and planning of all landscapes in Europe'. Today, the Convention is in fact the foremost international treaty dealing exclusively with the protection, management and enhancement of the European landscape.

A few international legal instruments are concerned with the subject of landscape, either directly or indirectly. None of them, however, deals directly, specifically and fully with European landscapes and their preservation, in spite of their invaluable contribution to our natural and cultural heritage and the numerous threats facing them. The Convention aims to fill this gap: it is thus distinct from the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16<sup>th</sup> November 1972, both formally and substantively. The two Conventions have different purposes, as do the organisations under whose auspices they were drawn up. One is regional in scope, the other worldwide. The Council of Europe Convention can be regarded as complementary to the UNESCO one.

As regards substantive scope, the Council of Europe Convention covers all landscapes, even those that are not of outstanding universal value, but does not deal with historic monuments, unlike the UNESCO Convention. Similarly, its main objective is not to draw up a list of assets of exceptional universal value, but to introduce protection, management and planning rules for all landscape based on a set of principles. Thus each convention has its distinctive features. The explanatory report states that in order to co-ordinate action under the two Conventions, consideration could be given to scientific co-operation between the UNESCO World Heritage Committee and the Committees of Experts mentioned under Article 10 of the European Landscape Convention, under Article 13.7 of the UNESCO Convention of 16<sup>th</sup> November 1972, and as suggested in Article 7 of the Convention.

In the work leading up to the drafting of the Convention, constant reference was made to many existing international and national legal texts concerned with landscape. Apart from the World Heritage Convention, and the Bern, Grenada and Valletta Conventions that have already been mentioned, important texts include:

- the Council of Europe's Committee of Ministers Recommendation 95 (9) on the integrated conservation of cultural landscape areas as part of landscape policies;
- Committee of Ministers Recommendation (79) 9 concerning the identification, evaluation and protection of natural landscapes;
- the Mediterranean Landscape Charter;
- the European Community regulation on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside;
- the European Community directive on the conservation of natural habitats and of wild fauna and flora;
- the European Community directive on the assessment of environmental effects.

The Convention itself has regard to international legal texts in the field of protection and management of the natural and cultural heritage, regional and spatial planning, local self-government and trans-frontier co-operation, in particular the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities (Madrid, 21<sup>st</sup> May 1980) and its additional protocols, the European Charter of Local Self-government (Strasbourg, 15<sup>th</sup> October 1985), the Convention on Biological Diversity (Rio, 5<sup>th</sup> June 1992), and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Århus, 25<sup>th</sup> June 1998).

In order to avoid any difficulties with other international legal instruments, Article 12 of the Convention (Relationship with other instruments) states that it shall not prejudice stricter provisions concerning landscape protection, management and planning contained in other existing or future binding national or international instruments. The wording of this article is based on model provisions already used in other international conventions in order to deal with the problem of linking up conventions concerned with similar fields.

### Substantive and territorial scope

Article 2 of the Convention (Scope) provides that it applies (subject to possible special territorial exemptions regarding overseas territory that are set out in Article 15), to the entire territory of the Parties, not merely to designated special areas. This breadth of coverage has two main interesting points.

First, it is worth noting that the policies and measures mentioned in the Convention must cover all the forms of landscape which countries possess. The Convention applies to all parts of Europe and covers natural, rural, urban and peri-urban areas, whether terrestrial, aquatic (lakes and areas of brackish water) or marine (coastal waters and the territorial sea).

Second, and in consequence, it therefore applies not only to areas that might be considered outstanding as landscapes but also to everyday and damaged landscapes. The landscape is now recognised as significant and worthy of care irrespective of any exceptional value, since all kinds of landscapes influence people's surroundings and deserve to be taken into account in landscape policies.

This application to ordinary landscapes no less than to outstanding ones is a highly original feature of this Convention. Comprehensive coverage is justified for the following reasons:

- every landscape forms the setting for the lives of the population concerned;
- urban and rural landscapes interlock in complex ways (most Europeans live in towns and cities (large or



Fig.2.2: La Défense, Paris, by Margrit Chassot. 23<sup>rd</sup> Prize in the European Photography Competition organised within the framework of the Council of Europe campaign 'Europe, a common heritage', in 1999-2000. Copyright of the Council of Europe.

small), the quality of whose landscapes greatly affects their lives);

- rural landscapes occupy an important place in the European consciousness.

Extending the scope of local authorities' official landscape action to cover the whole of national territory does not mean, however, that the same measures and policies must be applied to all landscapes. These measures and policies should be adaptable to particular types of landscape. Depending on their specific characteristics, different areas will need various forms of treatment at local level, ranging from the strictest conservation via protection, management and planning to actual creation. These various treatments may pave the way for major socio-economic development of the area concerned.

The Convention is not confined, either, to the cultural or man-made components of landscape: it is concerned with all of these and how they interconnect.

The Convention is open for signature by any member State of the Council of Europe. Once the Convention has entered into force, the Council of Europe's Committee of Ministers may also invite the European Community and any European State not a member of the Council of Europe to accede to the convention by a majority decision as provided in Article 20.d of the Council of Europe Statute,

and by the unanimous vote of the States parties entitled to hold seats in the Committee of Ministers.

### Temporal scope

The Convention has the advantage of applying indefinitely, and of being implemented under the auspices of an international organisation, the Council of Europe. Any Party may, however, at any time, denounce the Convention by means of 3 months notification addressed to the Secretary General of the Council of Europe.

Like any international Convention, this Convention is a dynamic legal instrument, which evolves together with the subject matter of its provisions. The way in which landscape values and interests are addressed should thus be able to keep pace with changes in those values and interests. It is therefore provided that any Party or the committees of experts mentioned in the convention may propose amendments to the Convention. Amendments can adapt or improve a convention. The committees of experts mentioned in Article 10 of the convention may prepare amendments and consider those suggested by Parties.

### Legal obligations

#### Definitions

The terms used in the Convention are defined in Article 1 in order to ensure that they are interpreted uniformly by everyone concerned with the well-being of Europe's landscapes:



- *landscape* means 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. In other words the term 'landscape' reflects the idea that landscapes evolve through time, as a result of being acted upon by natural forces and human beings. It also underlines that a landscape forms a whole, whose natural and cultural components are taken together, not separately.
- *landscape policy* means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes; it reflects the public authorities' awareness of the need to frame an official policy on landscape. It lays down the basic emphases, general principles and strategic choices by which decisions on landscape protection, management and planning are to be guided;
- *landscape quality objective* means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings; that is, once a particular landscape has been identified and described, a detailed statement should be prepared of the characteristics which local people want recognised in their surroundings.

Article 1 of the Convention also contains definitions of three terms frequently used in the Convention: 'protection', 'management' and 'planning' of landscapes, principles of landscape action which are treated in a dynamic and forward-looking manner:

- *landscape protection* means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity. Such protection must be active and involve maintenance measures to preserve significant features of a landscape;
- *landscape management* means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by necessary social, economic and environmental processes. Such measures may be concerned with the organisation of the landscape or its components. The management approach must be a dynamic one and seek to improve landscape quality on the basis of the population's expectations;
- *landscape planning* means strong forward-looking action to enhance, restore or create landscapes; it is the formal process of study, design and construction by which new landscapes are created to meet the aspirations of the people concerned. It involves framing proper planning projects, more particularly in

those most affected by change and badly damaged areas (for example suburbs, peri-urban and industrial areas, coastal areas). The purpose of such planning projects is to radically reshape the damaged landscapes.

In each area of landscape, the balance between these three types of activity depends on the character of the area and the objectives agreed. Some areas may merit the strictest protection. At the other extreme, there may be areas whose landscapes are severely damaged and need entirely reshaping. Most landscapes need a combination of the three modes of action, and some of them need some degree of intervention.

In seeking the right balance between protection, management and planning of a landscape, the Convention does not aim to preserve *or freeze* the landscape at a particular point in its lengthy evolution. Landscapes have always changed and will continue to change both through natural processes and through human action. In fact, the aim should be to manage future changes in a way which recognises the great diversity and the quality of the landscapes that we inherit and which seeks to preserve, or even enhance, that diversity and quality instead of allowing them to decline.

#### **Obligations at national level**

Signatories to the Convention will undertake to protect, manage and/or plan their landscapes by means of a whole series of general and specific measures at national level, with due regard for the principle of subsidiarity.

Each Party therefore implements the Convention, in particular the articles concerning the measures to be taken at national level, according to its own division of powers, in conformity with its constitutional principles and administrative arrangements, taking into account the European Charter of Local Self-government. The convention must therefore be implemented at the most appropriate level of government for landscape action not only at national and international levels, but also at local and regional levels.

Where local and regional authorities have the necessary competence, protection, management and planning of landscapes will be more effective if responsibility for their implementation is entrusted - within the constitutional framework laid down in law at national level - to the authorities closest to the communities concerned. Each country should set out in detail the tasks and measures for which each level - national, regional or local - is responsible and should lay down rules for inter-level co-ordination of such measures, in particular where town planning and regional planning instruments are concerned.

Article 5 of the Convention (General measures) specifies the measures that Parties should use to implement the Convention in each country.

- recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity. Many European countries already make reference to the landscape in their constitutions or in their legislation on the natural or cultural heritage or on environment;
- establish and implement landscape policies aimed at landscape protection, management and planning;
- establish procedures for participation by the general public, local and regional authorities, and other parties with an interest in defining and implementing landscape policies. Landscape is an issue which affects the whole population and care for the landscape requires collaboration between a wide range of individuals and organisations;
- systematically integrate landscape into the country's spatial and town-planning policies, its cultural, environmental, agricultural, social and economic policies, and any other policy sector which may have direct or indirect impact on the landscape, such as transport. The point of this provision is that landscape is not a question to be treated as a specialist field of public affairs. Landscape can be affected for good or ill by action in many sectors. Hence the need for governments to ensure that landscape objectives are taken into account in all relevant sectors of public life.

Article 6 of the Convention (Specific measures) describes special measures, which Parties must take at national, regional or local level, and makes clear what each measure involves:

- *awareness-raising*: this involves increasing awareness among civil society, private organisations and public authorities of the value of landscapes, their role and changes to them; every citizen has a share in the landscape and in the duty of looking after it, and the well-being of landscapes is closely linked to the level of public awareness. Campaigns for informing and educating the public, elected representatives and associations about the value of present and future landscapes should be organised in this perspective;
- *training and education*: this involves promoting training for specialists in landscape appraisal and operations, multidisciplinary training programmes in landscape policy, protection, management and planning for professionals in the private and public sectors and for the relevant associations and school and university courses in relevant subject areas; protection, management and planning of landscapes can be a complex matter, involving many different public and private agencies and multidisciplinary work

bringing in a whole range of professions and occupations. The aim is to improve the technical expertise of bodies with landscape responsibilities (examples of such bodies include professional organisations concerned with regional planning, the management of the environment or heritage, agricultural landuse, tourism, industry, construction work or infrastructure) and to develop school and university courses which, in the relevant subject areas, cover questions related to landscape and landscape protection, management and planning so that young people become aware of the issues concerning the environment in which they live;

- *identification and assessment*: this involves mobilising the interested parties with a view to improving knowledge of the landscapes and guiding the landscape identification and assessment procedures through exchanges of experience and methodology, organised between the Parties at European level. Work is needed to identify and evaluate landscapes in order to lay down a sound basis for long-term action aimed at protecting and improving them. Such action must be based on detailed knowledge of the characteristics of each landscape, the evolutionary processes affecting it and the value, which the population concerned attaches to it. Evaluation need not involve a precise scale of values.

Each Party accordingly undertakes to identify its own landscapes throughout its territory; to analyse their characteristics and the forces and pressures transforming them; to take note of changes; and to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.

Signatories to the Convention will be expected to carry out research and studies in order to identify landscapes and analyse their characteristics and the dynamics and pressures affecting them. Some countries have already performed nation-wide surveys of landscapes. This work has revealed the landscape distinctiveness of different areas, each with its own mixture of natural and man-made elements. Geographical information systems and modern techniques of computerised mapping are used to show up landscape characteristics (physical relief, the settlement pattern, the main landuses, economic activities, residential areas, the presence or absence of features such as hedgerows and terraces, important wildlife habitats and the heritage of past human activity). It is vital that professional fieldwork of this kind involves the local community, the general public and the various other stakeholders by means of surveys and information meetings.

Signatories also undertake to assess the quality of the landscapes identified, taking into account the particular

value assigned to them by the general public and interested parties such as landowners and land users or land managers. The point of this evaluation is to provide a basis for judging what landscape features of an area are so valuable that they should be protected; what features need management in order to maintain the quality of the landscape; and what features or areas should be considered for enhancement. This process must take account of the opinion of the population concerned and the interests linked to sectoral policies, and here views may well be highly subjective and differ considerably. It may well be worth performing the evaluation according to objective criteria first, then comparing the findings with the various assessments of the landscape by the people concerned and other interest groups. If necessary, this comparison could be carried out by public inquiry, with the interested parties having the right to express their opinion. Public participation in this type of procedure could be fostered by providing the public with information, consulting all representative bodies, using the media and conducting awareness-raising campaigns at all levels.

The benefits of international exchanges of experience and ideas are well-known, but there is no universally acknowledged method for studying, identifying and evaluating landscapes. A considerable body of knowledge already exists and should be tapped. International co-operation will encourage countries to take action, pool

knowledge and experience concerning landscapes, landscape value and current problems and policies, and identify the landscapes or problems that warrant international attention.

- *landscape quality objectives*: this involves framing landscape quality objectives for the landscapes identified and assessed, after public consultation. Before any measure is taken for the protection, management and planning of a landscape, it is essential to make clear to the public what objectives are being pursued. These objectives should be laid down, explained and announced by the competent authority concerned after the general public and all relevant interests have been consulted. The objectives should state clearly the special features and qualities of the landscape concerned, the general thrust of the policy for that landscape, and the specific components of the landscape to which protection, management or planning will apply. It should say that by what means the objectives are to be achieved. There must be a clear relationship between the objectives, the findings of the identification and evaluation surveys, and the measures deemed necessary to achieve the objectives;
- *implementation*: this involves introducing instruments aimed at protecting, managing and/or planning the landscape; Parties are invited to



*Fig.2.3: Naturpark Schleswig-Holsteinisches Wattenmeer, Germany by Paul Schäfer. 28th Prize in the European Photography Competition organised within the framework of the Council of Europe campaign 'Europe, a common heritage', in 1999-2000. Copyright of the Council of Europe*



Fig.2.4: Kals, Tyrol, by JosefHinterleitner. 47<sup>th</sup> Prize in the European Photography Competition organised within the framework of the Council of Europe campaign 'Europe, a common heritage' in 1999-2000. Copyright of the Council of Europe.

introduce specific legal, administrative, fiscal or financial instruments with a view to protecting, managing and planning landscapes, taking into account the agreed landscape policies. The instruments available can be very varied. They include landscape plans, landscape projects, special status for certain types of landscape, a requirement that impact studies, activity licences and land use permits, consider impact on landscape, emergency measures to safeguard threatened landscape, and so on. It is for each State to develop and introduce a range of instruments that is appropriate to the needs of its landscapes and to its legal system. The body responsible for monitoring the implementation of the convention may make recommendations to facilitate the process.

#### **Obligations at international level**

Through Article 7 of the Convention (International policies and programmes), the Contracting Parties undertake to co-operate in the consideration of the landscape dimension of international policies and programmes, and to recommend, where relevant, the inclusion in them of landscape considerations. The Convention should allow international bodies and programmes to take more account of landscape. To that end the Parties must be aware of that landscape problems should play an active part by co-ordinating their ideas and proposals in the body responsible for monitoring the implementation of the

convention. It is further provided that the Council of Europe should engage in particular landscape co-operation with other governmental international organisations, in particular UNESCO, the European Union and IUCN, as well as with other non-governmental organisations.

Through Article 8 of the Convention (Mutual assistance and exchange of information) signatories undertake to co-operate in order to enhance the effectiveness of measures taken under the provisions of the Convention, and in particular: to render each other technical and scientific assistance in landscape matters through the pooling and exchanging experience, and the results of research projects; to promote the exchange of landscape specialists in particular for training and information purposes; and to exchange information on all matters covered by the provisions of the Convention. Recent years have seen a burgeoning of political, professional and academic interest in the subject of landscapes, hence the development of a growing body of experience and expertise on which member States, local and regional authorities and others can draw as they seek to implement the Convention. At the same time, the growth of electronic communication and the arrival of the Internet have provided radically improved tools for exchanging ideas and, indeed, for the technical study of landscapes. These developments create a much wider basis for the exchange of ideas and mutual support than was possible even a decade ago, allowing local actors throughout

Europe to take part and thus creating a true 'landscape democracy'.

Trans-frontier landscapes are covered by a specific provision (Article 9 of the Convention on Trans-frontier landscapes). In this, the Parties undertake to encourage trans-frontier co-operation at local and regional level for the identification, evaluation, protection, management and planning of landscapes which straddle borders and, wherever necessary, prepare and implement joint landscape programmes.

### **The Council of Europe Landscape Award**

The Convention (Article 11) provides for a Council of Europe Landscape Award. This is a way of recognising those local or regional authorities or non-governmental organisations that have introduced landscape policies which have been of lasting worth and can serve as an example to other authorities throughout Europe. The award is intended as an incentive for others, so as to encourage and recognise quality stewardship of landscapes. It is conferred by the Committee of Ministers, on a proposal from the body responsible for monitoring the implementation of the Convention.

The award may be conferred on local and regional authorities, or groupings thereof, that have instituted, as part of the landscape policy of a Party to the Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may also be conferred on non-governmental organisations which have made particularly remarkable contributions to landscape protection, management or planning.

Applications for the Landscape Award are to be submitted by the Parties to the body responsible for monitoring the implementation of the Convention. Individual countries may choose to select a national candidate, possibly in a national competition carrying national prizes or awards, and put forward to the body responsible for monitoring the implementation of the Convention, the national winner or a small number of candidates for consideration for the award. Trans-frontier local and regional authorities and groupings of local and regional authorities concerned (within a single country or on a trans-frontier basis) may apply provided that they jointly manage the landscape in question.

The Landscape Award is meant to encourage the sustainable protection, management and/or planning of the landscape areas concerned. It is accordingly intended as a stimulus to a process, which countries throughout Europe could set in motion, of encouraging and recognising high quality stewardship of landscapes. It

could thus 'crown' national level action, which might include national competitions and perhaps financial support to the local and regional authorities concerned.

### **Monitoring arrangements**

The body responsible for monitoring the implementation of the Convention is the Council of Europe which acts as secretariat for the Convention and has structures in which all the Parties can be represented. The Convention provides that the Council's existing competent Committees of Experts, set up under Article 17 of the Council of Europe Statute, are to be designated by the Committee of Ministers of the Council of Europe to be responsible for monitoring the implementation of the convention.

Given the many aspects of the concept of landscape and landscape-related activities, it was decided that the monitoring of the application of the Convention could be entrusted to two committees - the Committee for the activities of the Council of Europe in the Field of Biological and landscape diversity (CO-DBP) and the Cultural Heritage Committee (CC-PAT). Both have direct access to the Committee of Ministers. It was also felt that in order to carry out this task, the committees could hold joint meetings - as part of a conference acting as the body responsible for monitoring the implementation of the Convention - in order that the Convention might benefit from an appropriate forum for discussion.

The Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe (CLRAE) should also be involved in the work of these committees relating to the Convention. Given local and regional authorities' increasing responsibilities with regard to the protection, management and planning of landscape, and its sponsorship of the first draft of the Convention, the CLRAE has a particular role to play. It is authorised to offer opinions to the Committee of Ministers on the reports drawn up by the Council of Europe committees responsible for monitoring the application of the Convention.

### **Conferences of the Contracting and Signatory States to the Convention**

It was felt that it would be easier to achieve the objectives of the Convention if the representatives of Contracting Parties were able to meet regularly to devise joint co-ordinated programmes and to jointly monitor the application of the Convention. Accordingly a series of conferences is being established. The first Conference of the Contracting and Signatory States to the European Landscape Convention took place in Strasbourg on 22<sup>nd</sup> and 23<sup>rd</sup> November 2001. The representatives of 26 European States and of 16 non-governmental organisations were present. The Conference was opened by Council of Europe Deputy Secretary General Hans Christian Krüger, in the presence of representatives of the Committee of Ministers, the Parliamentary Assembly and

the Congress of Local and Regional Authorities of the Council of Europe.

The participants of the Conference expressed their great interest in looking after the myriad facets of European landscapes and launched a co-operation process aimed at promoting the Convention's entry in force.

Head of the Landscape Division of the Federal Office for Environment, Forests and Landscape of Switzerland Mr. E. Buergi was elected Chair of the Conference. Mrs B. Selsflagh, Chair of CC-PAT, and Mr R.-P. Lebeau, Chair of CO-DBP, were elected Vice-Chairs of the Conference.

With a view to the entry into force of the Convention, the Conference was designed to bring together current contracting and signatory States and States that have been invited to sign it. The purpose was therefore to promote the signature and/or ratification of the Convention so that it can swiftly enter into force, to discuss legal assistance for the signatory States and Council of Europe member States invited to sign the Convention, and to pave the way for the actual implementation of the Convention following its entry into force.

Preparations to facilitate the entry into force of the convention will also get under way, by exploring further the following five themes:

- landscape policies and their contribution to the well-being of European citizens and to sustainable development (social, economic, cultural and ecological approaches);
- landscape identification and assessment, and the definition of landscape quality objectives, drawing on cultural and natural resources;
- public information, awareness-raising, participation and training;
- innovative instruments for landscape protection, management and planning;
- the Landscape Award.

## Conclusion

Modern lifestyles mean that people are increasingly keen to live in unspoilt surroundings again and to preserve their heritage, both natural and cultural. Thanks to this growing social pressure, landscape is gaining, or regaining, prominence and is beginning to be perceived as a key component of environmental policies. It is also a major asset for regional development in terms of tourism.

The European Landscape Convention holds out great hope, requiring us to recognise the importance and value of landscapes and to reconcile commercial considerations with the right to well-being, health, aesthetics and beauty.