

# Council of Europe Landscape Convention

Contribution to human rights,  
democracy and  
sustainable development



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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democracy and  
sustainable development



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# Preface

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In highlighting the “territorial” dimension of human rights and democracy, the European Landscape Convention responds to the Council of Europe’s objectives in a dynamic and forward-looking manner. Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment, its parties undertake to take care of the living environment for the benefit of present and future generations.

It seems necessary now to return to the text of the convention, which notes that landscape is “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”. High-quality landscapes have an important public interest role in the cultural, ecological, environmental and social fields, and constitute a resource favourable to economic activity.

Since its adoption by the Committee of Ministers on 20 October 2000, many Council of Europe member states have ratified the convention. I am delighted about the major advances made since then in terms of promoting the introduction of landscape policies at both national and regional and local level. Drawing on shared objectives, these policies foster active democratic citizenship that shows concern for the quality of a common living environment.

The opening of the European Landscape Convention to non-European states following the entry into force on 1 August 2018 of the amending protocol is a unique opportunity to reaffirm the universality of human rights and demonstrate that the convention is an international treaty that fosters the practical implementation of several rights, both substantive and procedural, including the rights to health, well-being, dignity, the environment, culture, information, participation, education and training among others.

Recommendation CM/Rec(2017)7 of the Committee of Ministers of the Council of Europe to member states on the contribution of the European Landscape Convention to the exercise of human rights and democracy with a view to sustainable development emphasises the need to “consider the importance that quality and diversity of landscapes has for both the minds and bodies of human beings and societies, in the reflections and work devoted to human rights and democracy, with a view to sustainable development”.

Our new recommendation places “landscape”, as defined in the convention, at the heart of public policies and therefore contributes to the implementation of the convention by highlighting the Council of Europe’s intangible values in the fields of human rights and democracy, with a view to sustainable development.

I congratulate the institutions and persons involved in drafting the recommendation and the conceptual report. These documents contribute to the implementation of the sustainable development goals set out in the 2030 Agenda for Sustainable Development adopted by the UN General Assembly on 25 September 2015.

*Gabriella Battaini-Dragoni*  
Deputy Secretary General of the Council of Europe

# Presentation

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The documents prepared by the Council of Europe Landscape and Democracy Working Group, brought to the attention of the 9th Council of Europe Conference on the European Landscape Convention (Strasbourg, 28-29 March 2016), and of the 6th Meeting of the Steering Committee for Culture, Heritage and Landscape (Strasbourg, 10-12 May 2017), led to the drafting of Recommendation CM/Rec(2017)7 of the Committee of Ministers to member states on the contribution of the European Landscape Convention to the exercise of human rights and democracy, and the Principles for the participation of the public in the definition and implementation of landscape policies, as defined in the European Landscape Convention, based on a conceptual report.<sup>1</sup>

The Secretariat of the Council of Europe would like to thank the national representatives, observers and experts who took part in this work.

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1. These documents have been prepared:

- in accordance with the terms of reference of the Steering Committee for Culture, Heritage and Landscape (CDCPP) of the Council of Europe from 1 January 2016 to 31 December 2017, namely to take the pertinent aspects of the European Convention on Human Rights into consideration in its thematic work, facilitate member states' use and implementation of tools and guidelines (including Committee of Ministers' recommendations) on landscape, culture and cultural heritage policies at national, regional and local level, as appropriate, and prepare the 9th Council of Europe Conference on the European Landscape Convention (2017) (paragraphs IX, VI and VII);
- following approval of the 2016-2017 biennial programme at the 2nd meeting of the CDCPP, 27-29 May 2013 (CDCPP (2013) 29E);
- in accordance with the 2015-2017 Work Programme for the implementation of the European Landscape Convention, as proposed by the 8th Council of Europe Conference on the European Landscape Convention, Strasbourg, 18-20 March 2015 (CEP-CDCPP (2015) 34E);
- following the establishment of the "Landscape and democracy" Working Group by the CDCPP at its 4th meeting, Strasbourg, 1-3 June 2015 (CDCPP (2015) 15E);
- in accordance with the "Landscape and democracy" Working Group decisions at its meetings of 3 October 2015 (CEP-CDCPP-WG (2015) 37E), 17-18 March 2016 (CEP-CDCPP-WG (2016) 6E) and 18-19 October 2016 (CEP-CDCPP-WG (2016) 14E);
- having regard to progress on implementing the "Landscape and democracy" work programme of 25 May 2016 (CDCPP (2016) 14E).



Many thanks to Mrs Liv Kristine Mortensen, Chair of the 9th Council of Europe Conference on the European Landscape Convention, Senior Advisor at the Planning Department and the Norwegian Ministry for Local Government and Modernisation, who chaired the Working Group, as well as to the representatives of the parties to the convention and observers who took part in it:

- ▶ Mrs Anna Moles Marine, Head of Landscape, Biodiversity and Environmental Assessment Unit, Ministry of Environment, Agriculture and Sustainable Development of Andorra;
- ▶ Mrs Mireille Deconinck, Attaché, Planning and Urban Division, Ministry of the Walloon Region, Belgium;
- ▶ Mr Tapio Heikkilä, Senior Advisor, Ministry of the Environment of Finland;
- ▶ Mr Julien Transy, Project Manager, Office of Landscapes and Advertising, Sub-Directorate of Quality of Life, Ministry of Ecology, Sustainable Development and Energy of France;
- ▶ Mrs Krisztina Kincses, Senior Officer, Ministry of Agriculture of Hungary;
- ▶ Mrs Sanja Ljeskovic Mitrovic, Deputy Minister, Ministry of Sustainable Development and Tourism of Montenegro;
- ▶ Mrs Maria José Festas, former Senior Advisor, Directorate General for Spatial Planning and Urban Development, Ministry of the Environment and Spatial Planning of Portugal;
- ▶ Mr Gerhard Ermischer, representative of the Democracy, Social Cohesion and Global Challenges Committee of the Conference of International Non-Governmental Organisations of the Council of Europe;
- ▶ Mr Nathan Schlanger, representative of the European Association of Archaeologists;
- ▶ Mr Luc-Émile Bouche-Florin, representative of the European Council of Town Planners.

Special thanks for their visionary approach to the Council of Europe experts who penned the conceptual report:

- ▶ Mr Michel Prieur, Professor Emeritus at the Faculty of Law and Economics at the University of Limoges, Scientific Director of the CRIDEAU, Honorary Dean of the Faculty of Law and Economics at the University of Limoges, and

- ▶ Mr Yves Luginbühl, Research Director Emeritus at the National Centre of Scientific Research, CNRS.

The Secretariat of the Council of Europe also thanks the French Ministry of Environment, Energy and Sea, and the Finnish Ministry of the Environment for their support.

The “landscape flower”, presented below, invites us now to reflect on the notions of right and responsibility in connection with the landscape.

*Maguelonne Déjeant-Pons*  
Executive Secretary of  
the Council of Europe Landscape Convention

## The landscape flower



Source: Working Group "Landscape and democracy" of the European Landscape Convention, Council of Europe (*Design : Adrien D.*).

## Part I

# RECOMMENDATION CM/REC(2017)7

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### of the Committee of Ministers to member States on the contribution of the European Landscape Convention to the exercise of human rights and democracy with a view to sustainable development

*(Adopted by the Committee of Ministers on 27 September 2017  
at the 1295th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering 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;

Having regard to the European Landscape Convention (ETS No. 176, hereinafter "the Convention"), adopted by the Committee of Ministers on 19 July 2000, opened for signature by member States of the Council of Europe on 20 October 2000, and which entered into force on 1 March 2004;

Taking into consideration the Protocol amending the European Landscape Convention (CETS No. 219), adopted by the Committee of Ministers on 15 June 2016 and opened for ratification, acceptance or approval on 1 August 2016;

Bearing in mind that, in accordance with the preamble to the Convention, the signatory States expressed their concern to “achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment”, and their desire to “respond to the public’s wish to enjoy high quality landscapes and to play an active part in the development of landscapes”;

Considering that the preamble to the Convention also states that the landscape “is an important part of the quality of life for people everywhere”, “is a key element of individual and social well-being”, and that “its protection, management and planning entail rights and responsibilities for everyone”;

Considering that each Party to the Convention undertakes to adopt general and specific measures, and in particular “to 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” (Article 5.a. of the convention);

Recalling that “‘Landscape’ means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors” (Article 1.a. of the Convention);

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

Recalling the Nafplio Declaration “Promoting territorial democracy in spatial planning” (Resolution No. 1, adopted at the 16th session of the Council of Europe Conference of Ministers Responsible for Spatial/Regional Planning (CEMAT), 17 June 2014);

Recognising that active public participation in the definition, implementation and monitoring of landscape policy is conducive to ensuring respect for human rights and democracy, with a view to sustainable development;

Recalling the commitment of the Parties to the Convention “to integrate landscape ... in ... policies with possible direct or indirect impact on landscape”, and in particular into regional and town planning policies (Article 5.d. of the Convention);

Referring to the Council of Europe’s report entitled “The European Landscape Convention’s contribution to human rights, democracy and sustainable

development”, of which the 9th Conference of the Council of Europe on the European Landscape Convention took note on 24 March 2017,

Recommends that the governments of States Parties to the European Landscape Convention:

- a.* consider the importance that quality and diversity of landscapes has for the minds and bodies of human beings, as well as for societies, in the reflections and work devoted to human rights and democracy, with a view to sustainable development;
- b.* frame landscape policies in the long term, so that they take into account the common surroundings for present and future generations;
- c.* develop landscape policies throughout the entire territory, so that people can enjoy their surroundings in dignity and without discrimination;
- d.* ensure that landscape policies respond to the ideal of living together, especially in culturally diverse societies;
- e.* take into account the landscape issue in the actions taken to promote good governance and democratic citizenship, notably through awareness-raising, training and education;
- f.* apply the principles of human rights and democracy in landscape policies;
- g.* guarantee the right to participation by the general public, local and regional authorities, and other relevant parties including non-governmental organisations, with an interest in the definition, implementation and monitoring of landscape policies;
- h.* include the “landscape”, as defined by the Convention, in indicators of sustainable development relating to environmental, social, cultural and economic issues;
- i.* implement the principle of non-regression in order to ensure that landscape policies can only be subject to continuous improvement.



## Part II

# CONCEPTUAL REPORT

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*Michel Prieur and Yves Luginbühl*  
Experts of the Council of Europe

Recommendation CM/Rec(2017)7 of the Committee of Ministers of the Council of Europe to member States on the contribution of the European Landscape Convention to the exercise of human rights and democracy with a view to sustainable development (Part I of this publication) refers to this report, of which the 9th Conference of the Council of Europe on the European Landscape Convention took note on 24 March 2017.





# Introduction

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**T**he close links between the notions of landscape, defined by the European Landscape Convention<sup>2</sup> as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”,<sup>3</sup> human rights, democracy and sustainable development deserve to be highlighted.

Recommendation No. R (84) 2 of the Committee of Ministers to member states on the European Regional/Spatial Planning Charter notes that citizens “should have the opportunity in an appropriate institutional framework to take part in the devising and implementation of all regional/spatial planning measures”.<sup>4</sup> Recommendation No. R (86) 11 on urban open space considers that the enjoyment of public open spaces “contributes to the legitimate aspirations of

2. European Landscape Convention of the Council of Europe (ETS No. 176) adopted by the Committee of Ministers of the Council of Europe on 19 July 2000, opened for signature by the member states of the Council of Europe in Florence on 20 October 2000 and entered into force on 1 March 2004, available on [www.coe.int/europeanlandscapeconvention](http://www.coe.int/europeanlandscapeconvention). See also the Protocol amending the European Landscape Convention, adopted by the Committee of Ministers on 15 June 2016 and opened for ratification, acceptance or approval on 1 August 2016 (CETS No. 219).
3. Article 1.a.
4. The recommendation considers a need for “a better general conception of the use and organisation of space, the distribution of activities, environmental protection and the improvement of the quality of life”. It states that regional/spatial planning gives geographical expression to the economic, social, cultural and ecological policies of society: “Man and his well-being as well as his interaction with the environment are the central concern of regional/spatial planning, its aims being to provide each individual with an environment and quality of life conducive to the development of his personality in surroundings planned on a human scale”. It points out that “any regional/spatial planning policy, at whatever level, must be based on active citizen participation. It is essential that the citizen be informed clearly and in a comprehensive way at all stages of the planning process and in the framework of institutional structures and procedures”. See Council of Europe, *Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) – Basic texts 1970-2010*, Council of Europe Publishing, Territory and Landscape Series, 2010, No. 3. See also Council of Europe, Nafplio Declaration on “Promoting territorial democracy in spatial planning”, 16th Session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning, Resolution No. 1, 16CEMAT(2014)5, 17 June 2014.

inhabitants for an improvement in their quality of life, as well as to increased social cohesion and feelings of security, and supports in this way the protection of the rights of man in his environment".<sup>5</sup>

The European Landscape Convention's focus on all landscapes, without discrimination, and on everyone's right to the enjoyment of landscape is implicitly based on the notion of "democracy". It offers a practical illustration of democratic ideals, of public participation in landscape policies, of an emphasis on landscape as an aspect of cultural diversity and of respect for the subsidiarity principle, thereby strengthening local democracy. The explanatory report to the 2000 European Landscape Convention emphasises the importance of the links between landscape and democracy.<sup>6</sup>

Recommendation Rec(2002)1 of the Committee of Ministers of the Council of Europe on the Guiding Principles for Sustainable Spatial Development of the European Continent stresses that social cohesion has to be based on a sustainable spatial development policy. Its appendix refers to the European Landscape Convention and to the contribution of landscape to sustainable spatial development.<sup>7</sup>

Moreover, Resolution No. 1 on the contribution of essential services to the sustainable spatial development of the European continent, adopted on 9 July 2010 at the 15th session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT), considers that access to essential services is a basic public policy aim and a crucial factor in spatial development policies, helping to reinforce social, economic and territorial cohesion and contributing to proper spatial planning.<sup>8</sup>

The Council of Europe's landscape and spatial/regional planning activities have continually highlighted the significant interaction between democracy,

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5. The recommendation notes that open spaces form part of the urban heritage, contribute to the architectural and aesthetic form of towns and cities, play an educational role, are of ecological significance and are essential aspects of "social interaction". See "Public space and landscape: the human scale", in the magazine *Futuropa: for a new vision of landscape and territory*, Council of Europe, 2012, No. 3.

6. See paragraphs 7 and 23 of the explanatory report.

7. Paragraph 18 of the appendix refers to the European Landscape Convention. See also paragraphs 49 and 50.

8. See also Council of Europe, Moscow Declaration on "Future challenges: sustainable territorial development of the European continent in a changing world", adopted by the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) on 9 July 2010 in *Proceedings of the 15th Plenary Session (CEMAT)*, Council of Europe, European Spatial Planning and Landscape series, No. 94, 2012.

human rights and sustainable development in the areas under consideration.<sup>9</sup> The Evora Declaration on the European Landscape Convention, adopted at the 10th Council of Europe Meeting of the Workshops for the Implementation of the European Landscape Convention, on “Multifunctional landscape”, stated that “the ‘right to the landscape’, should be considered a human right of the 21st century”.<sup>10</sup>

This declaration considers the cultural, ecological and environmental, social and economic dimensions of landscape, and its governance, as a “common good and a collective interest”. It highlights “the important role of the European Landscape Convention with its focus on all landscapes – and not just, as is more usual, focusing on the outstanding landscapes – the important issue being to ensure landscape quality even for the common landscapes and the integration of ‘landscape’ in spatial development policy as a way to guarantee its adequate management” and notes that landscape forms part of the collective memory and identity of a community and that “landscape quality is linked to human rights”.

The declaration includes the following provisions:

- “– multifunctionality applied to the landscape is more than just the economic concept; the multifunctional landscape relates to the individual and social well-being; ...
- besides the natural and cultural dimensions, there is an economic and social dimension linked to landscape and in this sense landscape is a resource and a potential for sustainable development;
- the landscape can be considered an economic asset, but at the same time it should be considered a ‘common good’, thus needing public intervention/regulation to avoid market distortion;

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9. See proceedings of the meetings of the workshops for the implementation of the European Landscape Convention, seminars and symposiums of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning and other publications in the Council of Europe Spatial Planning and Landscape Series, European Regional Planning Series, and Council of Europe: *Landscape and sustainable development: challenges of the European Landscape Convention*, Council of Europe Publishing, 2006; Council of Europe, *Landscape facets – Reflections and proposals for the implementation of the European Landscape Convention*, Council of Europe Publishing, 2012; Council of Europe, *Landscape dimensions – Reflections and proposals for the implementation of the European Landscape Convention*, Council of Europe Publishing, 2016, available at [www.coe.int/en/web/landscape/publications](http://www.coe.int/en/web/landscape/publications).

10. Council of Europe Document CEP-CDCPP (2013) 6E.