

What do we not know to implement the European Landscape Convention?

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Abstract: The European Landscape Convention (ELC) is the first international convention to focus specifically on landscape. Poland signed the ELC on 21 December 2001, ratified in September 2004, and the Convention came into effect on 1 January 2005. Since that moment, however, the ELC implementation efforts in our country have been limited.

It is assumed that poor progress in the ELC implementation in Poland has been caused by insufficient knowledge on what the ratification of the ELC implies and requires. The paper aims to explicate a number of key issues and associated questions that can be identified in relation to the implementation process. Of primary importance is the explanation of ELC's principles, aims and measures, followed by the discussion on and clarification of concepts used in the ELC.

The paper may contribute to improvements in the implementation process in Poland by the identification of gaps in the knowledge on the ELC, with a view to stimulate the research in support of the implementation of the European Landscape Convention.

Key words: *landscape, European Landscape Convention, landscape policy, landscape perception, landscape quality*

Introduction

On 20 October 2010, we shall celebrate the 10th anniversary of the initial signing of the European Landscape Convention (ELC), the so called the Florence Convention, the first international agreement specifically dedicated to landscape. This year (2010), there has been also the 5th anniversary of the entry into force of the ELC in Poland. Poland signed the act on 21 December 2001, and after its ratification in September 2004, the Convention came into effect on 1 January 2005. Since that moment, however, the ELC implementation efforts in Poland have been limited.

Both anniversaries present timely opportunity to assess the process of the ELC implementation and to identify and discuss difficulties. What are the main factors impeding the progress? Do we not know or comprehend the principles of the act, or may be we do not know how to put them into practice?

The general objective of this paper is to recognise and discuss gaps in the knowledge that are of critical importance to more efficient implementation of the ELC. The paper takes a Polish perspective on the ELC implementation process, but some problems described here can occur throughout Europe.

Identification of major hindrances to the ELC implementation may influence landscape research, i.e. research oriented towards the solution of problems related to landscape (Tress, Tress 2001), including, but not confined to, the landscape ecology area. By providing a stimulus to the research in support of the European Landscape Convention, the success of the ELC may be easier to achieve.

The paper is based mainly on the text of the ELC (<http://conventions.coe.int/Treaty/en/Treaties/Html/176.htm>) and also makes an extensive use of the Council of Europe documents, in particular of the Explanatory Report (<http://conventions.coe.int/Treaty/en/Reports/Html/176.htm>) and the guidelines for the implementation of the European Landscape Convention (<http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/versionsorientation/anglais.pdf>).

What is the ELC and what does it require?

The European Landscape Convention, adopted in Florence, Italy, on 20 October 2000, is the first international convention to focus specifically on landscape. The ELC is an instrument of the Council of Europe, an international organisation whose main objective is to ensure respect for human rights, democratic development and the rule of law throughout the whole of the continent. The Council of Europe has produced over 200 treaties and conventions in many areas, with its flagship document of the European Convention on Human Rights. The conventions of the Council of Europe seek to influence rather than direct, since, unlike the directives of the European Union, have no binding legal force. Their provisions are honoured by those states that sign or ratify them voluntarily.

The ELC has been established by the Council of Europe to highlight the landscape as a holistic concept and promote protection, management and planning of all European landscapes by means of a system of measures on both national and European level. Its primary aim is *"to promote landscape protection, management and planning"* (Article 3 of the ELC) in order to gain two wider main objectives: *"individual and social well-being"* and *"sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment"* (Preamble of the ELC). Each signatory state is allowed to apply the Convention in individual way according to its own institutional organisation, and using national tools and mechanisms to achieve the overall aims of the ELC.

The basis for implementation of the European Landscape Convention is formulated in the ELC Articles 5 and 6, which place on the signatory states obligations to:

- recognise landscapes in law as an essential component of people's surroundings
- establish landscape policy and integrate landscape into all relevant policies-establish procedures for the general public participation in matters related to landscape
- identify and assess landscapes and define landscape quality objectives
- educate and raise awareness of landscape issues among the public, organisations and authorities
- foster international co-operation in landscape matters.

Perhaps the most important difficulty to more efficient implementation of the ELC lies in the general ignorance of its aims and measures. Since landscape is relatively a new topic on the European political

agenda and the ELC is one of nearly one thousand of multilateral international treaties signed by Poland (<http://www.traktaty.msz.gov.pl/>), there is a significant gap in our knowledge on the ELC's basic principles, context, requirements and relevance.

Confusion over definition

It is crucial to realise why we do not know nor make known the ELC intent. The main reason for that seems that *"landscape is a concept of multitude meanings"* (Selman 2006), and therefore vagueness in meaning of the term landscape – the focus of the Convention – makes the spread of the ELC problematic in general.

Landscape as a scientific term has its origins in geography (Hartshorn 1939), and stemming from a division of the discipline into physical geography and human geography two main concepts of landscape developed: landscape as physical-spatial entity and landscape as a socially- and culturally-determined perception of the world.

Currently, there are many definitions of landscape available, crossing a wide range of academic disciplines, which results in some confusion over the senses of the word, both among professionals, who represent a variety of theoretical and practical perspectives on landscape, and the lay. Additionally, nowadays the meaning of landscape is undergoing a period of profound change towards more integrative approach that includes a number of overlapping dimensions of landscape: spatial-material, mental, temporal, combination of nature and culture, complex system (Tress, Tress 2001).

The ELC promotes such a holistic concept of landscape, which is a novelty on a political scene, and defines landscape as *"an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors"* (Article 1 of the ELC). It leans towards landscape concepts originating in human geography (Hartshorne 1939, Myga-Piątek 2001), and tries to reconcile them with the physical-spatial reality of landscape in physical geography and landscape ecology (Forman, Godron 1986; Ostaszewska 2002; Richling, Solon 1996), as well as with the popular thinking of landscape as scenery. The ELC definition is centred on people and emphasises the significance of peoples' perception of an area and interaction of nature and culture in making landscape.

The concept of landscape, as defined in the ELC, is not compatible with the Polish legislation (Giedych 2004, Majchrowska 2007). Actually, the term "landscape" is found in a number of laws (Environmental Protection Act, Nature Conservation Act, Protection and Safekeeping of Historical Monuments Act, Spatial Planning and Land Development Act) pertaining to various sectors: environment and nature protection, culture and national heritage, spatial planning and regional development, but there is no clear statement about what that landscape is.

The ELC definition of landscape rejects the traditional distinction between cultural and natural landscape. This may pose difficulties for the ELC implementation, because natural and cultural aspects of landscape are often seen as separate by law, including the Polish law (Giedych 2004, Majchrowska 2007).

Additionally the law gives emphasis to protection and conservation of environmental features or historical monuments, whereas the main aim of the ELC, in line with the principal objectives of the Council of Europe, is rather the improvement of the quality of life of the Europeans along with strengthening of local and regional democracy by involving people into decision-making on landscape.

All landscapes matter

The scope of ELC is not limited to a particular type of landscape, but it covers “*natural, rural, urban and peri-urban areas*” and “*includes land, inland water and marine areas*” (Article 2 of the ELC). The Convention promotes the cultural significance and social values of all landscapes, and applies to ordinary “every-day” landscapes as well as outstanding and degraded ones, as all are the setting of peoples’ lives, and affect the quality of those lives.

So far, a selective defence of outstanding types of landscapes, enjoying outstanding and acknowledged natural or cultural features has been a typical practice, which may be exemplified by designations of World Heritage Sites by the UNESCO or protected areas by the World Conservation Union (IUCN). The rest of the area has been implicitly left to a lesser quality control, which typically means that it has been subjected to stronger human impact and change. Accordingly, if the Convention states that all landscapes matter, do we have the methods to deal with all landscapes?

A transition from a focus on landscapes recognised as outstanding to that based on quality of all living surroundings is accompanied by a new attitude to landscape change. The Convention accepts that change is a characteristic of landscape, and landscapes have always changed and will continue to change, along with the way that people live in the world, and during the course of natural processes. Instead of sole anxiety about undesirable change, which is manifested by efforts to protect, conserve or even fossilise landscapes and their elements, the ELC generally promotes pro-active or adaptive behaviour towards landscapes, and proposes three kinds of activity for landscape: protection, management and planning.

As stated in the Article 1 of the ELC:

- “‘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;
- ‘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 social, economic and environmental processes;
- ‘landscape planning’ means strong forward-looking action to enhance, restore or create landscapes”.

In each area the balance between these three kinds of action will depend on the characteristic of the landscape, on values assigned to the landscape by its citizens, and the agreed objectives for the future of landscape (Explanatory report to the European Landscape Convention, n.d.).

Identification and description of all landscapes, together with assessment of their values, is required by the Article 6c of the ELC. Countrywide inventories and systematisation of landscapes have already been carried out in a number of signatory countries, as well as in some non-signatory ones (Majchrowska 2008). In Poland, we still lack a modern uniform landscape inventory (Badora 2009), a prerequisite to a comprehensive factual knowledge of landscapes that could serve as a sound basis for long-term policy and action for landscapes.

“An area, as perceived by people” and public participation

The phrase “*‘landscape’ means an area, as perceived by people*” (Article 1a) puts the focus on human experience of landscape and highlights the innovative aspect of the ELC that landscapes not only are dynamic physical realities, but also “*a product of peoples’ perception*” (Fairclough 2002).

With respect to landscape change, one can infer that it comprises both change of physical (human and environmental) constituents and perceptual aspects of landscape. These two elements of landscape change can be independent and, more importantly, change in perception can be unrelated to physical change.

The great challenge addressed in the ELC is to manage landscape change so that to achieve the landscapes that people want. But the way landscape is perceived and valued changes in time and space, and varies according to the social groups or their cultural models. How to harmonise people's many, often contradictory and shifting perceptions of their landscapes and translate them into adequate actions? According to the ELC, the right answer is to democratise landscape by involving people into all stages of the decision-making processes by which landscape is changed, protected and managed.

The idea of the people's aspirations and preferences for their surroundings is crucial for the implementation of the ELC, and is reflected in "landscape quality objectives", which *"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"* (Article 1c).

Research on landscape quality objectives is at its initial stage in Poland, and the first output was presented by B. Sowińska and T.J. Chmielewski (2007). The authors used a questionnaire to gather information on various social groups' opinions on natural and cultural features to be protected and preserved in the landscape of the Roztocze and the Solska Forest Biosphere Reserve (SE Poland). The research already revealed discrepancy between population's expectation and the actual management of the area.

Research should investigate social and personal perceptions of landscape and factors influencing them, including the relation between the perception and physical elements of landscape.

The ELC insists on increased participation of the general public, and in particular of local population in various stages of decision making in landscape related matters (Engel, Penker n.d.). Actually, the involvement should start with a phase of identification and evaluation of landscapes and establishing landscape quality objectives, and finally include development and delivery of landscape policies.

In Poland, public participation procedures have been evolving in order to adjust to the EU legal regulations. Law enactment alone does not instantly create new social behaviour and good practice of public participation or eradicate habits that had formed over years (Kasprzyk et al. 2007). There are at present no mechanisms for ongoing involvement of stakeholders in decision-making, where landscape is specifically concerned. Public participation is guaranteed in spatial planning that sets out a framework to coordinate the interaction of different policies and actions across space, which directly impacts landscapes.

Various questions concerning efficient public participation in landscape related matters, including the difficulties and consequences of the public involvement, have appeared in many signatory countries (Jones, Stenseke, forthcoming).

Discussion

The ELC's main innovative messages are that landscape is culturally-determined way of perceiving the world, there is no place in the world that means nothing to all, thereby all landscapes matter, and landscape change is unavoidable. This is a new approach to landscape on the European political scene.

Nowadays protective attitude towards landscapes receives significant attention, but anxiety about landscape change is a cultural construct and, as such, one day may be replaced by other approaches. There-

fore, we should try to develop wider range of more pro-active actions in area of landscape management and planning of future landscapes.

Clear visions of future landscape are needed, that would enable, for example, to assess how big transformations of natural components of landscape are allowed so that ecosystems could provide an adequate level of services and goods. Maybe we could create landscapes that can accommodate some of our needs better than "natural" ones. Would such landscapes be acceptable? This is a matter of values we share.

Landscape approach, as presented in the ELC, is not contradictory to nature protection or conservation of historical monuments; after all effective protection cannot exist without some degree of human acceptance.

The ELC promotes democratisation of landscape in line with the main objectives of the Council of Europe, which include strengthening of local and regional democracy. Participatory governance of landscape change is an instrument of reconciliation of many, varied, and often contradictory perceptions of landscape. Democratisation of landscape is the solution that requires citizens to have access to the decision-making in landscape-related matters, on one hand, and be aware of value of landscapes, their role and changes to them, on the other one.

The ELC aims to empower citizens to rule their landscape. However, more power means also more responsibility, which should build on the solid knowledge of landscape and its constituents. All to make sure that we get the future landscapes we need while sustaining the rich nature and palimpsest of landscape history.

The implementation of the European Landscape Convention is based on voluntary co-operation of states within the Council of Europe. It would be certainly advisable to strengthen the ELC by drawing up a Landscape Directive, legally binding law of the European Union. The procedure could be patterned after the Bird and Habitat Directives that followed the signing of the Convention on the conservation of European wildlife and natural habitats (the Bern Convention) and currently provide the framework within which the provisions of the Bern Convention are applied.

In the meantime, widespread initiatives educating about the ELC and landscape importance are indispensable to shape landscape awareness and improve factual knowledge.

Conclusion

The main goal of this paper is to point out deficits in our knowledge that result in delayed and inadequate implementation of the ELC.

A general ignorance of the ELC's principles, aims and recommended measures seems to be the most serious gap in the knowledge that inhibits the process of enhancing Poland's compliance with the provisions of the ELC. To fill it, or at least to reduce, a number of issues need better illumination and wider propagation. These include:

- a new (on political scene) holistic concept of landscape, along with the definitions of actions on landscape given in the Article 1,
- concept of the importance of all landscapes,
- changeable nature of landscape,
- landscape perception and factors influencing perception,
- formulation of landscape quality objectives,

- formation of landscape values,
- practical solutions for landscape management and planning – the role of the system of spatial planning,
- public participation in matters related to landscape.

These issues indicate possible directions of multidisciplinary landscape research in support of the ELC. Subsequently, better knowledge can lead to improved implementation of the convention.

The topics given above do not close the list of problems related to knowledge deficits that impede the implementation of the ELC. The following questions have not been raised:

- law as an instrument of the ELC,
- landscape in sectoral policies,
- objectives of landscape policy.

The remedy for this knowledge deficits is a wide-spread educational activity. Landscape and the ELC awareness among the authorities at central, regional and local level, organisations and citizens must improve if our landscapes are to become richer, more functional and beautiful.

The ELC and its implementation are very important for Poland. The landscape is strongly related to spatial planning, which in our country has bad reputation of inefficient instrument of spatial congruence (Bariery i problemy... 2003). The ELC could be viewed as a potential stimulus to improvements in this area.

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