The European Landscape Convention: Public participation in landscape management

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European Landscape Convention

Council of Europe

(Florence Convention, 2000, CETS No. 176)

- In force 2004
- By 22 Feb. 2009 ratified by 30 State Parties, signed but not ratified by 6 State Parties

- Norway: Ratified 23 Nov. 2001 (first country)

“Landscape” in ELC

Art. 1a. ‘ “Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’

"Landskap" betyr et område, slik folk oppfatter det, hvis særpreg er et resultat av påvirkningen fra og samspillet mellom naturlige og/eller menneskelige faktorer.

“Landscape” in ELC

Art. 2. ELC applies to all landscapes:

- Natural, rural, urban and peri-urban areas
- Land, inland waters and marine areas
- Outstanding, everyday and degraded landscapes

Gjelder partenes territorium i sin helhet og dekker naturområder, spredtbygde områder, by- og tettsteder. Den omfatter landarealer, vassdrag og fjord-, kyst- og havområder. Den gjelder landskap som kan betegnes som særlig verdifulle, så vel som hverdagslige landskap som forringede landskap eller landskap i forfall.

European Landscape Convention

http://www.coe.int/t/e/Cultural_Co-operation/Environment/Landscape/

General measures (Art. 5)

Obligations:

a. 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

a. å erkjenne i egen lovgivning at landskapet er et vesentlig element i folks omgivelser, et uttrykk for mangfoldet i deres felles kultur- og naturarv samt et fundament for deres identitet

General measures (Art. 5)

Obligations:

b. to establish and implement landscape policies aimed at landscape protection, management and planning

b. å fastlegge og iverksette en landskapspolitikk som tar sikte på vern, forvaltning og planlegging av landskap

General measures (Art. 5)

Obligations:

c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies

c. å etablere prosedyrer som gir mulighet for medvirkning fra publikum, lokale og regionale myndigheter og andre med interesse for utforming og gjennomføring av landskapspolitikk

General measures (Art. 5)

Obligations:

d. to integrate landscape into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape

d. å integrere landskap i sin distrikts- og byplanleggingspolitikk og i sin politikk innen kultur, miljøvern, landbruk, økonomi og på det sosiale område, samt på andre områder som kan ha direkte eller indirekte innvirkning på landskap.

Public participation

Aarhus Convention 1998
(in force 2001)

- on access to information, public participation in decision-making and access to justice in environmental matters
- applies “without discrimination as to citizenship, nationality or domicile…” (§9).

- Convention of UN Economic Commission for Europe
- End of 2008: Ratified by 42 State Parties
- Ratified by Norway 2 May 2003

Public participation in the European Landscape Convention

1a. ”Landscape” – an area, as perceived by people

1c. ”Landscape quality objectives” – formulation by the competent public authorities of the aspirations of the public

5c. Procedures for the participation of the general public

6C1. Identification and assessment of landscapes with the active participation of the interested parties. Assessment to take into account the particular values assigned to them by the interested parties and population concerned

6D. Landscape quality objectives defined after public consultation.

6 justifications for public participation

1. Reinforcement of local identity
2. Democratisation
3. Legitimacy
4. Information exchange
5. Tackling conflicts
6. Heterogeneity and social justice

Levels of public participation

1. Definition of landscape policy

2. Implementation of landscape policy

(Prieur & Durousseau 2006, p. 165)

Participation for all

Issues of principle:

1. Fairness for all
2. Recognition of the needs of special groups
3. Local communities
4. Landholders
5. Visitors
6. Immigrants

(Jones *Landscape Research* Oct. 2007)

Public awareness, training and education

Examples of methods:

- Public awareness campaigns
- Exhibitions
- Publicising by use of media and Internet
- Landscape impact analysis (scenarios)
- Landscape awards
- Signposted landscape trails
- Photographic documentation
- Local history society or natural history society walks
- Fieldwork by university students
- School field trips

Forms of public participation

- Right of petition
- Public inquiries
- Local referenda
- Local consultation committees
- Citizens' panels
- Focus groups
- E-democracy
- Children's councils
- Parliaments for minority groups
- Participatory appraisal
- Open seminars
- Public meetings
- Proactive consultation and mobilisation
- Delegated management or local community control

A few Norwegian experiences

ELC:

- Focus on Planning and Building Act
- Intended implementation through county and local plans + sector policy at central government level
- Low budgetary priority
- Awareness-raising (role of experts)

Other participatory initiatives:

- Parliament for indigenous people (Saami)
- Children's City Councils
- Pilots projects for community-based nature protection
- Participatory appraisal of World Heritage Sites
- Public meetings and written comments
- Proactive consultation and mobilization
- Spontaneous initiatives (action groups)

Pretty's typology of participation

1. Manipulative participation
2. Passive participation
3. Participation by consultation
4. Participation for material incentives
5. Functional participation
6. Interactive participation
7. Self-mobilisation

(Source: Pretty *World Development* 23(8) 1995, p. 1252)

Challenges of participation

- Time-consuming and costly
- Apathy, lack of interest, social barriers to public involvement
- Conflicts due to incompatible aims
- Compromises leading to sub-optimal solutions
- Tensions between participatory (deliberative) and representative democracy
- Varying degrees of genuine participation
- Lip-service – open to manipulation
- Politicians, bureaucrats and/or experts reluctant or sceptical
- Stable and self-generating elite structures of power
- Micropolitics of participatory forums
- Local communities reflect unequal constellations of power and influence
- Clash with local custom – local communities often exclusive (e.g. women, minorities, outsiders excluded)

Conditions for participation

- Increasing interest for participation:

  (a) Impossible to govern effectively without some involvement of interests

  (b) New media opened array of sources and means of communicating information

  (c) Increasing expectations of consultation
- Successful participation requires sharing of knowledge and negotiation of power
- Pluralistic power relationship requires:
  – free press
  – capacity to articulate one's stake
  – ability to mobilise
  – ability to be informed
  – open political system and bureaucracy
  – non-manipulation of information by governers and governed
  – willingness to share power and show respect
  – adapatability and responsiveness of management
  – assessment of performance

Some tentative conclusions

- Participation not easy but cannot be ignored
- Government authorities both need and fear participation (need support, fear loss of control)
- Participatory approaches only one of ways civic society may affect policy implementation (alongside elections, social protest, covert resistence)
- Concrete results of participation in the landscape reflect interaction between ideal of communicative rationality (Habermas) and reality of power relations (Foucault)
- Dispute-resolution procedures – need for mediators
- Learning from examples (successes and failures) requires reflective collective assessment of performance

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