

# The European Landscape Convention and participation: Theoretical considerations

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# European Landscape Convention

- Florence Convention 2000
- In force 2004
- By 17 Sept. 2012 ratified by 37 member states of the Council of Europe; signed but not ratified by 3 member states
  
- Ratified by Norway 23 Nov. 2001 (first country)
- Ratified by Greece 17 May 2010
- Latest ratifications: Bosnia and Herzegovina 31 Jan. 2012; Andorra 7 March 2012
- Signed but not ratified: Malta 20 Oct. 2000; Switzerland 20 Oct. 2000; Iceland 29 June 2012
- Not signed: Albania, Austria, Estonia, Germany, Leichtenstein, Monaco, Russia

# European Landscape Convention – innovative features

- New definition of landscape
- Applies to all landscapes
- Value of diversity
- Landscape is not exclusive field for specialists but is everybody's concern
- Enhanced public participation
- Subsidiarity



Jones, M. & Stenseke, M. (eds.)  
*The European Landscape  
Convention: Challenges of  
Participation* (Springer 2011)

# Conceptions of landscape

1. Landscape as morphology (material record)
2. Landscape as scenery (way of seeing)
3. Landscape as polity (land shaped by customs and law)
4. Landscape as dwelling (practice of inhabitation)
5. Landscape as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors” (ELC Art. 1a)

Sources: Jones & Stenseke 2011; Wylie 2011



# Conventions

Convention = assembly meeting for common purpose  
+ usage, custom, agreed practice

Conventions of the Council of Europe:

Moral authority of Europe in support of individual freedom, political liberty and rule of law

Implemented by parties according to own constitutional and administrative arrangements

European Landscape Convention:

Outcome of Council of Europe's Congress of Local and Regional Authorities

(Ref. Olwig 2007)

# European Landscape Convention

## 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;
- b.* to establish and implement landscape policies aimed at landscape protection, management and planning...
- 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...
- 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.

# Recognition of landscapes in law

- Parties til ELC obliged to provide for landscape protection, management and planning
- Present environmental and cultural heritage laws designate particular landscapes with specific qualities

- ELC recognises landscape in all areas:

Landscape “is an important part of the quality of life for people 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” (Preamble)

# Public participation

- Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters (UN Economic Commission for Europe 1998, in force 2001)
  - applies “without discrimination as to citizenship, nationality or domicile...” (§9).
- Status 20 June 2012: 46 Parties including EU
- Signed but not ratified: Leichtenstein, Monaco, Switzerland
- Not signed: Russia



# 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

- (ELC Explanatory Report)

## 2. Democratisation

(O'Riordan & Stoll-Kleemann 2002; Prieur & Dourousseau 2006; Jonsson & Lundqvist 2006)

## 3. Legitimacy

(Aarhus Convention 1998; Zachrisson 2004; Jonsson & Lundqvist 2006)

## 4. Information exchange

(Aarhus Convention 1998; Jonsson & Lundqvist 2006; Council of Europe 2008)

## 5. Tackling conflicts

(Zachrisson 2004; Jonsson & Lundqvist 2006)

## 6. Heterogeneity and social justice

(Council of Europe 2005; UNESCO 2005; Bergmann 2006)

# 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

2. Recognition of the needs of special groups

3. Local communities and outside interests

4. Landholders – and the dispossessed

5. Visitors

6. Immigrants

(Jones 2007)

# All types of landscape

Art. 2:

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

Art. 6:

Trans-frontier landscapes

# Conditions for participation

(Source: O'Riordan & Stoll-Kleemann 2002)

- Increasing interest for participation:
  - (a) Impossible to govern effectively without some involvement of interests
  - (b) New media open an 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
  - ability to be informed
  - capacity to articulate one's stake
  - ability to mobilise
  - open political system and bureaucracy
  - non-manipulation of information by governors and governed
  - willingness to share power and show respect
  - adaptability and responsiveness of management
  - assessment of performance

# Forms of public participation

- Right of petition
- Public inquiries
- Local referenda
- Surveys
- Local consultation committees
- Citizens' panels
- Focus groups
- E-democracy
- Children's City Councils
- Parliaments for minority groups
- Participatory appraisal
- Public meetings
- Open seminars
- Workshops
- Excursions and walking interviews
- Mental mapping
- Proactive consultation and mobilisation
- Delegated management or local community control

# Arnstein's 'Ladder of Citizen Participation'

1. Manipulation – 'educating' citizens
2. Therapy – 'curing' citizens
3. Informing – one-way information to citizens
4. Consultation – surveys, meetings, public hearings
5. Placation – citizens invited to offer advice but power-holders decide
6. Partnership – negotiation
7. Delegated power – citizens can make decisions
8. Citizen control – full control over policy and management

(Source: Arnstein 1969)



# 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 1995)

# Participation: The New Tyranny?

(eds. Cooke & Kothari 2001)

- Critique of orthodox Participatory Rural Appraisal
- Tyranny – illegal/unjust exercise of power despite rhetoric of empowerment
- Participation may override legitimate decision-making processes
- Group dynamics may reinforce interests of the powerful
- Established participatory procedures may not always give intended results
- Complexity of power relations
- Varying bargaining power and motivations of stakeholders
- Daily oppressions of people's lives, e.g. gender, social class, may be concealed
- Power structures of local communities may be masked
- Danger of manipulation by powerful interests, e.g. political co-option, bribery

# Participation: From Tyranny to Transformation?

(eds. Hickey & Mohan 2004)

Successful participatory approaches:

- Radical political project, focus on power relations, not just technical solutions
- Participation as citizenship, inclusion of marginal and subordinate groups
- Engagement with underlying processes of development rather than specific interventions
- Examination of political economy of participation (power, wealth, patronage)
- Criteria to evaluate forms of participation that seek to transform practices of development agencies and professionals
- Politics of difference – respect for group differences without oppression
- Avoid romanticising capacity of poor and marginalised
- Avoid treating all local knowledge as incontrovertible

# Power, Participation and Political Renewal

(Barnes, Newman & Sullivan 2007)

- Shift to more open, collaborative and innovative policy system – differentiated state-citizen interactions
- Complements rather than challenges representative democracy – but uncertain relation between participatory forums and decision-makers
- Plural voices recognised – but some still struggle to be heard
- New partnerships between social movements and authorities – new forms of citizenship but danger of capture, loss of autonomy
- Negotiations about representation and representiveness
- Varying institutional dynamics of participation:
  - (a) Symbolic conformance by reluctant public bodies – practices unchallenged
  - (b) New partnerships established by government policy – but authorities retain power to constitute "the public", set rules and agendas, decide legitimacy of different voices, take account of views expressed or not
  - (c) Voluntary or community organisations separate from authorities – safe places to criticise

# 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)

# Some points for discussion

- Participation – cost or investment?
- Combining deliberative democracy and representative democracy – how are participatory processes reflected in decision-making?
- Local vs. non-local stakeholders – more than local participation?
- Institutional dynamics – power relations and legitimacy in different types of participation?
  - premises for participation and power of definition
  - control of participatory processes – danger of manipulation
  - representativeness of participating stakeholders
  - inclusion and exclusion
  - respect for difference, social justice for marginalised groups
- Dispute-resolution procedures – mediators?

# 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 covert resistance, social protest, voting)
- Concrete results of participation in the landscape reflect interaction between ideal of communicative rationality (Habermas) and reality of power relations (Foucault)
- Learning from examples (successes and failures) requires reflective collective assessment of performance