

## REGIONAL AFFAIRS

## West Balkan

## Development of Civil Society Groups

by Robert Atkinson and Stephen Stec\*

**Introduction**

The development of civil society in Eastern Europe is one of the remarkable phenomena of recent history. From its beginnings in the waning years of one-party rule to today, sufficient time has passed to warrant an assessment of the shape of environmental civil society as it approaches its twenty-first year and is on the verge of maturity.

This is an appropriate topic for a presentation honouring Alexandre Kiss. After the events of 1989, Alexandre Kiss's Hungarian citizenship was restored and he began returning to Hungary, organising summer programmes with Santa Clara and other universities. For the rest of his life he made it a priority to inspire a new generation of young lawyers from countries in transition to see the law as a means of respecting human rights and unleashing human potential for protection of the environment. Many of the young lawyers touched by Alexandre went on to non-government careers, as key members of civil society organisations either agitating for change or providing critical legal services to build the capacity of NGOs to conduct more effective campaigns.

This article examines in some detail the legal aspects of environmental civil society, including the legal conditions for organisation of associations, the framework for operations including economic incentives, and some of the most significant legal tools for the participation of Environmental Civil Society Organisations (ECSOs). Drawing upon similar studies done for the region of Central and Eastern Europe (CEE), this particular analysis focuses on South Eastern Europe (SEE), which has emerged from a decade of conflict, but shares many historical characteristics with the CEE region.

**Methodology**

The background for the findings presented in this paper is the research and analysis the authors, and others, carried out for the Regional Environmental Center for Central and Eastern Europe (REC) in 2006–7 on ECSOs<sup>1</sup> in South Eastern Europe. REC made this extensive survey of the ECSOs of seven SEE countries or territories<sup>2</sup> as part of a Swedish International Development Cooperation Agency (SIDA) funded aid programme called SECTOR (Supporting Environmental Civil Society Organisations

in South Eastern Europe). The survey was conducted in April–September 2006 and had two main objectives:

- To conduct an in-depth assessment of the nature and status of the environmental civil society organisations in the South Eastern European region, providing in-depth analysis of the challenges and opportunities they face;
- To provide specific answers and information for the preparation and planning of other forms of support through the SECTOR programme.

The survey information was intended for broad dissemination to all potential stakeholders and people interested in the status and challenges of rapidly developing environmental civil society in the West Balkans region. This paper is one of the ways information on the survey may be disseminated to a wider audience.

The research was focused around five key modules for addressing the effectiveness and efficiency of ECSOs. The five research modules were: 1) Legal and regulatory framework; 2) Resource base; 3) Human and organisational capacities; 4) Information and knowledge; and 5) Accountability. All of the modules considered the internal and external environment of ECSOs and each module's key assumptions, research focus and survey questions were elaborated by a dedicated expert or module leader.<sup>3</sup>

The assessment survey of ECSOs was done in three main stages: (i) collection of data from open sources; (ii) distribution of a survey questionnaire to a wide audience of ECSOs (used for collating into a directory as well as the assessment); and (iii) semi-structured personal interviews. Therefore, quantitative and qualitative data were collected in the course of the survey.

The survey questionnaire was developed by the research team and widely distributed (in local languages) by the REC's country and field offices to ECSOs between June and July 2006. The questionnaire was divided into two parts: Part A was used for the organisations' entry into the REC's NGO Directory;<sup>4</sup> Part B of the questionnaire was designed for a deeper, confidential assessment of the groups, and that information was not used within each organisation's directory entry.

Supplementary questionnaires were developed for the personal interviews to generate data concentrating on opinions and trends seen by the interviewees. Interviewees were from a variety of stakeholders, including ECSOs, civil society support organisations, donors, national and local government officials, and civil society lawyers.

\* Robert Atkinson is Director for Civil Initiatives; Stephen Stec is Head of Environmental Law Programme; both at the Regional Environmental Center, Szentendre, Hungary. This paper was presented as part of the Alexandre Kiss Memorial Conference in Budapest, on 18 October 2008, under the sponsorship of CEDE.

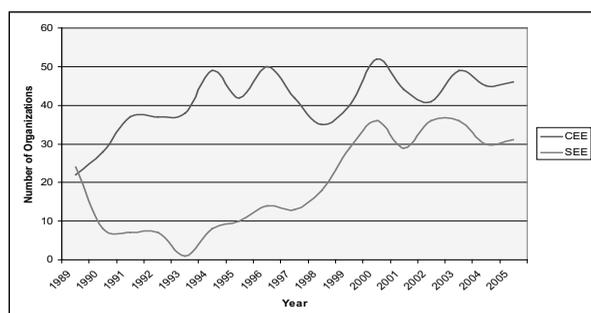
The total number of questionnaires received from organisations was 434 and the number of individuals interviewed was 116.<sup>5</sup> Data from the questionnaires and personal interviews were compared with data from open sources. Although there are certainly many more ECSOs registered in the region than responded to the questionnaire, the researchers believed that the respondents represented a large proportion of the most active organisations in the region. Indeed the numbers are comparable to those gathered during a previous study carried out by REC in 2001<sup>6</sup> and which have been used below to make some trend analyses.

The data entered were aggregated and analysed in order to assess the status and needs of the environmental movement in SEE. The outputs of the assessment were partly published in the 2006 SEE NGO Directory with national chapters, plus a brochure called *Striving for Sustainability* that presents a summary of the results, findings and recommendations.<sup>7</sup> Additionally the findings and recommendations were presented at the sixth Environment for Europe Conference (Belgrade, October 2007) and a European Commission conference on the Commission's new Civil Society Development Facility (Brussels, April 2008). Due to funding and other limitations, however, the referenced publications could present only a partial picture of the results of the research.

## General Findings

The findings of the survey and interviews showed that many and varied issues face SEE ECSOs. Naturally the region has developed differentially – within countries there are local differences – however, it is possible and valuable to give a general regional summary of the ECSOs' situation and the trends in their development. The legal aspects of civil society development in SEE are the primary focus of this paper, but first it may be useful to provide context by setting out some of the general findings and recommendations.

The following graph shows how many ECSOs were founded each year in SEE and CEE for the period 1989–2005:<sup>8</sup>



In comparison with CEE, there were quite low levels of ECSO foundation in SEE in the early to mid 1990s. This was obviously due to the years of conflict and civil strife in the region. However, since 2000 the patterns are fairly similar. This demonstrates that in SEE the majority

of ECSOs are young groups, which may imply something about their experience and abilities. It may also mean that society in general is less familiar with the concept of civil groups and their role in society. Although the title of this paper is “Civil Society Coming of Age”, we see that in reality many of the civil society groups in SEE are still in their infancy.

The survey examined the groups' responses as to whether their activities involved any from a list of 26 possible topics. It was found that the more political, or perhaps technical issues feature in the lower half of those most commonly worked on.<sup>9</sup> Topics like nuclear power, GMOs, climate change, or transport<sup>10</sup> are clearly less popular among the ECSOs. This finding in itself is important, but takes on even more significance when correlated with the organisations' capacities and the sources of funding that particular ECSOs have access to for their activities. This in turn helps us to understand whether the programming priorities of donors tend to lead organisations to work in fields that would normally not be their own highest priority. Moreover, from the point of view of building capacities of these ECSOs, the findings of the assessment pointed to the need for an increase in their knowledge on a specific range of issues.

Most common topic	2001	2006
1 <sup>st</sup>	Nature protection	Environmental education/ESD
2 <sup>nd</sup>	Environmental education	Nature protection
3 <sup>rd</sup>	Public participation	Sustainable development
4 <sup>th</sup>	Biodiversity preservation	Waste
5 <sup>th</sup>	Tourism/Eco-tourism	Water

The assessment considered the sources of funds for the environmental movement in the region. The five most frequent sources of funds (regardless of amount) were found to be:

1. Foreign/international foundation grants – 52%
2. Domestic government grants – 52%
3. Membership dues (fees) – 44%
4. Foreign government/international grants – 36%
5. Domestic corporate/business grants – 34%

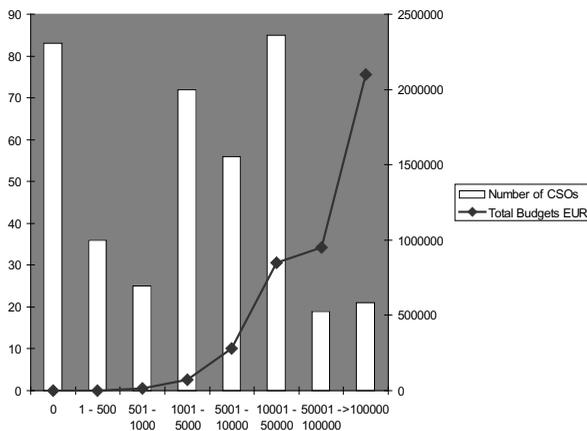
However, if we compare this list with those donors that ECSOs characterise as primary funders (more than 25% of their budget coming from that donor) the picture changes:

1. Foreign/international foundation grants – 23%
2. Domestic government/public sector grants or donations – 15%
3. Foreign government/international grants – 14%

Notably, membership fees, while relatively common, only appear in tenth place as a significant source of funding. In addition, the results show that there are relatively fewer dependable, nationally based funds available for ECSOs in SEE – funds that these organisations could

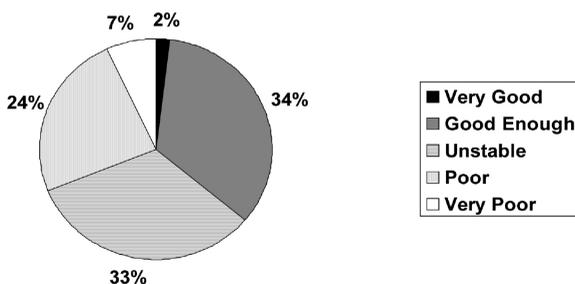
perhaps influence. The overall conclusion is that the financial situation of ECSOs is bound to worsen as foreign donors phase out. The survey also showed that SEE ECSOs are more dependent on fewer donors. On average a SEE ECSO receives funding from 3.5 donors, as compared to 5.0 average donors in CEE. This lack of diversity of funding is a further vulnerability and source of insecurity, which also has the effect of making SEE ECSOs more responsive to donor priorities.

In addition to sources of funding, the survey also asked the groups about the sizes of their budgets (using eight categories, starting at zero to over one 100,000 Euros per year). The following graph plots the number of ECSOs in each category against the sum of their combined budgets (using the median point in each category as an estimate):



The chart shows that there is a distinct “class” of wealthier groups that has accumulated a large proportion of the available resources, a sizable “middle class” of groups, but also a quite large group with very limited or no financial resources at all. When compared with the data from the 2001 survey, the distinctions between these classes can be seen to have been exacerbated.

The following pie chart reinforces these findings. When asked about their financial status, two-thirds of all ECSOs in SEE stated that they are financially unstable or worse. This is a sobering analysis and goes some way to define the resource stresses that ECSOs in the Balkans are under. Certainly there is some concern for how viable they are as organisations and in being effective in fulfilling their role.



The survey findings paint a picture of the “average Balkan ECSO” that can be summarised thus:

- formed after 2000;
- with a 17,000 EUR annual budget;
- rents its office space;
- covers environmental education, nature conservation and waste issues;
- has to adapt to donor priorities; and
- struggles to define its fundraising strategy and to support its two paid staff.

There are a number of headline findings in the trends exhibited by the movement that raise concerns over the future direction of the development of civil society groups. There is an evident and growing disparity between different types of ECSOs (the haves and have-nots), both in financial resources and capacities. The funding environment is becoming increasingly difficult for grassroots organisations, particularly those that rely on membership fees and therefore may be better connected to the local community.

In general there appears to be less capability among Balkan ECSOs on politicised or campaign issues (GMOs, climate change, *et al.*) than is required for the increasingly complex environmental agenda. However, a “professional class” of ECSOs that are addressing these policy issues is developing, but such groups may be criticised for having a questionable connection or relevance to the community. Some view them as important ECSO think-tanks while others view them as opportunistic crypto-consultancies using ECSO funds for profit making. Additionally, donors are criticised for pushing their own agendas without considering the needs of ECSOs. Some interviewees even considered that donors used ECSOs as vectors for their own positions and questioned whether the priorities chosen reflected those of the local civil society.

The question now is: how will SEE ECSOs develop further from this point? It could be assumed that as the countries of SEE are looking towards EU integration, and will come under the influence of those processes, much of this development may follow the pattern exhibited in the new Member States or CEE. Based on the findings of a similar survey in the CEE region<sup>11</sup> it was found that those CEE ECSOs with higher incomes and more paid staff (the “professional class”) tend to get primary funding (more than 50% of their budget) from EU institutional sources, yet have lower levels of members. At the same time, those with lower levels of income and fewer paid staff tended to have primary funding from membership fees (dues) – and higher levels of membership – yet also tended to have lower staff capacity and overall funding levels.

Additionally, it was also found that these two groups are inclined to concentrate on different forms of activity – respectively policy advocacy and direct actions. Consequently, CEE ECSOs doing direct action have comparatively few resources while EU institution-supported ECSOs appear to represent a smaller but wealthier set of organisations. An analysis of trends, moreover, shows a clear tendency for the “professional” ECSOs to capture a greater proportion of overall funding. This can contribute

to an “insider” culture that is difficult for new organisations to break into. One of the methods used by such organisations to maintain their funding is to follow donor priorities. As donor priorities have shown a tendency in recent years to become concentrated on a narrower set of fields, this phenomenon has the effect of focusing “professional” ECSO priorities towards those of the donors.

The pattern in CEE appears to be a further evolution of what is now being exhibited in SEE. Perhaps this is a natural process of ECSO evolution. Certainly the diversity of types of groups is necessary, and while many people may feel that the only “true” civil society organisations are those of the grassroots variety, no picture of the development of civil society in CEE and SEE is complete without an understanding of the role and characteristics of the “professional” public organisations. We need to consider what we foresee as the “best” role and function of ECSOs in environmental issues, and thus consider what the movement needs to develop to fulfil them. Donors especially need to judge the effect of their funding on the movement in the long run, and would perhaps be better off focusing on the infrastructure of the ECSO arena as opposed to supporting projects along their own narrow aims.

### Legal Findings and Analysis

These have been the main findings of the survey. Now we may present in greater detail the main legal aspects of the study, and some general observations about legal tools. In the “Legal and regulatory framework” module, the survey looked at several aspects of legal regimes relevant to civil society organisations, covering legislation as well as its implementation. These included the basic legal foundation for the establishment of civil society organisations, including systems for registration, the use of tax regimes to encourage civil society activity, and the rules of the legal profession that affect the ability of ECSO lawyers to engage in advocacy. As in the other parts of the survey, both the actual state of the law and the perceptions of the various stakeholders were examined. Thus, the survey also gathered information concerning the extent to which ECSOs consider complying with legal requirements a priority, thereby indirectly providing information on overall enforcement of the law. As one element of the SECTOR project was to identify training needs, legal training was included as one of the areas surveyed.

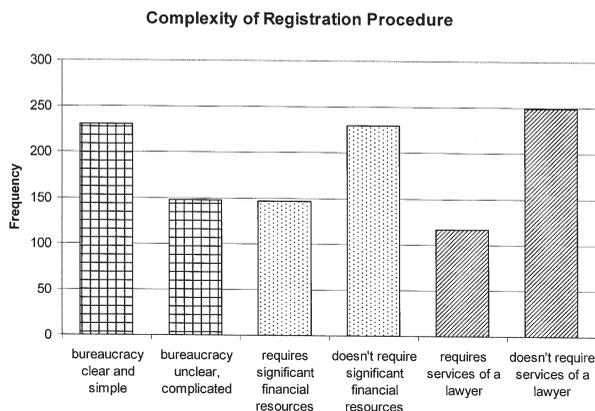
Finally, the project examined the legal frameworks in the countries and territories for access to information and participation, and gathered information from ECSOs about the frequency with which they make use of such legal provisions. Raw data about the number of cases brought to court was also gathered. The main findings in these areas are presented in the following section.

### Legal and Regulatory Framework

#### Registration issues

Often the first thing an NGO has to do is to register, and in many countries this process is still time-consuming, bureaucratic and expensive. Some countries employ a two-step process with tax registration separate, and for some NGOs outside of capital cities they have to register once

locally and once with different authorities in the capitals. The use of computerised databases accessible online or in local communities would help solve this problem.



The survey found that in most places the process for registration of a CSO is fairly simple, straightforward and inexpensive (notably Kosovo, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia).<sup>12</sup> However, in all countries there are some specific issues associated with registration:

- In Albania, the state of CSO registration law is partly in flux, especially with regard to tax and financial matters. ECSOs in the regions are particularly affected by the two-stage registration process, which may require several trips to various authorities to complete.
- The legal framework for registration in Bosnia and Herzegovina is good, but administrative practice is problematic. A multiplicity of authorities and jurisdictions creates obstacles for smooth operations of ECSOs throughout the country.
- The legal framework for registration in Croatia is likely the best in the region. But excessive legal requirements prevent the establishment of foundations.
- In Macedonia, the legal framework for registration is good but procedures can be time-consuming.
- The process of registration in Montenegro is simple, straightforward and inexpensive, and CSO status offers significant tax advantages. But there is a high rate of abuse of CSO registration possibilities by for-profit companies.
- In Serbia, registration has been relatively simple up to now.

#### Legal compliance

A series of questions, particularly in the interviews, addressed the extent to which the legal framework related to the operation of ECSOs, including the particulars of an organisation’s statute or registration, is taken seriously. In several of the countries, the survey revealed that overall lax enforcement of legal provisions leads to possibilities for ECSOs to operate without full legal compliance or without due regard for particular legal requirements, in particular those related to governance and financial reporting. Of note in this regard were: Albania, Kosovo, FYR Macedonia and Montenegro. In contrast, Croatian

ECSOs generally operate consistently with their legal status and legal requirements.

*Tax issues*

Tax incentives or tax exemptions exist in many CEE and even SEE countries, with a broad range of tools being used, some rather experimental. The tax regime affecting ECSOs varies markedly from country to country, with the most favourable regime in Albania and the least favourable in Serbia. For Bosnia and Herzegovina, the tax structure is not fully developed and differs across jurisdictions. In both Croatia and FYR Macedonia, ECSOs generally do not benefit from tax advantages and are treated the same as for-profit companies.

NGOs. Public opinion surveys in some countries outside of SEE have shown that the public believes NGOs to be mechanisms for smuggling, tax avoidance and other forms of criminality. This has not been specifically tested in SEE but many of the same social conditions are present there.

**Legal advocacy and general standards of justice**

In many of the countries general legal frameworks to enable advocacy are in place, but implementation and enforcement are lacking. Consequently, genuine legal advocacy has not developed and there is a general lack of sense of ownership of the legal regime. Croatia’s legal system was not seen to be very favourable to genuine legal advocacy, but conversely there is a higher rate of the use of this tool than in other parts of the region.

Official corruption is still a problem. One typical example arose out of the interviews. Some countries require – at least informally – the use of specific lawyers for NGO registration who work in cahoots with judges to extort extra fees, but the problem goes far beyond such examples and is endemic. The problem of corruption obviously has an impact on whether ECSOs use legal or other means for their purposes. In the EU member states, with one or two notable exceptions, this problem has been managed, but it is a big problem elsewhere.

The survey also revealed deficiencies in the training of authorities and judges to ensure a standard interpretation of the law and of justice. Different interpretations of requirements and of the law itself depending upon the official are reported to be still common. It is obvious that training is not keeping pace with legal reform. The inability to predict the outcome of legal actions contributes to a general reluctance to make use of the justice system.

In CEE, because of the overall stabilisation of society and the legal system, the strategic use of litigation has taken hold, but despite assistance efforts, in SEE most ECSOs do not seriously consider the use of legal cases to further their goals. This is due partly to the ineffectiveness of justice systems and partly to the existence of other avenues for success. While Aarhus Convention tools, for example, have been used to great effect in some countries, in others the level of inefficiency of the system makes this only a dream.

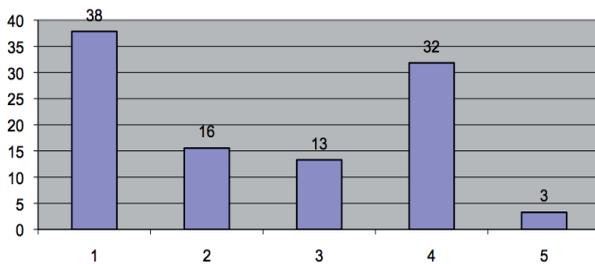
Nevertheless, there is general awareness in the region that legal mechanisms, and by implication an improved legal system, have the potential to provide important opportunities for ECSOs to meet their goals. In around half of the countries (Albania, Bosnia and Herzegovina, and Croatia), legal assistance, training and expertise are relatively important needs identified by the ECSOs themselves.

**Use of Legal Tools**

**Access to information**

The research team also investigated the perceptions of ECSOs and other stakeholders concerning the effectiveness of a range of available legal tools. The information gathered included whether the ECSOs had positive or negative experiences or impressions related to the use of the specific tools. For example, the following chart

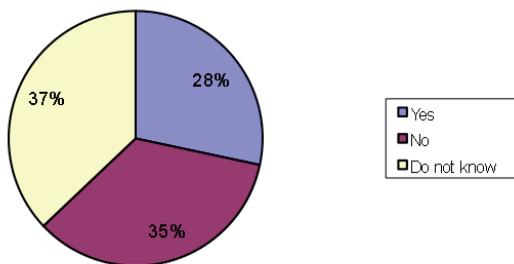
Percentage of NGOs for the different tax exemptions



**Key:**

- 1: Income taxes for grants, donations
- 2: Income taxes on generated fees
- 3: Employment taxes
- 4: VAT
- 5: Other

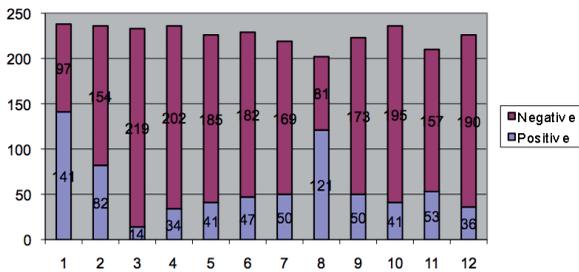
Question 5: Are donations to your organisation tax-deductible?



However, as the pie chart shows, there appears to be some confusion among ECSOs as to whether tax deductions for donations are available. For a large group of ECSOs, this is due to the fact that donations are not a source of funding. More experience sharing is needed to see which tax mechanisms work and which do not within the region. In some countries certain preferences are granted to “patriotic” or other groups. Abuse of tax benefits through sham NGOs that are involved in many kinds of shady enterprises is one of the biggest challenges in the region, and undermines the credibility of legitimate

shows the number of respondents characterising different aspects of the use of the law on access to information as positive or negative. Even where the legislation is largely considered in a positive light (as shown by the first column), procedures are viewed less positively and the level of enforcement shows significant problems, contributing to overall negative scores. Only the cost of receiving information is viewed in a generally positive light. Common problems identified included failure to answer information requests, late response, lack of capacity of authorities to handle requests, poor information flow between authorities, and under-developed infrastructure for electronic information.

The snapshot below should be considered in light of the responses in a number of countries stating that access to information has improved in recent years.

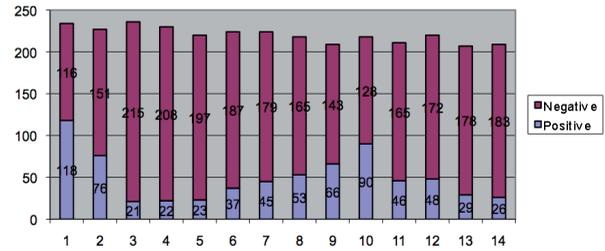


- Key:**
- 1: Legislation regarding rights and responsibilities
  - 2: Procedures and rules
  - 3: Legislation enforcement
  - 4: Knowledge about what rights citizens and CSOs have
  - 5: Knowledge and skills about how to use rights
  - 6: Timeframe to receive the information
  - 7: Handling confidentiality of information
  - 8: Costs for receiving the information
  - 9: Information on where and how the information can be accessed
  - 10: How up-to-date is the information
  - 11: Format of the information
  - 12: Amount of information

**Public participation**

A similar pattern could be found when respondents were asked how they evaluate the system for public participation in their countries. However, perceptions concerning public participation were somewhat more negative overall, with only a bare majority contending that the legislative framework was positive. Despite the developing practice in the field of public participation, especially within environmental impact assessment, procedural requirements (e.g., notification, accessibility of documents, and taking due account of comments) are seen as being often not implemented properly. Limitations in the capacities of ECSOs to participate effectively must be taken into account. Among the obstacles identified, Croatian authorities apply to a restrictive interpretation of standard in EIA procedures. In some countries such as Serbia, relatively few ECSOs attempt to participate in EIA, preferring to work at a higher, policy-making level. Those ECSOs reporting that the authorities do involve them in policy making, tend to perceive their role as consultative only, without particular influence. Most such procedures are by invitation only, and ECSOs wish to maintain good

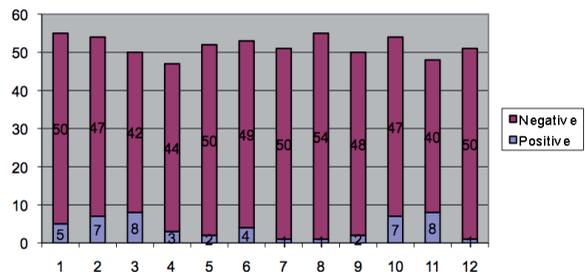
relations to ensure their involvement, so are willing to accept a limited role.



- Key:**
- 1: Legislation regarding rights and responsibilities
  - 2: Procedures and rules
  - 3: Legislation enforcement
  - 4: Knowledge about what rights citizens and CSOs have
  - 5: Knowledge and skills about how to use rights
  - 6: Notification about upcoming decision-making and public participation opportunities
  - 7: Information about upcoming opportunities
  - 8: Timeframe to prepare for the public consultation
  - 9: Having the resources
  - 10: Having adequate technical expertise
  - 11: Organisation of public hearings
  - 12: Taking account of public comments
  - 13: Information about comments taken into account
  - 14: Information about the outcome of the decision-making process

**Access to justice**

With respect to access to justice, as seen by the following chart, the assessment of respondents was almost entirely negative. The highest positive response rates were given for access to technical expertise (17%) and standing rights for citizens and CSOs (16%) but even these figures can hardly be seen as unproblematic. The negative impressions for knowledge and skills about how to use rights, timeliness of procedures, and availability of resources for fees were almost 100% negative. The high negativity cannot be attributed to a failure to attempt to use legal justice mechanisms – altogether 36 of the ECSOs surveyed had been plaintiffs in an environmental lawsuit. Lack of access to justice was particularly notable in Albania, Bosnia and Herzegovina, Montenegro and Serbia. Contributing factors were the slow pace of reform, lack of knowledge about the existence of rights, the lack of affordable legal assistance and a lack of clarity of appeal opportunities.



- Key:**
- 1: Court system
  - 2: Access to justice requirements
  - 3: Standing rights for citizens and CSOs
  - 4: Existence of special standing rights for CSOs

- 5: Enforcement of existing legislation and court decisions
- 6: Knowledge about rights of citizens and CSOs
- 7: Knowledge and skills about how to use rights
- 8: Timelines of procedures
- 9: Court fees
- 10: Access to lawyers and legal advice
- 11: Access to technical expertise
- 12: Availability of resources to finance fees for experts and lawyers/attorneys

Several of the matters surveyed have a relation to the Aarhus Convention. This instrument has been directly used in dozens of cases in CEE countries and particularly in the EECCA region, or former Soviet Union. But more importantly, it has set the standard for rights of access to information, public participation and to some extent access to justice in these matters, and in doing so has raised understanding about the role of civil society and given strength and encouragement to a generation of environmentalists. Its power is exemplified by the fact that the EU reformed its own laws as a result of Aarhus. It is not yet in great use in SEE, but the Aarhus Convention may still be considered as the single most important legal development for civil society in Europe in the last generation.

## Recommendations

As a result of the SECTOR survey, several sets of recommendations were produced, aimed at various elements of the survey and at different stakeholder groups. Recommendations aimed at the legal aspects of the survey are presented herein. The main sets of recommendations aimed at different stakeholder groups are set forth in the Annex.

Although a good deal of work was done in many countries of the region to improve and open up the registration process for CSOs, there is still room for improvement. None of the countries/territories is using the registration process to control or prohibit the work of organisations. However, some countries make the registration very easy (*e.g.*, Croatia), while others could improve the situation especially for organisations outside the cities (*e.g.*, Albania), or improve the capacities of the authorities dealing with the organisations in the regions (*e.g.*, Serbia). In some countries (*e.g.*, FYR Macedonia), measures should be taken to increase the capacity of judges to speed up the registration process.

The two-step registration process should be streamlined in countries with dispersed populations, possibly by using computerised databases that can be accessed from the regions. Authorities should proactively assist CSOs to complete registration procedures without threat of sanctions. In most countries, so many sets of norms are needed on the practical level, that all mechanisms should be tried simultaneously, including subsidiary legislation, regulations, rules, guidelines and protocols. Information campaigns and training programmes are needed to consolidate understanding of the legal framework for registration and taxation.

Additional controls are needed over authorities responsible for registering CSOs, including administrative oversight and appeals procedures. As the first step in this direction, the actual implementation of registration rules

and procedures should be assessed through extensive field surveys.

VAT exemptions and tax incentives are important tools for development of the CSO sector. Some countries (*e.g.*, Montenegro) use them widely, others (*e.g.*, Croatia) use them selectively only for some organisations. These tools could be used more widely in the region and on an equal basis (regardless of when the ECSOs were established or what their activities are – as long as they have a public purpose). Rules on financial and tax matters should be streamlined with a view to encouraging private donations to legitimate CSOs. On the other hand, tax authorities should be provided with greater enforcement powers, *e.g.*, to be able to check whether an organisation's real activities are consistent with its non-profit status.

Public authorities should receive more training on implementation of existing legal requirements under the framework. Additional efforts should be made to extend legal frameworks and implementation to all communities (*e.g.*, in Kosovo under UNSCR 1244).

Legal advocacy training and capacity building are priority areas for assistance to ECSOs, in particular aimed at strengthening capacities to make use of formal and informal opportunities and rights for access to information, public participation and access to justice.

Legal frameworks for information and participation are comparatively well advanced, but a concerted effort needs to be made to improve procedures and to boost capacities for enforcement. At least a part of the problem is perception. Authorities should pay attention to mechanisms for increasing public awareness of successes, so as to raise the current low levels of expectation.

## Conclusion

The SECTOR survey provided the basis for an overall assessment of civil society development in the region, with extensive detailed findings in several areas of interest. The general findings of the survey have been presented in this paper, together with more detailed findings in the area of legal and regulatory matters. South Eastern Europe as a region is going through some of the same stages of civil society development as occurred in Central and Eastern Europe in the 1990s. The series of conflicts in the region delayed reforms and civil society development, but great strides have been made in recent years. The picture provided through the survey is one of progress particularly with legislation, but includes continued deep-rooted institutional shortcomings, preventing the new legal regime from being implemented and enforced. With only a few exceptions, the countries and territories of SEE have not been able to achieve a measure of social stability sufficient to enable the slow process of development of the rule of law to take hold. Despite these obstacles, a large number of ECSOs are active in the region. It is to be expected that their continuous efforts will slowly lead towards higher standards in the application of the law related to the establishment and functioning of these organisations, and in the provision of rights and opportunities for such organisations to move towards achieving their goals through legal means. Yet, hanging over this

cautiously optimistic scenario is the reality that SEE EC-SOs do not have the variety and magnitude of resources available to their CEE counterparts, and their ability to achieve their goals and to demonstrate the function of civil society is unfortunately dependent on a fragile and endangered financial footing.

## Notes

1 For the purpose of the survey, the research team understood an ECSO as an officially registered organisation, other public association or otherwise clearly identifiable group of citizens that: does not act as an official governmental body; is a not-for-profit entity (*i.e.*, non-commercial); functions at any geographical level; has a presence in public life, outside of family structures, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific or philanthropic considerations; and has a main purpose related to the promotion of one or more of the following:

- protection and conservation of the environment;
- the sustainable use of natural resources and renewables;
- traditional cultural values and knowledge leading to a decrease in society's environmental impact;
- environmentally friendly development, policies and projects;
- governance principles leading to the creation of an enabling environment for environmental protection and sustainable development (*e.g.*, anti-corruption measures, transparency, accountability, and public participation).

2 Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia, including a separate section for Kosovo (under UNSCR 1244).

3 REC's Module leaders: 1) Legal and regulatory framework – Stephen Stec, Head of Environmental Law Programme; 2) Resource base – Robert Atkinson, Director for Civil Initiatives; 3) Human and organisational capacities – Adriana Craciun, Senior Project Manager, Education & Capacity Building Programme; 4) Information and knowledge – Jerome Simpson, Head of Information Programme; and 5) Accountability – Magdi Toth-Nagy, Head of Public Participation Programme. Overall coordination was by Dr Richard Filcak, Project Manager, NGO Support Programme.

4 Filcak, R. and Atkinson, R. (Eds). (2007). *NGO Directory of South Eastern Europe: a directory and survey findings of West Balkan environmental civil society organizations*, 5<sup>th</sup> Edition. Szentendre: REC.

5 Country Survey/Interviewed: Albania: 68/21, Bosnia and Herzegovina: 88/19, Croatia: 70/19, FYR Macedonia: 50/18, Montenegro: 14/12, Serbia: 114/11, Kosovo: (UNSCR 1244) 30/16.

6 Serban, S. (Ed.). (2001). *NGO Directory: A Directory of Environmental Non-governmental Organizations in Central and Eastern Europe*. Szentendre: REC.

7 See the REC website for these products: [www.rec.org/sector](http://www.rec.org/sector).

8 CEE countries were surveyed in 2007 through a joint study by REC and MIT. For more details of this survey, see: [http://www.rec.org/REC/Databases/NGO\\_Dir\\_CEE/cee\\_ngo\\_survey\\_report.pdf](http://www.rec.org/REC/Databases/NGO_Dir_CEE/cee_ngo_survey_report.pdf).

The countries surveyed were: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

9 The results were compared to those of the 2001 survey. See Serban, *supra*, note 6.

10 The full list of topics is presented in: Atkinson, R. (2007). *Striving for Sustainability: A Regional Assessment of the Environmental Civil Society Organisations in the Western Balkans. A summary of results, findings and recommendations*. Szentendre: REC. Available at: [http://www.rec.org/sector/brochure/sector\\_brochure\\_2007.pdf](http://www.rec.org/sector/brochure/sector_brochure_2007.pdf).

11 Carmin, J., Albright, E., Healy, R. and Teich, T. (2007, unpublished report). Environmental NGOs in Central and Eastern Europe. Summary of Survey Findings 2007. Cambridge, MA: Department of Urban Studies and Planning, Massachusetts Institute of Technology. Available at: [http://www.rec.org/REC/Databases/NGO\\_Dir\\_CEE/cee\\_ngo\\_survey\\_report.pdf](http://www.rec.org/REC/Databases/NGO_Dir_CEE/cee_ngo_survey_report.pdf).

12 Further information, including the results for each country or territory, are available in the unpublished project report, on file with the REC.

## Annex

### Main Recommendations per Stakeholder Group

The main recommendations for ECSOs are:

✓ Build legal advocacy skills.
✓ Tax exemptions: lobby for better conditions, consistent with non-profit status.
✓ Cooperate together to influence the government's and donors' funding programmes.
✓ Enhance relevance of projects to local communities.
✓ Develop "services" with/for local authorities.
✓ Look at opportunities for corporate sponsorship.

✓ Review strategic leadership capacities and internal administrative procedures.
✓ Develop and implement appropriate organisational development plans.
✓ Prepare for the new funding conditions after transition funds are reduced.
✓ Increase the expertise of staff (by training or recruitment).
✓ Demand improvements in the environmental information provided by government.
✓ Develop ways of being involved in dialogue/consultation with government.
✓ Enhance the role they play in society to build trust between themselves and citizens. They should be more visible, accountable and transparent, and demonstrate results.
✓ Need to work closely with authorities on exercising Aarhus Convention rights, or to campaign and lobby for them.

The main recommendations for governmental authorities are:

✓ Registration improvements: help in rural areas, speeding up processes and improving consistency through training and greater control over authorities.
✓ Tax exemptions to be used more broadly in the region and on an equal basis. Tax authorities able to check whether CSO activities are consistent with their non-profit status.
✓ Financial and tax matters should be streamlined to encourage private donations to CSOs.
✓ National governments need to enhance their support for CSOs, including: comprehensive CSO support policies and plans; clearer procedures and transparent decision making on funding; increased possibilities to contract ECSOs for services and developing national foundations.
✓ Local authorities need to increase funding available and improve mechanisms/criteria for support; they should be encouraged to provide free or subsidised office space.
✓ Use privatisation or lottery funds for CSO activities and to support local/community foundations.
✓ Government funding for supporting employment in the CSOs.
✓ The currency, reliability, presentation and exchange mechanisms of official environmental information requires significant improvement – perhaps under a single responsible institution.
✓ Better understand the role of CSOs in society, involve them in developing strategy and policy.
✓ Improve rules/criteria for CSO representation in different governmental bodies/ committees.
✓ Aarhus Convention should be ratified/acceded to where it is not and efficient implementation measures need to be developed further.

The main recommendations for the donor community and CSO support organisations are:

✓ Information and training are needed to build CSO understanding of the legal framework.
✓ Legal advocacy capacity building should be provided to environmental CSOs.
✓ Support given to governments in developing supportive tax regulations for CSOs.
✓ Donors to better coordinate both between themselves and CSOs on priorities.
✓ Consider CSOs' real capacities when setting funding conditions (staffing and operational costs, fair payment and co-financing conditions; provide longer-term and regular funding cycles).
✓ Make governments aware of the option of contracting CSOs for services. To give more training on fundraising, especially on fundraising strategies and complex applications ( <i>e.g.</i> , EC).
✓ Establish clearinghouses or information points for CSOs on available funding.
✓ Help build organisational capacities of CSOs (not just concentrate on project implementation).
✓ Provide tailored capacity building for CSOs' specific training needs, both knowledge and skills.
✓ Allow, through their aid programmes, the CSOs to cover staff salaries and invest in staff development.
✓ Assist the development of environmental/information networks in the region.
✓ Encourage cooperation and communication between CSOs, government and media.
✓ Offer capacity building for officials to overcome the current gaps in practical implementation practices on access to information and public participation issues.

## Council of Europe

# Landscape Convention and Ecological Corridors

by Maguelonne Déjeant-Pons\*

The Council of Europe, an international intergovernmental organisation founded in 1949. Headquartered in the French city of Strasbourg, the Council has 47 member states.<sup>1</sup> Its main objectives are to promote democracy, human rights and the rule of law, and to seek common solutions to the major problems facing European society today. Accordingly, the Council is actively committed to sustainable regional development, in accordance with Recommendation Rec(2002)1 of the Committee of Ministers to the member states on Guiding Principles for Sustainable Spatial Development of the European Continent, previously adopted at the 12<sup>th</sup> session of the European Conference of Ministers responsible for spatial/regional planning (CEMAT) of the Council of Europe member states. This article provides an overview of the Council's instruments and activities that are directed at promoting landscapes and the development of ecological corridors that serve as environmental arteries, providing the life-blood that vitalises the landscape.

### The European Landscape Convention and the Pan-European Ecological Network

The European Landscape Convention was adopted in Florence, Italy, on 20 October 2000; its aim is to promote landscape protection, management and planning, and to organise European cooperation on landscape issues. Regarded as the first sustainable development convention, it represents a major contribution to the implementation of the Council of Europe's objectives, namely to protect Europeans' quality of life and wellbeing, taking into account landscape, cultural and natural values. Through the convention, its parties and signatories declared their commitment to achieving "sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment" and recognised the fundamental importance of the cultural dimension.

#### "Landscape" defined

The Convention is the first international treaty to recognise all European landscapes as the living environment of individuals and societies. Each Contracting Party undertakes 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. Landscape is a key component of individual and social wellbeing, making a significant contribution to people's quality of life. As such, it plays a major part in the full development

of human beings and in consolidating European identity. It recognises the important public interest role of landscape in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity, including tourism. It clearly references the ecological and environmental dimension, and the importance of collaboration. Its preamble refers explicitly to the Bern Convention on the Conservation of European Wildlife and Natural Habitats of 19 September 1979. Accordingly, landscapes should not be merely ornamental, but living areas, populated by animal and plant species.

The Convention defines the landscape as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors". It stresses that the landscape is an important part of the quality of life for people everywhere, "in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas". It applies to outstanding landscapes as well as ordinary landscapes and damaged areas insofar as all landscapes are the setting for the lives of the population concerned. Many rural and peri-urban areas are undergoing profound changes and must be the focus of much greater attention by the authorities and the general public.

### Ecological Corridors and Key Landscape Components

Resulting from thousands of years of human influence, Europe's biodiversity is intrinsically linked to the variety of its landscapes. At the ministerial conference "An Environment for Europe", held in Sofia in 1995, the Environment Ministers signed up to the planned creation of a pan-European ecological network in the coming 20 years. They wanted to set up a physical network of reserves in the strict sense, linked together by corridors and surrounded by buffer zones, to facilitate the dispersal and migration of species. The aim of the network is to ensure the conservation of a full range of ecosystems, habitats, species and landscapes of European importance.

The Pan-European Ecological Network is based on three functionally complementary components: core areas offering the optimum achievable quantity and quality of environmental space; corridors to ensure appropriate interconnectivity between the core areas; and buffer zones to protect the core areas and corridors from potentially damaging external influences:

- **Core areas** are intended to contain: substantial representatives from the characteristic European natural and semi-natural habitat types across their traditional range and at different stages of ecological succession; viable populations of species of European importance; the natural environmental processes on which these

\* Head of the Cultural Heritage, Landscape and Spatial Planning Division, Council of Europe.

habitats and species populations depend; and landscapes of European importance. Their conservation is to be secured through (a) the full implementation of the various existing international instruments that provide for the protection of valuable sites in Europe, particularly Natura 2000 under the EU Habitats Directive, and the Emerald Network under the Bern Convention; and (b) the policies and programmes of national and regional authorities.

- **Ecological corridors** are intended to ensure that species populations have adequate opportunities for dispersal, migration and genetic exchange. Corridors are defined in a broad sense as a linkage between resource habitats of a species, consisting of a landscape structure that is different from the matrix surrounding it, resulting in a favourable effect on the exchange of propagates of the species (individuals, seeds, genes). This definition is based on the functionality of the corridor and implies that linear-shaped habitats without the purpose of linking two areas at both ends will not be defined as a corridor.
- **Buffer zones** are intended to protect the core areas and corridors of the Pan-European Ecological Network from the effects of potentially damaging external influences. Buffer zones will often offer a reasonably wide scope for other land uses and may offer important conservation benefits in themselves.

Adopted by the Council for the Pan-European Biological and Landscape Diversity Strategy (PEBLDS) on 21 April 1999, the “Guidelines for the Development of the Pan-European Ecological Network” are a reference document for use by all actors involved in implementation of the network, including policy makers, parliamentarians, natural resource managers, spatial planners, researchers, the academic community, representative organisations, private enterprises and members of NGOs.

The aim of setting up the network is to ensure that:

- habitats are large enough to place species in a favourable conservation status;
- there are sufficient opportunities for the dispersal and migration of species;
- damaged parts of the key environmental systems are restored; and
- these systems are protected against potential threats.

### **Integrated Territorial Management Pan-European Ecological Network**

The Pan-European Ecological Network promotes synergy between the existing nature policies, land-use planning, and rural and urban development. It offers a dynamic framework for integrating several sectors’ policies in relation to nature conservation and management; it will build on and benefit from existing agreements, programmes and initiatives in the field of nature conservation.

Ultimately, it strongly motivates the Council of Europe’s members to achieve results based on three main principles for action to promote sustainable development: (i) maintaining the different forms of ecological

connectivity to preserve natural processes and the ability of ecosystems to procure goods and services for humanity; (ii) integrating the preservation of biological and landscape diversity in regional/spatial planning in general to secure socio-economic balance; and (iii) promoting a common vision of development which will provide a response to the universality of problems and the globalisation of environmental phenomena.

The concept of the Pan-European Ecological Network was confirmed by the 5<sup>th</sup> Ministerial Conference on “An Environment for Europe” held in Kyiv in 2003, and reaffirmed at the 6<sup>th</sup> conference held in Belgrade in October 2007, which advocated seven main policy thrusts:

- Giving more concrete consideration to ecological relations between the component units of the Pan-European Ecological Network and national networks at all spatial planning levels;
- Making progress with the presentation of the Pan-European Ecological Network and continuing to establish inventories for species and habitats not sufficiently taken into account at present, particularly as regards marine and coastal ecosystems, in liaison with the Bern Convention Secretariat and specialist bodies;
- Raising the awareness of national and local players, including in the private sector, concerning the process; informing them about it and involving them in it, within the meaning of the Aarhus Convention,<sup>2</sup> in liaison with its bodies and in line with the conclusions of the work of the Committee on Environmental Policy of the UN Economic Commission for Europe;
- Taking greater account of landscape diversity in the Pan-European Ecological Network, in accordance with the European Landscape Convention (in particular Articles 5 and 6) and in liaison with its bodies;
- Reinforcing integration of sectoral and vertical policies in the Pan-European Ecological Network; ensuring practical implementation of the Guiding Principles for the Sustainable Spatial Development of the European Continent adopted by CEMAT;<sup>3</sup> and improving knowledge of the effects of such policies on biological and landscape diversity, in liaison with the appropriate bodies (Ministerial Conference on the Protection of Forests in Europe, CEMAT etc);
- Developing inter-regional cooperation on ecological networks, in accordance with the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, in liaison with other bodies such as the Congress of Local and Regional Authorities;
- Pursuing the cooperation processes between the PEBLDS Secretariat and that of the Convention on Biological Diversity, especially its programmes on forests and protected areas.

### **Landscape Protection, Management and Planning under the Landscape Convention**

By subscribing to the principles and objectives of the European Landscape Convention, the Contracting Parties undertake to adopt a series of national measures, both general and specific, to put in place ecological corridors,

considering the whole territory as a system comprising landscape structures. Accordingly, Parties are required to establish and implement landscape policies<sup>4</sup> aimed at landscape protection, management and planning,<sup>5</sup> and to integrate landscape into their regional and town planning policies and into their cultural, environmental, agricultural, social and economic policies, as well as into any other policies with possible direct or indirect impact on landscape.

In each area of landscape, the balance between these three types of activity will depend on the character of the area and the agreed objectives for its future landscape. Some areas may merit the strictest protection. At the other extreme there may be areas whose landscapes are severely damaged and need entirely reshaping.<sup>6</sup> 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, it should be remembered that the aim is not the preservation or “freezing” of 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.

Parties are required to implement particular measures, including the identification and assessment of landscapes and the setting of landscape quality objectives. They also undertake to implement, at national level, other measures concerning public participation, awareness raising, training and education.<sup>7</sup>

Committee of Ministers Recommendation CM/Rec(2008)3 to member States on the guidelines for the implementation of the European Landscape Convention, adopted on 6 February 2008, contains a series of theoretical, methodological and practical guidelines for the implementation of the European Landscape Convention. It is intended for parties to the Convention who wish to draw up and implement a national landscape policy based on the Convention. The following nine general principles are designed to provide guidance on some of the fundamental articles of the European Landscape Convention. They could also help in the establishment of ecological corridors:

A. Consider the territory as a whole

*The convention applies to the entire territory and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that may be considered outstanding as well as everyday and degraded landscapes.*

B. Recognise the fundamental role of knowledge

*The identification, description and assessment of landscapes constitute the preliminary phase of any landscape policy. This involves an analysis of morphological, archaeological, historical, cultural and natural characteristics and their interrelations, as well as an analysis of changes. The perception of landscape by the public should*

*also be analysed from the viewpoint of both its historical development and its recent significance.*

C. Promote awareness

*Active public involvement means that specialised knowledge should be accessible to all, that is, it should be easily available, structured and presented in a way understandable even by non-specialists.*

D. Define landscape strategies

*Each administrative level (national, regional and local) should draw up specific and/or sectoral landscape strategies within the limits of its competences. These are based on the resources and institutions which, when co-ordinated in terms of space and time, allow policy implementation to be programmed. The various strategies should be linked by landscape quality objectives.*

E. Integrate the landscape dimension in territorial policies

*The landscape dimension should be included in the preparation of all spatial management policies, both general and sectoral, in order to lead to higher-quality protection, management or planning proposals.*

F. Integrate landscape into sectoral policies

*Landscape should be fully taken into account via appropriate procedures allowing systematic inclusion of the landscape dimension in all policies that influence the quality of a territory. Integration concerns both the various administrative bodies and departments on the same level (horizontal integration) and the various administrative bodies belonging to different levels (vertical integration).*

G. Make use of public participation

*All action taken to define, implement and monitor landscape policies should be preceded and accompanied by procedures for participation by members of the public and other relevant stakeholders, with the aim of enabling them to play an active role in formulating, implementing and monitoring landscape quality objectives.*

H. Achieve landscape quality objectives

*Every planning action or project should comply with landscape quality objectives. It should in particular improve landscape quality, or at least not bring about a decline. The effects of projects, whatever their scale, on landscape should therefore be evaluated and rules and instruments corresponding to those effects defined. Each planning action or project should not only match, but also be appropriate to the features of the places.*

I. Develop mutual assistance and exchange of information

*Information exchange, the circulation of theoretical, methodological and empirical ideas between landscape specialists and learning from these experiences are of fundamental importance in ensuring the social and territorial relevance of the European Landscape Convention and in achieving its objectives.*

## Conclusion

Through these activities, the Council of Europe seeks to promote a comprehensive and consistent view of the

concept of “common heritage” by regarding natural and cultural values as resources for sustainable regional development able to improve the living environment of the populations concerned. The Action Plan adopted by the Heads of State and Government of the Council of Europe member States at their 3<sup>rd</sup> Summit (Warsaw, 2005) devotes a section to “promoting sustainable development” which states “We are committed to improving the quality of life for citizens. The Council of Europe shall therefore, on the basis of the existing instruments, further develop and support integrated policies in the fields of environment, landscape, spatial planning [...] in a sustainable development perspective”.

In this connection, two principles play a major role in application of the European Landscape Convention: integration and consistency.<sup>8</sup> The principle of integration means taking landscape into account in all types of territory and in all policy sectors and is a basic principle and requirement if landscape policy is not to be confined to landscapes which are already protected. The principle of consistency seeks to avoid any conflict between landscape policies and other sectoral policies or any conflict between the different levels of landscape policy. Applying this principle makes it possible to ensure that landscape policy objectives are consistent and that the protection, management and planning policies are satisfactorily coordinated. The focus is therefore on striking an appropriate balance between economic, social, cultural and environmental requirements.<sup>9</sup>

The Lisbon Declaration entitled “Networking for sustainable spatial development of the European continent: Bridges over Europe”, adopted at the 14<sup>th</sup> Session of the European Conference of Ministers responsible for spatial/regional planning in Lisbon, 27 October 2006, underlined the growing importance of networks, and especially ecological and cultural networks, in conjunction with the European Landscape Convention:

*Creating and benefiting from nature conservation areas, even if with diverse levels of protection and legal frameworks, is strategic for Europe's identity and sustainability. Strengthening pan-European ecological networks represents the building of green bridges which should be promoted not only in terms of conservation and biodiversity, but also of landscape character. Landscapes, in particular cultural ones, being a significant part of European natural and cultural heritage, contribute to the European identity and development potential. Their diversity and quality should provide the basis for a European landscape network in the framework of the European Landscape Convention.*<sup>10</sup>

## Notes

1 As at 10 February 2009: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom.

2 United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the “Environment for Europe” process. It entered into force on 30 October 2001.

3 Recommendation (2002)1 of the Committee of Ministers of the Council of Europe to member States on the Guiding Principles for Sustainable Spatial Development of the European Continent.

4 Landscape policy is defined as “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”. The convention defines each of these terms, representing the three dimensions of landscape policy.

5 The Convention defines the concepts of landscape protection, management and planning as follows:

- *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”. Protection therefore consists of measures to preserve the present character and quality of a landscape which is greatly valued on account of its distinctive natural or cultural configuration. Such protection must be active and involve upkeep 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 social, economic and environmental processes”. Management therefore consists of measures introduced, in accordance with the principle of sustainable development, to steer changes brought about by economic, social or environmental necessity. Such measures may be concerned with organisation of the landscape or its components. They will ensure regular upkeep of the landscape and that the landscape evolves harmoniously and in a way that meets economic and social needs. 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”. Planning therefore 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 areas most affected by change and in 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.

6 Restoration of habitats will be a priority where habitat fragmentation has seriously disrupted the functioning of ecosystems or has substantially reduced the opportunities for species populations of European importance to survive. It will also be important in areas that have a high potential biological diversity value but which have been physically disrupted or polluted. It may be appropriate as part of a restoration project to consider the reintroduction of species where this would benefit the functioning of the particular ecosystem or would restore the indigenous species communities.

7 This involves establishing procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of landscape policies, to increase awareness among civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them, and to promote 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 associations concerned, and school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.

8 For the compilation of reports, see Council of Europe. (2006). *Landscape and sustainable development: challenges of the European Landscape Convention*. Strasbourg: Council of Europe Publishing.

9 See Jaffaux, H. 2006. “Un réseau écologique pour l'Europe” (available in French only) in the proceedings of the CEMAT International Seminar “Networking for sustainable spatial development of the European continent”, Moscow, Russian Federation, 26 September 2005, organised in cooperation with the authorities of the Russian Federation, Council of Europe “European Spatial Planning and Landscape” Series, No. 79; Déjeant-Pons, M. and Pallemarts, M. (2002). *Humans Rights and the Environment*. Strasbourg: Council of Europe Publishing.

10 For further information see: [http://www.coe.int/t/dg4/cultureheritage/Conventions/Landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/Conventions/Landscape/default_en.asp) (English) or [http://www.coe.int/t/dg4/cultureheritage/conventions/landscape/default\\_FR.asp](http://www.coe.int/t/dg4/cultureheritage/conventions/landscape/default_FR.asp)? (French); <http://www.coe.int/CEMAT> (English) or <http://www.coe.int/CEMAT/fr> (French); <http://www.coe.int/naturopa> (English) or <http://www.coe.int/naturopa/fr> (French).

