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# The issues of Mountain landscapes :

## « Mountain regions must not become museums or amusement parks »<sup>1</sup>

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*Le paysage, support de vie, concerne chaque habitant qui en est l'héritier, l'auteur,  
l'utilisateur et bien sûr, l'observateur admiratif ou consterné.*

J. R. Pitte<sup>2</sup> Histoire du paysage français.

Landscape, according to the European Landscape Convention means « an area, as perceived by people, whose character is the result of the action and interaction of natural and /or human factors »<sup>3</sup>. The industrial era not only had tremendous impacts on climate change, it gave human beings technological means to rashly adapt local environment to their needs.

As a consequence, protecting landscape has become a major issue. It forms part of human beings quality of life on a day to day basis, but also in their search for a change of scenery ( « *dépaysement* » in French). It thus became a touristic product leading to the alteration of natural landscapes people were looking for.

This phenomena can unfortunately be seen with all kinds of tourism, whether on the coast, in cities, in rural areas or in the mountains. I will not discuss here the particular beauty of mountain landscape as a space for contemplation, giving a sense of freedom and a feeling of fullness. However, as the Council of Europe stated : « *given the vulnerability of the mountain environment, it seems likely that their [tourists] impact is more pronounced here than elsewhere*<sup>4</sup> ».

Mountain special characteristics have been recognized about sixty years ago by international institutions, through different issues . Depopulation, agriculture, environment, climate change. Each time the issue of landscape was covered (I). As a result recurring actions are recommended : land-use planning and mountain range level cooperation (II).

French policies regarding mountains followed the same path.

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1 Resolution ((76) 34) of 21 May 1976 of the Committee of Ministers of the Council of Europe on the Ecological Charter for Mountain Regions in Europe.

2 Jean-Robert Pitte, *Histoire du paysage français*, t.1 : *Le sacré : de la Préhistoire au XVe siècle*, Textio 2012.

3 European Landscape Convention, ETS n° 176, Council of Europe, open for signature at Florence on 20 October 2000, article 1a.

4 Recommendation 1433 (1999) of 4 November 1999 of the Parliamentary Assembly of the Council of Europe on a Quality Label for Mountain Resorts in Europe.

# I. Landscape protection : an initial shared concern in Mountain policies

If we analyze Mountain lex database<sup>5</sup> designed by the Permanent Secretariat of the Alpine Convention, the Council of Europe was a pioneer institution for a global mountain policy. Starting in the seventies, its recommendations first focused on the Alps (with a certain ambiguity on the term) until 1991 with the signature of the Alpine convention. After the failure to adopt a European charter for mountain Regions, it supported and encouraged the drafting of other mountain range conventions and international cooperation.

The United Nations Organization then stepped in to focus on the particular vulnerability of mountains areas.

## I.A) From landscape as part of agriculture to landscape as part of the environment (1970's to 1990's)

Concerns for mountain areas were tackled first at European level by the Parliamentary Assembly of Council of Europe in 1968 with recommendation 517<sup>6</sup> on Farming in Mountain Areas, which after acknowledging that « *mountain areas represent an important actual and potential value of economic and social significance for the European region as a whole and that the mountain population fulfills an important task in maintaining certain basic requirements for the future development of these areas* » expressed its concerns about « *the rapid depopulation in certain mountain areas and the ensuing deterioration of general, cultural and social amenities, which, in turn, tends to accelerate the depopulation trend* ».

On 27 February 1974, the Committee of Ministers of the Council of Europe<sup>7</sup> outlined that hill farming and forestry had a unique contribution to make towards ensuring protection of the landscape and the natural resources and common heritage, and supported the idea of the Parliamentary Assembly that the part played by hill farming and forestry in protecting the landscape, natural resources and public heritage should be remunerated.

It also encouraged the development of rural tourist resorts « *more in harmony with the mountain environment and landscape* » after noting that the size of large tourist resorts « *takes them beyond the range of local enterprise* ». It finally expressed the necessity of control by local authorities « *of second residences and other urban activities* » in the mountains areas<sup>8</sup>.

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5 <http://mountainlex.alpconv.org/index.php/international>

6 Recommendation 517 (1968) of 1<sup>st</sup> February 1968 of the Parliamentary Assembly of the Council of Europe on Farming in Mountain Areas.

7 Resolution ((74) 7) of 27 February 1974 of the Committee of Ministers of the Council of Europe on the Economic and Social Problems of Mountain Regions

8 Resolution ((79) 4) of 7 February 1979 of the Committee of Ministers of the Council of Europe concerning principles of a strategy for tourism development in mountain regions further added « certain forms of land use, such as the proliferation of second homes or permanent camp and caravan sites, take up a great deal of space ; the investment and running costs involved for the general infrastructure and public services, moreover, are out of

These concerns are more strongly expressed in 1975<sup>9</sup>, when the Committee of Ministers considered the « *critical state of many of the Alpine regions in Europe and the extreme gravity of aesthetic and biological destruction due, in particular, to the random promotion of building plans and tourist facilities and the abandonment of agriculture*» with a hint of sustainable development as it insists that regional planning authorities should bear in mind « *not only the immediate needs of modern society, but also the function of landscapes, flora, fauna which are scientific, aesthetic or cultural importance to mankind* ».

After the adoption on 28 April 1975 by the Council of the European Community of the Directive on Mountain and Hill Farming and Farming in less Favored Areas (75/268/CEE<sup>10</sup>), which officially recognized mountain areas in a legally binding instrument, landscape became associated with a new emerging issue : biodiversity.

Indeed, on 5 June 1992, the Convention on Biological Diversity (CBD), was signed. Article 20§7 states “*Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as (...) mountainous areas*”.

The same shift occurred in France from the first report on mountain areas in 1974 entitled « *pour que la montagne vive*<sup>11</sup> », which stressed the need for agriculture measures to contain the depopulation of mountain areas, to the speech of Vallouise in 1977<sup>12</sup>, when Valéry Giscard d’Estaing promoted « *une montagne vivante, active et protégée*<sup>13</sup> » and a tourism more respectful of sensitive areas and landscapes. Later that year, Decree n° 77-1281 of 22 November 1977 approved the national development plan directive on the protection and improvement of the Mountain<sup>14</sup>.

This Directive was taken, as a reaction to the excesses of ski resort development in natural areas. Following this Directive, the French Mountain Act attempts to settle an integrated approach in the mountain policy and find a balance between conservation and development, paving the way for the Alpine Convention in 1991.

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proportion to their real economic impact.

9 Resolution ((75) 9) of 15 April 1975 of the Committee of Ministers of the Council of Europe on endangered Alpine regions

10 The compensation allowance is however given to farmers « *due to the limitation of the possibilities for using the land and an appreciable increase in the cost of working* » and not for their contribution to the landscape. Article 3 notes however that the protection of hill farming is necessary to « *protect the countryside particularly for reasons of protection against erosion and in order to meet leisure needs* ». Nowadays, a EU agri-environment measures provide payments to farmers who subscribe, on a voluntary basis, to environmental commitments related to the preservation of the environment and maintaining the countryside, which includes preservation of landscape and historical features such as hedgerows, ditches and woods.

11 L’Aménagement du territoire en montagne : pour que la montagne vive : rapport au gouvernement, Sept. 1975, Jean Brocard, la Documentation française, 1975.

12 <http://discours.vie-publique.fr/notices/777010300.html>

13 A living, active, and protected mountain.

14 Décret n° 77-1281 du 22 novembre 1977 approuvant la directive d’aménagement national relative à la protection et à l’amélioration de la montagne JO of 24 November 1977 page 5513.

## I.B) From landscape as part of nature to the emergency of mitigating climate change (1990's to 2010's)

In 1991, after a long process, eight states of the EU decided to create a legal framework for protecting the alps, whose territory they shared. Nine years later eight thematic protocols have been signed (on nature protection and landscape conservation, mountain farming, spatial planning and sustainable development, mountain forests, tourism, energy, soil conservation and transport) out of the twelve identified in the framework convention<sup>15</sup>. The missing thematic protocols are population and culture, water, air and waste, the first having been subject of a non binding declaration. A declaration on Climate Change was also made<sup>16</sup>.

Landscape is treated in broader terms in the Alpine convention, as it refers to « *cultural and natural heritage* ». Although a protocol is dedicated on « *nature protection and landscape* », the issue of landscape appears in all the protocols and declarations. It has therefore been a forerunner to the European Landscape Convention whose article 5 requires member states « *to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.* »

The same can be said of the Framework Convention on the Protection and Sustainable Development in the Carpathians, which was quickly adopted, in 2003, thanks to its predecessor, the Alpine convention, and the support of the United Nations Environment Programme (UNEP)<sup>17</sup>. The seven Carpathians countries<sup>18</sup> adopted and signed five protocols on the use of biological and landscape diversity, forest management, tourism, transport, agriculture and rural development. Articles 8 and/or 9 of each protocols stressed the need to protect landscapes.

After 1992 and the in 2000's, international organization focused on climate change and it's effects on biodiversity. Mountain natural landscapes are dramatically changing with the retreat of glaciers<sup>19</sup>. These landscapes cannot be protected anymore. Only actions to minimize the negative effects of climate change can be undertaken.

The Rio conference with the Agenda 21 and the Framework Convention on Climate Change (UNFCCC)<sup>20</sup> of 9 May 1992 indeed acknowledged that « *mountains are highly vulnerable to*

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15 For an overview of the Alpine convention and its implementation in French law, see Ph. Yolka, *La convention alpine, un nouveau droit pour la montagne ?* CIPRA France, 2008

16 The member states of the Alpine Convention are :Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia and Switzerland. The European Union is also signatory to the convention.

17 Pier Carlo Sandei, *The Carpathian Convention : Specificity of the Methods to Respond to Mountain Challenges*, in *Environmental Protection and Mountains : Is Environmental Law adapted to the Challenges faced by Mountain Areas*, Permanent Secretariat of the Alpine Convention, 2011.

18 Czech Republic Hungary Poland, Romania Slovakia, Serbia and Ukraine.

19 One of UNESCO's report on climate change is entitled « *Case Studies on Climate Change and World Heritage* » in 2007, with 26 examples of sites threaten by climate change including Kilimanjaro (Tanzania), Huascarán National Park (Peru), Greater Blue Mountains (Australia), Sapamatha National Park (Nepal), Jungfrau-Aletsch-Bietschhorn (Switzerland).

*human and ecological imbalance. Mountains are most sensitive to all climatic changes in the atmosphere»<sup>21</sup>.*

Paragraph 42 of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg plan of implementation"), of 4 September 2002 added that « *Mountain ecosystems support particular livelihoods and include significant watershed resources, biological diversity and unique flora and fauna. Many are particularly fragile and vulnerable to the adverse effects of climate change and need specific protection* ».

In 2007, the United Nations is getting more alarming stating that « *Recognizing that mountains provide indications of global climate change through phenomena such as modifications of biological diversity, the retreat of mountain glaciers and changes in seasonal runoff that may impact major sources of freshwater in the world, and stressing the need to undertake actions to minimize the negative effects of these phenomena* ».

As for urban landscapes, globalisation is at stake because of its standardizing trends leading to the use of a standard architecture. Moreover, resorts that want to stand out from the competition, build new tourism facilities, which are quickly imitated by other resorts leading to a growing standardization of the products offering.

In this new context, France felt the need to reaffirm the specificities of mountain areas and introduced climate change as a new issue with the Act n° 2016-1888 of 28 December 2016 on Modernization, Development and Protection of Mountain territories<sup>22</sup>.

Though promising (tourism facilities must take into account the vulnerability of Mountain areas to climate change<sup>23</sup>), the actions undertaken are however timid and aim more at the adaptation than at the mitigation to climate change<sup>24 25</sup>.

## **II. The protection of mountain landscapes through international cooperation and a planning policy**

Resolution (76) 34 and 79 (4) of the Committee of Ministers of the Council of Europe set down the principles to preserve mountain environment and landscape which are now shared at European Union level : planning policy with an integrated approach and the consultation of the local communities (II. B.) and international cooperation embracing the whole mountain range (II. A.).

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20 Framework Convention on Climate Change (UNFCCC), 9 May 1992, whose preamble states “*Recognizing further that (...) developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change*”

21 Agenda 21, chapter 13.

22 Act n° 2016-1888 of 28 Dec. 2016 on Modernization, Development and Protection of Mountain Areas, JORF n°0302 of 29 Dec. 2016.

23 Article L122-15 of the Code de l’urbanisme.

24 The Act requires to dismantle ski lift no longer in use and to diversify the tourism activities. But no carbon footprint is considered.

25 J.-F. Joye, Tourism development and adaptation to climate change through legal constraint, WHATT-12-2017-0074.

## II.A) Cooperation at Mountain range level

One of the great success of the Alpine convention and the building of Europe, is that mountains, which were formerly seen as division lines, became a link between States and populations.

Although only one mountain convention (the Carpathian Convention) followed the Alpine Convention, there have been many efforts to develop international cooperation with the Altai declaration on 7 September 2007<sup>26</sup>, the Himalayan initiative in 2005 with a Framework Agreement on Conservation and Wise Use of Himalayan Mountain Wetlands, and the Draft Framework Agreement for the Hindu Kush-Himalayan Region<sup>27</sup>, the Andean Initiative<sup>28</sup> in 2007 with its « Plan de Acción para el Desarrollo Sostenible de la Montañas Andinas », the resolution on the Sustainable Development of the Dinaric Arc Region<sup>29</sup> in 2011<sup>30</sup>

The reference to « Landscape » is not always clear in these documents : they refer to UNESCO World heritage sites or cultural heritage. The Himalayan Mountains are called the « sacred heritage of humankind ». Indeed all these initiatives tend to protect only outstanding sceneries (unless we consider that mountain landscapes as such are all outstanding), whereas the European convention on landscape tend to protect all kind of landscapes.

The most active cooperation these days probably is the EU Strategy for the Alpine Region (EUSALP<sup>31</sup>) which aims at improving cross-border cooperation in the Alpine States as well as identifying common goals and implementing them more effectively through transnational collaboration. Action Group 6 deals with the preservation and sustainable valorization of the Alpine natural and cultural heritage.

France also tried to take actions at Mountain range level, firstly as being part of the Alpine convention, and secondly for the mountain within its borders. Each Mountain range has its own institution called the « Comité de massif » whose members are mostly representatives of the regional and local authorities. Four members of parliament also have a seat. Consular establishments, national and regional parks, socio-occupational organizations and associations are also represented<sup>32</sup>.

Several instruments are available to protect mountain landscape at mountain range level such as :

- the « Directives Territoriales d'Aménagement<sup>33</sup> » which can set objectives for the protection of landscapes and specify how the provisions of the Mountain Act can be applied,

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26 Gathering China, Kazakhstan, Mongolia and Russia.

27 Gathering Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan.

28 Gathering Argentina, Bolivia, Peru, Ecuador, Chile, Colombia and Venezuela.

29 Gathering Albania, Croatia, Macedonia, Kosovo, Montenegro and Slovenia. Serbia and Bosnia-Herzegovina have not signed the resolution.

30 I only mentioned here initiatives at state level. There is also trans-border cooperation between local authorities which may include considerations on landscapes. For other regional cooperation in mountain areas, see : Sophie Domaine, La convention alpine : un instrument pour le développement durable d'une région transfrontalière de montagne. Università degli Studi di Torino, 2013

31 EUSALP concerns 7 Countries, of which 5 EU Member States (Austria, France, Germany, Italy and Slovenia) and 2 non-EU countries (Liechtenstein and Switzerland), and 48 Regions.

32 Article 7 of the Act n° 85-30 of 9 January 1985 on the Development and the Protection of Mountain

33 Former article L111-1-1 of the Code de l'urbanisme.

- or the « Prescriptions particulières de massifs<sup>34</sup> » which can adjust the thresholds and criteria of impact studies to the vulnerability of the natural environment and « *Identify areas, landscapes and the most remarkable environments of the natural and cultural heritage, in particular canyons, caves, glaciers, lakes, peat lands, wetlands, areas to practice mountaineering, climbing and canoe-kayaking as well as waterways and their immediate surroundings [...] and define the requirements for their conservation* »,
- the banning of advertising in the core of the national parks.

These two instruments include both elements of landscape protection, i.e. identification of landscapes and requirements for their preservation. Unfortunately, the first instrument, was used only once in a mountain area at a lower scale than the Mountain range<sup>35</sup>. Moreover, the Directives Territoriales d'Aménagement lost their binding forces in 2010. As for the second instrument, although it has been promoted in many parliamentary reports, it was never used.

Fortunately, there are other instruments to take landscape into account at land-use planning or project stages.

## II.B) Land-use planning

Close to the French « Prescriptions particulières de massif », recommendation n° 25 on the Conservation of Natural Areas outside Protected Areas Proper, adopted by the Standing Committee of the convention of the Conservation of European Wildlife and Natural Habitats on 6 December 1991 set examples of conservation measures with a special regime for ecologically sensitive areas. For Mountains, it suggests to :

*« b) designate areas where the building of roads, except access tracks to pastures and forests, and the construction of buildings and other structures are prohibited;*

*c) include in land-use planning zones enjoying the highest level of protection the landscape features and habitats typical of mountain ecosystems, such as glaciers, névés, moraines, rock faces, scree, high-altitude lakes, torrents, peat bogs and dry grasslands;*

*d) regulate off-piste skiing, the spreading of artificial snow, the use of cross- country vehicles and any other activities liable to harm mountain ecosystems ».*

The Protocol on Transports of the Alpine Convention went further as it requires the contracting parties to « refrain from constructing any new, large-capacity roads for transalpine transport » to protect the landscapes of the Alpine region and prevent the increase of pollution and noise.

The first objective of chapter 13 of the agenda 21 « managing fragile ecosystems : sustainable mountain development » is also to develop appropriate land-use planning by the year 2000.

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<sup>34</sup> Article L122-26 of the Code de l'urbanisme.

<sup>35</sup> Directive territoriale d'Aménagement des Alpes-Maritimes approved by Décret n°2003-1169 of 2<sup>nd</sup> December 2003.



The draft European Charter for Mountain Regions of 1995 also promoted the implementation of a regional/spatial planning policy for mountain regions through targeted and multidisciplinary sectoral policies. As for tourism, its policy aims at *«ensuring a balance between the development of tourism and the capacity of existing infrastructures and services, while maintaining the quality of the landscape and the environment and preserving traditional architecture and materials »* and *« turn to account the advantages of mountain areas in terms of their environment, landscapes, architectural and cultural heritage, products and traditions »*<sup>36</sup>.

The Carpathian and Alpine Convention also promote policies of spatial planning. Both include an integrated approach (i.e. taking account of the objectives in other policies) in similar terms :

*“The Parties shall take appropriate measures to integrate the objective of conservation and sustainable use of biological and landscape diversity into sectoral policies, such as mountain agriculture, mountain forestry, river basin management, tourism, transport and energy, industry and mining activities”* for the Carpathian Convention, *“The Contracting Parties undertake to also consider the objectives of this Protocol in their other policies, particularly in the area of regional development, urban planning, transport, tourism, farming and forestry, protection of the environment, and as regards supplies, especially of water and energy, also with the aim to reduce any negative or contradictory impacts”* for the Alpine convention.

Concerning landscapes, the Alpine protocol on Nature protection and landscape conservation<sup>37</sup> and the Carpathian Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity<sup>38</sup> require that landscape planning be aligned with the territorial planning and that an assessment of the direct and indirect effects on the natural balance and the landscape structure be made for projects that could significantly and lastingly undermine nature and landscape.

This was implemented through the European Union through Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

In November 2009, pursuant to its obligation under the Alpine Convention, France submitted a report to the Compliance Committee on the implementation of the convention and its protocols. Concerning the Protocol on Nature Protection and Landscape Conservation, France explained that there are several legal instruments in national law to coordinate town planning and landscape management. It admitted nevertheless that at local level, when important economic interests are at stake, development prevails on landscape management. It is the case in particular for the development of ski facilities<sup>39</sup>.

As a matter of fact, landscapes have been increasingly taken into account in French laws<sup>40</sup> on town planning and environment, with pioneer provisions concerning Mountain areas.

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36 Recommendation 1274 (1995) of 27 June 1995 of the Parliamentary Assembly of the Council of Europe on the draft European charter of mountain regions

37 Articles 8 and 9.

38 Article 5 and article 22.

39 France Verification report on the compliance of the Alpine Convention and its Protocols November 2009.

In particular new constructions (except tourism facilities) shall be built within existing built areas, lakes shores are protected, traditional high pasture chalets are identified as part of the cultural heritage, new roads above the treeline are forbidden, and all decisions and instruments concerning land-use (and in particular tourism facilities) must include provisions to preserve areas, landscapes and characteristic sites of the natural and cultural heritage.

However, over the years these provisions have been modified so as to allow more and more projects whereas general law was improved to better take landscapes into account. The Landscape Act <sup>41</sup> in 1993 created the “directives de protection et de mise en valeur du paysage” and brought on landscapes measures in spatial planning and land-use authorizations. These provisions applying to the whole country have been successfully used in mountain areas to preserve its landscapes, with the Saleve Landscape Directive<sup>42</sup> and Alpilles landscape Directive<sup>43</sup> for instance. The remarkable heritage sites recently created by the Act n° 2016-925 of 7 July 2016 on Creative Freedom, Architecture and Heritage will undoubtedly apply to remarkable mountain villages.

Other general law instruments, such as the “atlas of landscapes”<sup>44</sup> or “landscapes plans” or schemes for territorial coherence will facilitate the application of the Mountain Act provisions such as article L122-9 of the Code de l’urbanisme which requires land-use plans and permits to include provisions to protect the characteristic areas, landscapes and habitats of the natural and cultural mountain heritage. As a matter of fact, up to now when article L. 122-9 was raised in court, the administrative judge tended to only take into account the “registered” landscapes on the French or Unesco Heritage. With a growing identification of outstanding landscapes, it is clear that his/her task to decide which areas deserves special attention will be easier. Let us hope he/she will also quickly shift to a landscape policy which includes daily scenarios. <sup>45</sup>

Furthermore, when provisions of the Mountain Act are set aside, which is possible the location of a public service is an absolute necessity<sup>46</sup>, the provisions of the general law still allows authorities to impose requirements in the permit if the project may adversely affects the landscape<sup>47</sup>.

## **Conclusion :**

Mountain landscapes are protected by legally binding instruments through environmental laws or common laws on landscape conservation such as the Florence Convention<sup>48</sup>.

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40 The latest Act being the Loi n°2016-1087 of 8 August 2016 on the Restoration of Biodiversity, Nature and Landscapes, JORF n°0184 of 9 August 2016

41 Act n° 93-24 of 8 Jan. 1993 on the protection and enhancement of landscapes and amending legal measures on public inquiries.

42 Decree n° 2008-189 of 27 Feb. 2008 approving the directive protecting and enhancing Mont-Salève Landscapes.

43 Decree n° 2007-21 of 4 Jan. 2007 approving the directive protecting and enhancing Alpilles Landscapes.

44 Art. L. 350-1 B of the Code de l’environnement.

45 Démarches paysagères en Europe : éléments de parangonnage pour les politiques publiques françaises, Rapport n° 010731-01 of the CGEDD, Dec. 2017. p.61 *“La France a depuis longtemps développé la protection de ses paysages les plus prestigieux. Elle ne fait en revanche qu’amorcer sa mutation vers une politique paysagère plus orientée vers les espaces du quotidien, le projet et la participation citoyenne”*.

46 For instance CAA Bordeaux of 11 Jan. 1996 n° 95BX00203.

47 Article R 111-27 of the Code de l’urbanisme.

48 European Landscape Convention, ETS n° 176, Council of Europe, open for signature at Florence on 20 October 2000

However, on 22 December 2011 the General Assembly of the United Nations acknowledged that *« despite the progress that has been made in promoting sustainable development of mountain regions, poverty, food insecurity, social exclusion and environmental degradation are still high »*<sup>49</sup>.

Although landscapes are a consensual topic and as such, often is the basis for discussions about town planning between local authorities, their preservation does not offer much counterweight to economic interests. Furthermore, if landscapes are still mostly linked to the sense of sight, one of its aspects must not be forgotten : the sound and especially its negative impacts : the noise. One can sit in the most beautiful surroundings and not be able to enjoy the view if there is big noise around.

In France, the report of the Ministry of ecology aforementioned<sup>50</sup> recommends that all sector policies enunciate the landscape objectives of their action. In this sense the Alpine Convention and the Carpathian convention are forerunners as landscape is part of all protocols.

The Council of Europe lately outlined the importance of landscapes as part of the quality of life<sup>51</sup>. It recommends that the governments of States Parties to the European Landscape Convention:

- « f. apply the principles of human rights and democracy in landscape policies;*
- g. guarantee the right to participation by the general public, local and regional authorities, and other relevant parties including non-governmental organizations, with an interest in the definition, implementation and monitoring of landscape policies;*
- h. include the “landscape”, as defined by the Convention, in indicators of sustainable development relating to environmental, social, cultural and economic issues;*
- i. implement the principle of non-regression in order to ensure that landscape policies can only be subject to continuous improvement ».*

Hopefully, one day, all citizens with no discrimination, will have a universal and inalienable right to a preserved landscape. They will thus be able to claim the horizontal effect of their right to an improving quality of life. And that will be a tremendous innovation.

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49 Resolution (A/RES/66/205) of 22 December 2011 of the General Assembly of the United Nations on Sustainable Mountain Development

50 Démarches paysagères en Europe : éléments de parangonnage pour les politiques publiques françaises. Rapport n° 010731-01 of the CGEDD, Dec. 2017.

51 Recommendation CM/Rec(2017)7 of 27 September 2017 of the Committee of Ministers to member States on the contribution of the European Landscape Convention to the exercise of human rights and democracy with a view to sustainable development.