



ALPINE CONVENTION

Permanent Secretariat of the Alpine Convention

The "Price" of Landscape

Who cares about Landscape in the Alps?

Edited by Liliana Dagostin



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Wege ins Freie.



IMPRINT**Editor:**

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Cover photo:OeAV, FA Raumplanung-Naturschutz
Montage/Fotomontaggio: Sterndruck Fügen

This photomontage is a realistic representation of measures planned in connection with the wind farm 'Sattelberg', according to the best of our knowledge (OeAV). The montage therefore makes no claims as to the exact location or size of the planned installations.

Bei der vorliegenden Montage handelt es sich um eine realitätsnahe Darstellung uns (OeAV) bekannter Maßnahmen, die im Zusammenhang mit dem Windpark „Sattelberg“ geplant sind. Die Montage legt jedoch keinen Anspruch auf eine exakte lage- bzw. größengetreue Abbildung der geplanten Eingriffe.

Il presente fotomontaggio costituisce una rappresentazione approssimata delle misure che, in base ai dati in nostro possesso (OeAV), sono previste nel quadro della realizzazione del parco eolico "Sattelberg". Il fotomontaggio non pretende di rappresentare con precisione né il luogo esatto né le dimensioni degli interventi previsti.

Graphics:

De Poli & Cometto - Belluno - Italy

Printing:

Nero su Bianco - Belluno - Italy

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ISBN: 9788897500056

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- p. 4 Saluti / Begrüßungsworte / Welcome speeches
Marco ONIDA, Robert RENZLER, Umberto MARTINI
- p. 10 Preface / Einleitung / Prefazione
Liliana DAGOSTIN
- p. 20 **The European Landscape Convention**
Maguelonne DÉJEANT-PONS
- p. 32 **Landschaftsschutz und Bürgerbeteiligung im EU-Recht**
Landscape conservation and civic participation in the EU law
Ludwig KRÄMER
- p. 42 **La Convezione delle Alpi e il paesaggio**
The Alpine Convention and landscape
Marcella MORANDINI and Marco ONIDA
- p. 58 **I nuovi paesaggi dell'alta montagna alpina**
The new landscapes of Alpine high mountains
Claudio SMIRAGLIA
- p. 68 **Der ästhetische Wert alpiner Landschaften**
The aesthetic value of Alpine landscapes
Sigbert RICCABONA
- p. 82 **Wem gehört die Landschaft?**
Who does the landscape belong to?
Raimund RODEWALD
- p. 96 **Landschaftsschutz als ein Kriterium für die Bewertung von Projekten**
Landscape protection as a criterion for the assessment of projects
Johanna EBNER
- p. 100 List of contributors

Saluti / Begrüßungsworte



IT

Marco ONIDA*Segretario generale della Convenzione delle Alpi*

È con grande piacere che vi do il benvenuto, in nome della Convenzione delle Alpi, a questo evento dedicato a " Il prezzo del paesaggio - chi pensa al paesaggio nelle Alpi?".

Le Alpi rappresentano uno dei più importanti ecosistemi d'Europa, un serbatoio di biodiversità e di riserve idriche che serve la popolazione e l'economia anche di vaste aree situate al di fuori dalle Alpi, comprese grandi metropoli. Allo stesso tempo le Alpi sono un luogo in cui vivono e lavorano circa 14 milioni di persone e in cui si recano ogni anno circa 100 milioni di turisti per trascorrere le vacanze. Secoli di coesistenza fra uomo e natura hanno plasmato il paesaggio, in molti casi positivamente. Si pensi, ad esempio, al ruolo dell'agricoltura di montagna. In altri casi, invece, in modo negativo, specialmente a causa della realizzazione non coordinata di infrastrutture di trasporto, energia e turismo nel corso dell'ultimo secolo. Quello che ci resta è un territorio vulnerabile, nel quale lo spazio per nuove costruzioni è limitato e l'effetto marginale di nuove installazioni è, a causa dell'attuale livello di utilizzo del suolo, sempre significativo. Pochissimi corsi d'acqua sono tuttora allo stato naturale e la natura "perde terreno".

Tutto ciò obbliga ad una cooperazione ancora più intensa in materia di pianificazione fra Stati, Regioni e Comuni, per far sì che i nuovi investimenti siano concepiti per convivere in armonia con il paesaggio e nella misura del possibile non siano realizzati a spese del paesaggio stesso. Nel settore energetico la corsa alle fonti rinnovabili al fine di rimpiazzare la produzione da fonti fossili non deve tradursi in una corsa all'autarchia energetica a livello provinciale o locale. Le nuove installazioni, che si tratti di idroelettrico, eolico o di impianti turistici, devono essere concepite con un occhio all'equilibrio naturale del territorio nel suo insieme ed essere realizzate laddove ciò abbia un senso tenendo conto dell'insieme del territorio alpino, comprese le aree circostanti. Ciò può anche implicare l'importazione di energia prodotta in aree meno vulnerabili, come le pianure.

Il risparmio energetico derivante dall'isolazione degli edifici può ridurre enormemente la necessità di nuovi impianti di produzione. Una migliore distribuzione del turismo sulle Alpi e nell'arco delle stagioni ridurrebbe la necessità di nuove costruzioni, hotel e seconde case. Il coordinamento dell'intermodalità nel trasporto ridurrebbe il fabbisogno di nuove strade. La concorrenza infrastrutturale senza controllo non può che essere deleteria per il territorio ed il paesaggio. Auspichiamo che questa conferenza possa contribuire a fare crescere la coscienza rispetto al fatto che il paesaggio non è una risorsa rinnovabile.

Welcome speeches

EN

Marco ONIDA*Secretary General of the Alpine Convention*

On behalf of the Alpine Convention it gives me great pleasure to welcome you to this event dedicated to the "price" of landscape and entitled "who cares about landscape in the Alps?".

The Alps are one of the most important eco-systems of Europe, a reservoir of biodiversity and water which serves the population and the economy of large areas outside the Alps, including large metropolises. At the same time the Alps are a place where 14 million people live and work and where about 100 million tourists spend their holidays every year. The co-existence of men and nature over the centuries has affected the landscape, in many cases positively (such as its shaping by centuries of mountain agriculture) in other cases negatively (with the uncoordinated building of transport, energy and tourism infrastructures in the last century). We are now left with an even more vulnerable territory, where available space for new construction is very limited, where the marginal effect of new installations is - due to the level of exploitation of the land - always significant. Very few river systems remain in their natural state. Nature is generally on the retreat. This requires yet more intense cooperation on land planning among States, regions and municipalities so that new investments are conceived to be in harmony with the landscape and are, to the extent possible, not made at the expenses of landscape. In the energy field, the rush to renewable sources in order to replace fossil fuel-based energy production must not turn into a rush to energy autarchy at local or provincial level.

When new installations are being planned, be they hydropower stations, wind farms or tourism infrastructure, planners need to have an eye to the natural well-being of the Alps as a whole; limits should be applied where appropriate and consideration given to importing energy into the Alpine region from installations built in less sensitive areas in the plains.

Energy saving by improving the insulation of buildings can considerably reduce the need for new energy production installations. A better spreading of the tourist footprint over the Alps and throughout the year would reduce the need to build new hotels and homes. Coordinating inter-modal transport can reduce the need for new roads. Uncontrolled competition among territories can only be at the expenses of nature and landscape. We hope that this event will contribute to the awareness that landscape is not a renewable resource.

**Robert RENZLER***Generalsekretär des Oesterreichischen Alpenvereins***Wege ins Freie.**

Sehr geehrte Damen und Herren,

ein herzliches Grüß Gott Ihnen allen. Der Oesterreichische Alpenverein freut sich als Mitveranstalter, dass es gelungen ist, ein so hochkarätig besetztes Expertengremium für die Vorträge zu gewinnen und dass so viele interessierte Menschen den Weg in die EURAC gefunden haben. Unser großer Dank gilt dem Generalsekretär der Alpenkonvention Marco Onida, der mit seiner Mitarbeiterin Marcella Macaluso und Liliana Dagostin vom Oesterreichischen Alpenverein für Idee und Durchführung verantwortlich zeichnet. Danke, mille grazie!

Das Thema „Der Preis der Landschaft- wer kümmert sich darum?“ ist zweifellos ein ungemein wichtiges in einer Zeit, die anscheinend, etwas überzeichnet ausgedrückt, den Preis von allem, aber den Wert von nichts mehr kennt. Es hat den Anschein, dass unsere postmoderne Gesellschaft unter dem Diktat eines sich selbst genügenden Wachstums dabei ist, in eine dramatische Krise zu geraten. Wir leben auf Pump, nicht nur in finanzieller Hinsicht getrieben vom Vabanque - Spiel der deregulierten Finanzmärkte, sondern seit weit über einem Jahrzehnt auch in Bezug auf das Ökosystem Erde und deren Biokapazität. Unser Landschafts-, Energie- und Rohstoffhunger sättigt sich an den Lebensgrundlagen unserer Kinder. Klimawandel, Verlust an Biodiversität, Trinkwasser - und Nahrungsmittelknappheit sind mit Folgen eines massiv aus dem Gleichgewicht geratenen Verhältnisses von Markt und Staat.

In diesem Rahmen bewegt sich eine Diskussion um den Wert von Naturlandschaft und naturnaher Kulturlandschaft. Diese kann keinesfalls mit simpler Schwarz- Weiß- Malerei und Plattitüden wie „Lieber ein Gletscher mit Windrad als kein Gletscher“ (Zitat ehemaliger Umweltminister Jürgen Trittin) oder „Wer gegen Atomkraft ist, muss für Windenergie sein“ (Fa. Leitwind) ausgetragen werden, sondern muss in einer sorgfältigen Abwägung aus raumordnerischer Sicht erfolgen. Naturnahe Landschaft ist als Lebensraum für Flora und Fauna, als Erholungsraum für die Bevölkerung, als unverzichtbare Grundlage für einen nachhaltigen Tourismus und nicht zuletzt auf Grund einer rasant fortschreitenden Verknappung als hohes Gut zu sehen, das keinesfalls leichtfertig der Industrialisierung geopfert werden darf. Zu befürchten ist anhand der derzeitigen Faktenlage, dass die Politik die nötige Interessensabwägung im Sinne der aus den Fugen geratenen Machtverhältnisse an der Oberfläche führt und vor allem eines nicht beherzigt, dass nach Konzepten führender Wissenschaftler der Schlüssel zu einer nachhaltigen Wende zuallererst im Bereich der Energieeffizienz und der Vervielfachung einer umfassend gesehenen Ressourcenproduktivität liegt.

**Robert RENZLER***Secretary General of the Oesterreichischer Alpenverein*

Ladies and Gentlemen,

a warm welcome to you all. The Oesterreichischer Alpenverein, as co-organizer, is glad to have gathered a panel with such prestigious experts for the conference presentations, and that so many interested people have come here to the EURAC. We would like to thank Marco Onida, the Secretary General of the Alpine Convention, who - with his colleague Marcella Macaluso and Liliana Dagostin from the Oesterreichischer Alpenverein - has come up with the idea and is responsible for the organization of this event. Thank you, mille grazie!

The topic “The price of landscapes - who cares about it?” is tremendously important at a moment in time when apparently - in slightly exaggerated terms - we know the price of everything, but we don't know the value of anything. It seems likely that our post-modern society is about to fall into a dramatic crisis caused by the dictate of growth as an end in itself. We live on credit. This is not only true in the financial field, where we are pushed by the risky game of deregulated financial markets, but for over a decade it has also been true for the Earth ecosystem and its biocapacity. We satisfy our hunger for landscapes, energy and raw materials by eating up the resources needed for the lives of our children. Climate change, loss of biodiversity, scarcity of drinking water and food are the consequences of a relationship between market and State which has completely lost balance and control.

In this context, a debate on the value of natural landscapes and natural cultural landscapes is under way. The issue cannot be settled with “black or white” or simplistic statements, such as “A glacier with a windmill is better than no glacier at all” (a quotation from former Minister for the Environment Jürgen Trittin) or “Those who are against nuclear energy, must be in favour of wind energy” (Leitwind company). On the contrary, it requires a careful assessment from a spatial planning perspective. Natural landscapes - as habitats for flora and fauna, recreational spaces for people, indispensable basis for sustainable tourism and, last but not least, because they are quickly disappearing - should be seen as important assets. For this reason, they should by no means be recklessly sacrificed to industrialization. On the basis of current facts, it is to fear that politics will only superficially assess all interests involved, following the currently distorted balance of power. Even worse, it may not understand that, according to the views of leading scientists, the key for a sustainable world lies, first and foremost, in energy efficiency and in a widespread resource productivity, seen from a comprehensive perspective.

IT

Umberto MARTINI*Presidente Generale del Club Alpino Italiano*

Nel porgere il benvenuto ai tanti illustri ospiti presenti voglio ringraziare il Segretariato permanente della Convenzione delle Alpi nella persona del suo Segretario generale dott. Marco Onida per l'iniziativa che vede oggi coinvolto l'OeAV ed il CAI.

Parlare di paesaggio è importante perché proprio nella provincia ove oggi si svolge questo Convegno risulta evidente il suo valore divenuto simbolo universalmente ammirato e oggetto di fiorente frequentazione turistica che via via si è sviluppata nel tempo diventando voce importante nell'economia locale.

Ciò è il risultato di una ammirevole e storica capacità dei residenti e logicamente di chi ha gestito sapientemente questo territorio tutelandolo e preservandolo da facili speculazioni destinate spesso a produrre laceranti e durature ferite.

La coscienza di ciascuno, nel farsi carico per le proprie competenze, del rispetto del paesaggio parte dalla conoscenza. È questo un compito che noi, Club alpini, abbiamo assunto dalla nostra nascita, perché fa parte dei nostri compiti statuari ed identificano storicamente la maniera di diffondere l'amore per la montagna per frequentarla a tutti i livelli nel modo più consono.

È il risultato del lavoro dell'uomo nei secoli il paesaggio che oggi abbiamo ed è nostra responsabilità come lo trasmetteremo alle future generazioni.

Cito il prof. Werner Bätzing:

Per questa ragione il paesaggio alpino antropizzato risulta molto più diversificato, interessante e, in definitiva, più bello del paesaggio naturale. Questa prospettiva acquisterà una particolare importanza più tardi con lo sfruttamento turistico delle Alpi, poiché la particolare bellezza del paesaggio alpino in questa forma specifica non va imputata semplicemente alla natura, ma in buona misura è il risultato dello sfruttamento agricolo tradizionale del territorio¹.

Grazie quindi per questa bella opportunità e buon convegno a tutti.

1. W. BÄTZING, Le Alpi. Una regione unica al centro dell'Europa, Bollati Boringhieri, Torino, 2005

EN

Umberto MARTINI*President of Club Alpino Italiano*

In welcoming the many distinguished guests, I would like to thank the Permanent Secretariat of the Alpine Convention, and in particular the Secretary General Mr. Marco Onida, for today's initiative, which involves the OeAV and CAI.

Talking about the landscape is very important, especially in the province where this conference is hosted, where its value is extremely clear: the local landscape has become a universally admired symbol and, by attracting a high number of visitors, has allowed the development of a flourishing tourism industry which has gradually become an important element of the local economy.

This is the result of the admirable and historical skills of the local population and, of course, of those who have wisely managed the local territory, preserving it from easy speculations, which are often doomed to produce painful and lasting wounds.

The awareness of the importance to respect the landscape – each within the scope of our competences - comes from knowledge. And spreading knowledge is a task that Alpine Clubs have taken on since their creation: it is part of our statutory roles and it has historically been our way to promote the love for the mountains, so that they can be enjoyed at all levels in the most appropriate way.

Today's landscape is the result of man's work over the centuries and the way it will be passed down to future generations is our responsibility.

Let me quote Professor Werner Bätzing:

For this reason, the Alpine anthropized landscape is even more diversified, interesting and, at the end of the day, more beautiful than the natural landscape. This will become particularly important later on, with the touristic development of the Alps, as the particular beauty of this specific Alpine landscape is not only due to nature, but is largely the outcome of local traditional farming¹.

Thank you once again for this wonderful opportunity and I hope you will all enjoy the conference.

1. W. BÄTZING, Die Alpen. Geschichte und Zukunft einer europäischen Kulturlandschaft, C.H. Beck, München, 3rd ed., 2005

Preface

EN

Liliana DAGOSTIN

Why have the Permanent Secretariat of the Alpine Convention and the Italian and Austrian Alpine associations jointly organized an international conference on the topic of landscape protection, when everyone else is pushing for the construction of systems and plants to produce energy from renewable sources?

Because of the landscape itself. The landscape is a resource too. But it is not renewable. In addition to actual energy sources, the landscape itself is heavily exploited: by imposing dam walls, huge windmills and large photovoltaic fields.

The same goes for the beautiful landscapes used as breathtaking backdrops for the large projects aimed at mass tourism. Or for landscapes where bridges are built, tunnels are excavated or which are simply crossed by roads in order to get from A to B.

The title of the conference held on June 24th was decided after thinking long and hard about it. We have chosen to make reference to the "price" of landscape as an economic category. Not its value! The value of a pristine, natural landscape or of a cultural landscape shaped by man is something that everyone can and must find and feel for themselves. The word "price", instead, refers to the possibility to purchase and sell it. What is negotiated is what to take from the landscape, while damages and destruction are balanced and compensated.

The trigger for the organization of this conference was a large energy project which exploits a resource - wind - which is undoubtedly renewable and therefore much coveted. The plant should be built on the crest which marks the border between Italy and Austria, where a striking but unprotected landscape merges in the protected area of "the others", not far from a significant Natura-2000 area. No-man's land? The property rights over soil and land are clear.

But who does the landscape belong to?

The European Landscape Convention of the Council of Europe states that landscapes are much more than the stage for an energy or infrastructure project. The Convention focuses on landscape protection, maintenance and planning. Maguelonne Déjeant-Pons explains that the landscape, as a basic component of the European natural and cultural heritage, contributes to the well-being of people and to the consolidation of the European identity.

For this reason, Ludwig Krämer urges citizens to take on responsibility on all eco-political issues. But their commitment should go beyond the NIMBY principle. Just like environmental organizations, citizens should also be transparent and offer open, unbiased and objective arguments in decision-making processes related to the environment, and at the same time take EU institutions up on their promises. In particular, the European Commission hesitates when it gets down to implementing European environmental legislation.

The contracting parties of the Alpine Convention have also dealt with the issue of the landscape. The Protocol on the Conservation of Nature and Countryside mentions the growing pressure suffered by the landscape, caused by different exploitation conflicts and economic interests. Marcella Morandini and Marco Onida demand that landscape and economic growth are treated as equally important, that the devastating competition between Alpine regions is stopped and that the vision of energetic self-sufficiency is critically explored.

In addition to mountain tops and waters, glaciers also belong to the important and distinctive elements of the Alpine landscape. According to scientist Claudio Smiraglia, the landscape covered by glaciers is a cultural good. People have realized and become aware that these landscapes are going through a very fast change. Previously mainly seen as reservoirs of energy and water, in the past fifty years glaciers have attracted a lot of attention as a landscape where human actions have particularly drastic consequences.

In addition to exploring who is actually responsible for landscape protection, Raimund Rodewald deals in a critical way with the ethical and moral duty of environmentalists and environmental movements when it comes to the shift to alternative energy sources. In this context, he mentions the half-hearted and split attitude of which NGOs are more and more often blamed. Rodewald states that the (inner) conflict between exploitation and protection will only exist until the day - and I would say this is the only reason - when the landscape's "fertile soil" will be taken away through adequate planning and thorough policies. To this purpose, both aspects should be explored openly and shaped in a participative way.

This need is highlighted also by Sigbert Riccabona in his presentation on the aesthetical value of Alpine landscapes. He warns against a development process which - as he puts it - is "not considerate of our grandchildren" as it ruthlessly overexploits valuable landscapes. He gives particular attention to the value of landscape aesthetic qualities for the psychological, spiritual and physical well-being of society at large. Nature thus becomes a co-therapist.

Finally, the efforts made by the Autonomous Province of Bolzano-Bozen against the uncontrolled proliferation of installations in green areas with the help of a planning instrument were highlighted. By illustrating a series of impressive cases, Johanna Ebner proves that the definition of directives, criteria and thresholds in the field of renewable energy sources was urgently needed.

By sheer chance, this publication comes out almost on the same day of the third anniversary of the 2009/28/EC directive of the European Parliament and Council, issued on April 23rd 2009 to promote the use of energy from renewable sources. The directive is invoked for a positive assessment of the case mentioned before. However, in an equally noteworthy Italian case with reference number C-2/10 (where, despite the existence of a legal ban, new wind energy plants should be built in a Natura-2000 area, come hell or high water), attorney general Mazák was of the legal opinion that such a ban is perfectly consistent and in line with the goals of the EU environmental policy. The European Court of Justice confirmed his position soon afterwards.

This confirms that - in certain conditions - the European environmental policy and a decision to ban plants for the production of renewable energy are not mutually exclusive. And that environmental protection goes far beyond climate protection.

Einleitung

DE *Liliana DAGOSTIN*

Weshalb richten das Ständige Sekretariat der Alpenkonvention, der Italienische und der Oesterreichische Alpenverein gemeinsam eine internationale Tagung zum Thema Landschaftsschutz aus, wenn alle anderen auf den Neubau von Anlagen zur Energiegewinnung aus erneuerbaren Ressourcen drängen?

Der Landschaft wegen. Auch die Landschaft ist eine Ressource. Sie ist aber nicht erneuerbar. Neben dem eigentlichen Energieträger ist sie es, die am intensivsten beansprucht wird: von der mächtigen Staumauer, dem enormen Windrad, dem ausgedehnten Photovoltaikfeld. Dasselbe gilt für die schöne Landschaft, die als atemberaubende Kulisse für intensivtouristische Großprojekte in Szene gesetzt wird. Oder als terrestrisches Mittelstück überspannt, untertunnelt oder einfach nur gequert wird, um von A nach B zu gelangen.

Der Titel der Veranstaltung vom 24. Juni 2011 wurde wohl überlegt. Der "Preis" der Landschaft als ökonomische Kategorie. Nicht der Wert! Den Wert einer unberührten, natürlichen Landschaft oder einer von Menschenhand geschaffenen Kulturlandschaft kann und muss jede/r für sich selber finden. Spüren. Das Wort „Preis“ hingegen weist auf die Käuflichkeit hin. Ausverhandelt ist, was man dafür haben will, womit Beeinträchtigung und Zerstörung ab- und ausgeglichen werden.

Mit ein Anlass für die Tagung war ein energiewirtschaftliches Großprojekt. Eines, das eine Ressource - den Wind - nutzt, die ohne Zweifel erneuerbar und deshalb sehr begehrt ist. Errichtet werden soll es am Grenzkamm zwischen Italien und Österreich, dort wo beeindruckende, aber ungeschützte Landschaft in das Schutzgebiet „der anderen“ übergeht. Unweit auch von einem bedeutenden Natura-2000 Gebiet. Niemandsland? Die Eigentumsverhältnisse von Grund und Boden sind klar.

Doch wem gehört die Landschaft?

Das Europäische Landschaftsübereinkommen des Europarates bestätigt, dass sie weit mehr ist, als das Bühnenbild hinter einem energiewirtschaftlichen oder infrastrukturellen Projekt. Im Übereinkommen rücken Landschaftsschutz, Landschaftspflege und Landschaftsplanung in den Fokus. Maguelonne Déjeant-Pons führt aus, dass die Landschaft als Grundbestandteil des europäischen Natur- und Kulturerbes zum Wohlergehen der Menschen und zur Festigung der europäischen Identität beiträgt.

Prefazione

IT *Liliana DAGOSTIN*

Perché il Segretariato permanente della Convenzione delle Alpi e il Club alpino italiano e austriaco organizzano insieme un convegno internazionale sul tema della protezione del paesaggio mentre tutti gli altri spingono per la costruzione di nuovi impianti di produzione di energia da fonti rinnovabili?

Per il paesaggio. Anche il paesaggio è una risorsa. Ma non è rinnovabile. Oltre alla fonte energetica vera e propria, il paesaggio è certamente la risorsa che subisce lo sfruttamento più intensivo: da parte delle grandi dighe, delle enormi pale, dei vasti campi fotovoltaici.

Lo stesso si può dire dei bei paesaggi, messi in scena come se fossero un emozionante sfondo per i grandi progetti turistici. Altre volte rappresenta il tramite terrestre, coperto, perforato da tunnel o semplicemente attraversato da strade, per andare da A a B.

Il titolo della manifestazione del 24 giugno 2011 è stato frutto di riflessione. Il "prezzo" del paesaggio come categoria economica. Non il valore! Il valore di un paesaggio naturale, incontaminato o di un paesaggio antropizzato, creato quindi dalla mano dell'uomo, ognuno lo deve e lo può trovare e percepire da sé. Il termine "prezzo" rimanda invece al concetto di commercio, alla negoziazione di cosa si vuole in cambio per compensare e pareggiare danneggiamenti e distruzione.

Uno degli spunti per il convegno è stato un grande progetto economico-energetico che sfrutta una risorsa, il vento, indubbiamente rinnovabile e quindi molto ambita. La realizzazione è prevista sul crinale di frontiera tra Italia e Austria, là dove un paesaggio straordinario, ma non protetto interferisce con l'area protetta "dell'altro", non lontano anche da un importante sito della rete Natura 2000. Terra di nessuno? Chi siano i proprietari dei terreni è chiaro.

Ma a chi appartiene il paesaggio?

La Convenzione del Consiglio d'Europa sul paesaggio conferma che quest'ultimo è molto più che una scenografia dietro un progetto energetico o infrastrutturale, concentrandosi sulla protezione, la cura e la pianificazione del paesaggio. Maguelonne Déjeant-Pons sostiene che il paesaggio è un elemento fondamentale del patrimonio naturale e culturale europeo che contribuisce al benessere delle persone e al consolidamento dell'identità europea.

Daher fordert Ludwig Krämer die BürgerInnen auf, Verantwortung in allen umweltpolitischen Belangen zu übernehmen. Deren Engagement sollte sich aber nicht im NIMBY-Prinzip erschöpfen. Wie Umweltschutzorganisationen sollten auch BürgerInnen für Transparenz sowie ergebnisoffene und sachgerechte Erörterungen in umweltrechtlichen Entscheidungsprozessen sorgen. Und EU-Organe in die Pflicht nehmen. Insbesondere die Europäische Kommission zaudert, wenn's daran geht, die Anwendung von europäischem Umweltrecht durchzusetzen.

Auch die Vertragsparteien des Übereinkommens zum Schutz der Alpen haben sich mit der Landschaft auseinandergesetzt. Das Durchführungsprotokoll im Bereich Naturschutz und Landschaftspflege benennt den wachsenden Druck, dem sie aufgrund der unterschiedlichen Nutzungskonflikte und ökonomischen Interessen ausgesetzt ist. Marcella Morandini und Marco Onida verlangen, dass die Landschaft und das ökonomische Wachstum gleichgestellt, der verheerende Wettbewerb zwischen den alpinen Regionen Einhalt gebremst und die Vision der Energieautarkie kritisch beleuchtet wird.

Neben Berggipfeln und Gewässern zählen auch Gletscher zu den wichtigen alpenspezifischen Landschaftselementen. Für Claudio Smiraglia als Wissenschaftler ist die vergletscherte Landschaft Kulturgut. Dass diese Welt in einem sehr schnellen Wandel, begriffen ist, hat sich in das Bewusstsein der Menschen geschliffen. Früher vorrangig als Energie- und Wasserspeicher gesehen, hat die Gletscherwelt in den vergangenen fünfzig Jahren als Landschaft die Aufmerksamkeit auf sich gezogen. Dabei wirkt sich unser Tun auf die Gletscher besonders dramatisch aus.

Neben der Frage, wessen Angelegenheit der Landschaftsschutz nun eigentlich ist, setzt sich Raimund Rodewald durchaus kritisch mit dem ethisch-moralischen Auftrag der UmweltschützerInnen und Umweltbewegten zur Energiewende auseinander. Und greift damit den Vorwurf der Halbherzigkeit auf, mit dem NGO's immer häufiger konfrontiert werden. Dabei behauptet Rodewald, dass dieser (innere) Konflikt zwischen Nutzen und Schützen nur solange - und nur deshalb, möchte ich hinzufügen - besteht, bis ihr durch eine geeignete Planung und sorgfältige Politik der Nährboden entzogen wird. Dazu müssten beide allerdings offen gelegt und partizipativ gestaltet werden.

Diese Notwendigkeit betont auch Sigbert Riccabona in seinem Beitrag zum ästhetischen Wert alpiner Landschaften und warnt vor einem – wie er sagt – „Nicht-Enkel-Tauglichen“-Entwicklungsprozess mit seinem schonungslosen Raubbau an wertvollen Landschaftsbildern. Ein besonderes Augenmerk legt er auf den Stellenwert der landschaftsästhetischen Qualitäten für das seelische, geistige und körperliche Wohlbefinden der gesamten Gesellschaft. Die Natur wird so zur „Co-Therapeutin“.

Per questo Ludwig Krämer incita i cittadini ad assumersi responsabilità in tutti gli ambiti della politica ambientale. L'impegno della popolazione non deve però limitarsi al principio NIMBY. Così come le organizzazioni ambientali, anche i cittadini devono garantire trasparenza e un dibattito aperto e obiettivo nei processi decisionali in materia ambientale e richiamare gli organi dell'UE al loro dovere, soprattutto la Commissione Europea, che temporeggia quando si tratta di imporre l'applicazione del diritto ambientale europeo.

Anche le Parti contraenti della Convenzione delle Alpi si sono occupate del paesaggio. Il Protocollo di attuazione nell'ambito della protezione della natura e tutela del paesaggio menziona la crescente pressione, alla quale esso è sottoposto a causa dei diversi conflitti di utilizzo e interessi economici. Marcella Morandini e Marco Onida esigono che il paesaggio e la crescita economica godano di pari opportunità, che si ponga fine alla disastrosa concorrenza tra le regioni alpine e si analizzi in maniera critica la visione dell'autonomia energetica.

Non solo le vette e i corsi d'acqua, ma anche i ghiacciai rientrano tra le importanti componenti specifiche del paesaggio alpino. Per lo scienziato Claudio Smiraglia, il paesaggio gelato è un bene culturale. L'idea che questo mondo attraversi una fase di rapido mutamento è ormai penetrata nella coscienza delle persone. I ghiacciai, in passato visti prevalentemente come un serbatoio d'acqua ed energia, negli ultimi 50 anni hanno attirato l'attenzione su di sé anche come paesaggi, su cui i nostri comportamenti hanno effetti particolarmente drammatici.

Oltre a chiedersi a chi competa effettivamente la protezione del paesaggio, Raimund Rodewald affronta in maniera critica il mandato etico-morale di tutori dell'ambiente ed ecologisti nell'ambito della svolta energetica, riprendendo quindi l'accusa di dualismo, sempre più spesso mossa nei confronti delle ONG. Rodewald afferma che questo conflitto (interiore) tra utilizzo e protezione esiste unicamente fintanto che - e solo perché, aggiungo - tramite una pianificazione adeguata e una politica attenta non gli viene sottratto il terreno fertile che lo alimenta. Per ottenere questo risultato entrambe devono tuttavia essere aperte e partecipative.

Tale esigenza è sottolineata anche da Sigbert Riccabona nella sua relazione sul valore estetico dei paesaggi alpini, in cui mette in guardia contro un processo di sviluppo che definisce "inadatto ai nipoti" con il suo implacabile sfruttamento selvaggio di paesaggi pregiati. Egli dedica poi una particolare attenzione al valore delle caratteristiche estetiche del paesaggio ai fini del benessere morale, spirituale e fisico dell'intera società. La natura diventa così una "co-terapeuta".

Abschließend werden die Bemühungen der Autonomen Provinz Bozen hervorgehoben, dem Wildwuchs an Installationen im Grünen mit einem Planungsinstrument zu begegnen. Mit einer Reihe von eindrucksvollen Fällen belegt Johanna Ebner, dass die Ausarbeitung von Richtlinien, Kriterien und Schwellenwerten im Bereich der erneuerbaren Energien dringend geboten war.

Rein zufällig erscheint diese Publikation beinahe taggleich am dritten Geburtstag der Richtlinie 2009/28/EG des Europäischen Parlaments und des Rates vom 23.4.2009 zur Förderung der Nutzung von Energie aus erneuerbaren Quellen. Diese wird auch für die positive Beurteilung unseres Anlassfalles bemüht. Und dennoch: im nicht minder bemerkenswerten italienischen Fall mit dem Aktenzeichen C-2/10 – trotz eines gesetzlich verankerten Verbots sollten dort in einem Natura2000-Gebiet auf Biegen und Brechen neue Windenergieanlagen errichtet werden – vertrat Generalstaatsanwalt Mazák die Rechtsansicht, dass ein derartiges Verbot mit den Zielen der Umweltpolitik der Union im Einklang steht. Der Europäische Gerichtshof sollte ihn kurz darauf bekräftigen.

Damit wird bestätigt, dass sich die europäische Umweltpolitik und eine Bestimmung, die Anlagen zur Erzeugung von erneuerbaren Energien unter bestimmten Voraussetzungen verbietet, keineswegs ausschließen. Dass sich der Umweltschutz nicht im Klimaschutz erschöpft.

Infine vogliamo porre in evidenza l'impegno della Provincia Autonoma di Bolzano nell'affrontare, tramite un apposito strumento di pianificazione, la proliferazione selvaggia di impianti nel verde. Grazie a una casistica imponente, Johanna Ebner dimostra che, nel campo delle energie rinnovabili, era urgente l'elaborazione di direttive, criteri e valori di soglia.

Per puro caso la presente pubblicazione appare quasi in contemporanea con il terzo compleanno della Direttiva 2009/28/CE del Parlamento Europeo e del Consiglio del 23 aprile 2009 sulla promozione dell'uso dell'energia da fonti rinnovabili, addotta anche per valutare positivamente il caso da cui abbiamo preso spunto. Ciò nondimeno, nel non meno rilevante caso italiano, causa C-2/10, in cui malgrado un divieto sancito per legge si voleva costruire a tutti i costi degli impianti eolici in un sito appartenente alla rete Natura 2000, l'Avvocato generale Mazák, nel suo parere giuridico, poco dopo avvalorato dalla Corte di Giustizia Europea, ha ritenuto tale divieto conforme agli obiettivi della politica ambientale dell'Unione.

Si conferma quindi che la politica ambientale europea non esclude affatto una norma che in determinate circostanze vieti gli impianti di produzione d'energia da fonti rinnovabili e che dunque la tutela dell'ambiente non si esaurisce con la protezione del clima.

EN The European Landscape Convention

Maguelonne DÉJEANT-PONS

“ The landscape ...

... has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;

... contributes to the formation of local cultures and ... is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity;

... is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas ;

... is a key element of individual and social well-being and ... its protection, management and planning entail rights and responsibilities for everyone. ”

Preamble to the European Landscape Convention, Florence, 20 October 2000

The European Landscape Convention was adopted by the Committee of Ministers of the Council of Europe on 19 July 2000 in Strasbourg and opened for signature of the Member States of the Organisation in Florence (Italy) on 20 October 2000. It aims to promote European landscape protection, management and planning and to organise European co-operation.

The Convention is the first international treaty to be exclusively devoted to all aspects of European landscape. It applies to the entire territory of the Parties and covers natural, rural, urban and peri-urban areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.

To date, 33 Council of Europe member states have ratified the Convention: Armenia, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Moldova, Montenegro,

Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovak Republic, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom. A further six states have signed it: Andorra, Azerbaijan, Bosnia and Herzegovina, Malta, Serbia and Switzerland.

The Convention provides an important contribution to the implementation of the Council of Europe’s objectives, namely to promote democracy, human rights and the rule of law and to seek common solutions to the main problems facing European society today. By developing a new territorial culture, the Council of Europe seeks to promote populations’ quality of life and well-being.

1. Presentation of the European Landscape Convention

The member states of the Council of Europe signatory to the European Landscape Convention declared their concern to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment. The Convention therefore represents the first international treaty devoted to sustainable development, the cultural dimension also being included.

Origins of the Convention

On the basis of an initial draft prepared by the Congress of Local and Regional Authorities of the Council of Europe, the Committee of Ministers decided in 1999 to set up a select group of experts responsible for drafting a European Landscape Convention, under the aegis of the Cultural Heritage Committee (CCPAT) and the Committee for the activities of the Council of Europe in the field of biological and landscape diversity (CO-DBP). Following the work of this group of experts, in which the principal governmental and non-governmental international organisations participated, the Committee of Ministers adopted the final text of the Convention on 19 July 2000. The Convention was opened for signature in Florence, Italy, on 20 October 2000 in the context of the Council of Europe Campaign “Europe, a common heritage”.

Why a convention on landscape?

As an essential factor of individual and communal well-being and an important part of people’s quality of life, landscape contributes to human fulfilment and consolidation of

European identity. It also has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity, particularly to tourism.

The advances in production techniques in agriculture, forestry, industry and mining, together with the practices followed in town and country planning, transport, networks, tourism and recreation, and more generally the global economic changes, have in many cases led to degradation, debasement or transformation of landscapes.

While each citizen should of course contribute to preserving the quality of the landscape, it is the responsibility of the public authorities to define the general framework in which this quality can be secured. The Convention thus lays down the general legal principles, which should guide the adoption of national and community landscape policies and the establishment of international co-operation in this field.

The objectives and specificity of the Convention

The aim of the Convention is to respond to the public's wish to enjoy high quality landscapes. Its purpose is therefore to foster the protection, management and planning of European landscapes, and to organise European co-operation in this field.

The scope of the Convention is extensive: it applies to the entire territory of the Parties and relates to natural, urban and peri-urban areas, whether on land, water or sea. It therefore concerns not just remarkable landscapes, but also ordinary everyday landscapes and degraded areas. Landscape is recognised irrespective of its exceptional value, since all forms of landscape are crucial to the quality of the citizens' environment and deserve to be considered in landscape policies. Many rural and urban fringe areas in particular are undergoing far-reaching transformations and should receive closer attention from the authorities and the public.

Given the breadth of scope, the active role of the citizens regarding perception and evaluation of landscapes is an essential point in the Convention. Awareness-raising is thus a key issue, in order for citizens to participate in the decision-making process, which affects the landscape dimension of the territory where they reside.

Definitions

Terms used in the Convention are defined to ensure that they are interpreted in the same way:

- "Landscape" means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;

- "Landscape policy" means 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;
- "Landscape quality objective" means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;
- "Landscape protection" means action to conserve and maintain the significant or characteristic features of a landscape, justified by the landscape's heritage value derived from its natural configuration and/or human activity;
- "Landscape management" means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, to guide and harmonise changes, which are brought about by social, economic and environmental processes;
- "Landscape planning" means strong forward-looking action to enhance, restore or create landscapes.

Undertakings of the Contracting Parties

National measures

In accepting the principles and aims of the Convention, the Contracting Parties undertake to protect, manage and/or plan their landscapes by adopting a whole series of general and specific measures on a national level, in keeping with the subsidiarity principle. In this context, they undertake to encourage the participation of the public and of local and regional authorities in the decision-making processes that affect the landscape dimension of their territory.

The Contracting Parties undertake to implement four general measures at national level:

- the legal recognition of landscape constituting an essential component of the setting for people's lives, reflecting the diversity of their common cultural and natural heritage and as the foundation of their identity;
- the establishment and implementation of policies to protect, manage and plan landscapes;
- procedures for the participation by the general public, local and regional authorities and other parties interested in the formulation and implementation of landscape policies;
- the integration of landscape into regional and town planning policies, cultural, environmental, agricultural, social and economic policies, and any other policies, which may have direct or indirect impact on the landscape.

The Contracting Parties further undertake to implement five specific measures at national level:

- awareness-raising: improving appreciation by civil society, private organisations and public authorities of the value, function and transformation of landscapes;
- training and education: providing training for specialists in landscape appraisal and landscape operations, multidisciplinary training programmes on landscape policy, protection, management and planning, aimed at professionals in the private and public sector, for interested associations, and school and university courses, which, in the relevant subject areas, cover landscape-related values and questions of landscape protection, management and planning;
- identification and evaluation: mobilising those concerned in order to reach a better knowledge of landscape, guiding the work of landscape identification and evaluation through exchanges of experience and methods between the Parties at European level;
- setting landscape quality objectives: defining quality objectives for the landscapes, which have been identified and evaluated, after consulting the public;
- implementation of landscape policies: introducing policy instruments for the protection, management and/or planning of landscapes.

International measures: European co-operation

The Contracting Parties also undertake to co-operate at international level in catering for the landscape dimension in international policies and programmes, and to recommend where appropriate the inclusion of landscape considerations in them. They accordingly undertake to co-operate in respect of technical and scientific assistance and exchange of landscape specialists for training and information, and to exchange information on all questions covered by the Convention.

Transfrontier landscapes are covered by a specific provision: the Contracting Parties undertake to encourage transfrontier co-operation at local and regional levels and, wherever necessary, to prepare and implement joint landscape programmes.

Council of Europe Landscape Award

The Convention provides for a "Council of Europe Landscape Award". It will recognise a policy implemented or measures to be taken by local and regional authorities or non-governmental organisations to protect, manage and/or plan their landscape which have proved effective in the long term and can thus serve as an example to other authorities in Europe. It should contribute to the stimulation of those working at local level and to the encouragement and recognition of exemplary landscape management.

2. Implementation of the European Landscape Convention

The work done to implement the European Landscape Convention is aimed at:

- monitoring implementation of the Convention;
- fostering European co-operation;
- collecting examples of good practice;
- fostering knowledge and research;
- raising awareness;
- fostering access to information.

Monitoring implementation of the Convention

Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention

Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention was adopted by the Committee of Ministers on 6 February 2008. The recommendation, which contains a series of theoretical, methodological and practical guidelines, is intended for parties to the Convention which wish to draw up and implement a national landscape policy based on the Convention. It also includes two appendices entitled:

- examples of instruments used to implement the European Landscape Convention;
- suggested text for the practical implementation of the European Landscape Convention at national level.

Appendix 1 to the recommendation may be supplemented by the experiences of parties to the Convention on their own territories, which will provide practical and methodological lessons. It is proposed that each party contribute to the setting up of a database to appear on the website of the Council of Europe's European Landscape Convention, which would be a "toolbox" to help provide mutual technical and scientific assistance, as provided for in Article 8 of the Convention.

Summary descriptive notes on the landscape policies pursued in Council of Europe member states / Council of Europe database on the European Landscape Convention

A document on the landscape policies pursued in Council of Europe member states, giving the key facts concerning the landscape of the various Council of Europe member states, is

regularly updated and a synthesis of the data is prepared.

The data gathered are gradually being incorporated in a Council of Europe Information System on the European Landscape Convention.

National seminars on the European Landscape Convention

Intended for states which have or have not yet ratified the Convention, the national seminars on the European Landscape Convention help generate debate on the subject of landscape.

Various national seminars on the European Landscape Convention have been held, with declarations or conclusions adopted at the end of each one:

- *"Spatial planning and landscape", Yerevan (Armenia), 23-24 October 2003;*
- *"Spatial planning and landscape", Moscow (Russian Federation), 26-27 April 2004;*
- *"Sustainable spatial development and the European Landscape Convention", Tulcea (Romania), 6-7 May 2004;*
- *"The contribution of Albania to the implementation of the European Landscape Convention", Tirana (Albania), 15-16 December 2005;*
- *"Landscape", Andorra la Vella (Principality of Andorra), 4-5 June 2007.*

The proceedings of the Seminars are published in the Council of Europe's European Spatial Planning and Landscape Series.

Fostering European co-operation

The European Landscape Convention provides that the Contracting Parties undertake to co-operate internationally at European level in the consideration of the landscape dimension of international policies and programmes. The Council of Europe organises this co-operation through the Conferences on the European Landscape Convention and the meetings of the Workshops for the implementation of the European Landscape Convention.

The Council of Europe Conferences on the European Landscape Convention

Several Conferences on the European Landscape Convention have already been held. They are attended by representatives of the parties and signatories and representatives of the three Council of Europe bodies – the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe. Representatives of Council of Europe member states which are not yet parties or signatories and various international governmental and non-governmental organisations also attend as observers.

With regard to following up the European Landscape Convention, the terms of reference of the CDPATEP as adopted on 30 January 2008 provide that the CDPATEP shall also take into account the work of the periodic Council of Europe conferences on the European Landscape Convention and other work by appropriate experts. The 6th Council of Europe Conference on the European Landscape Convention (Strasbourg, 3-4 May 2011) is part of that process.

- *22-23 November 2001, Council of Europe, Palais de l'Europe, Strasbourg;*
- *28-29 November 2002, Council of Europe, Palais de l'Europe, Strasbourg;*
- *17-18 June 2004, Council of Europe, Palais de l'Europe, Strasbourg;*
- *22-23 March 2007, Council of Europe, Palais de l'Europe, Strasbourg;*
- *30-31 March 2009, Council of Europe, Palais de l'Europe, Strasbourg;*
- *3-4 May 2011, Council of Europe, Palais de l'Europe, Strasbourg.*

Council of Europe Meetings of the Workshops for the implementation of the European Landscape Convention

Organised by the Council of Europe on a regular basis since 2002, the meetings of the Workshops for the implementation of the European Landscape Convention take a detailed look at the implementation of the Convention. Special emphasis is given to the experiences of the state hosting the meeting. A genuine forum for sharing practice and ideas, the meetings are also an opportunity to present new concepts and achievements in connection with the Convention.

The following of the Council of Europe Meetings of the Workshops for the implementation of the European Landscape Convention have been held so far.

- *"Landscape policies: contribution to the well-being of European citizens and to sustainable development (social, economic, cultural and ecological approaches); Landscape identification, evaluation and quality objectives, using cultural and natural resources; Awareness-raising, training and education; Innovative tools for the protection, management and planning of landscape", Strasbourg, France, 23-24 May 2002*
- *"Integration of landscapes in international policies and programmes and transfrontier landscapes; Landscapes and individual and social well-being; Spatial planning and landscape", Strasbourg, France, 27-28 November 2003*
- *"Landscapes for urban, suburban and peri-urban areas", Cork (Ireland), 16-17 June 2005*
- *"Landscape and society", Ljubljana (Slovenia), 11-12 May 2006*
- *"Landscape quality objectives: from theory to practice", Girona (Spain), 28-29 September 2006*
- *"Landscape and rural heritage", Sibiu (Romania), 20-21 September 2007*
- *"Landscape in planning policies and governance: towards integrated spatial management", Piestany (Slovakia), 24-25 April 2008*

- “Landscape and driving forces”, Malmö (Sweden), 8-9 October 2009
- “Landscape, infrastructures and society”, Cordoba (Spain), 15-16 April 2010

The proceedings of the Meetings of the workshops are published in the Council of European Spatial Planning and Landscape Series.

Collecting examples of good practice: the landscape award of the Council of Europe

The Convention (Article 11) provides for a Council of Europe Landscape Award. In particular, it states that, on proposals from the committees of experts supervising the implementation of the Convention, the Committee of Ministers shall define and publish the criteria for conferring the Landscape Award, adopt the relevant rules and confer the award. The Committee of Ministers adopted Resolution CM/Res(2008)3 on the rules governing the Landscape Award of the Council of Europe on 20 February 2008. The award was launched in 2008 and will be conferred for the first time in 2009.

The criteria for conferring the Landscape Award of the Council of Europe are as follows:

- *sustainable territorial development*: The completed projects submitted must give tangible form to the protection, management and/or planning of landscapes. This means that the projects must have been completed and open to the public for at least three years when the candidatures were submitted. They must also be part of a sustainable development policy and be in harmony with the territorial organisation of the area concerned; demonstrate their environmental, social, economic, cultural and aesthetic sustainability; counter or remedy any damage to landscape structures; help enhance and enrich the landscape and develop new qualities;
- *exemplary value*: The implementation of the policy or measures that have helped to improve the protection, management and/or planning of the landscapes concerned must set an example of good practice for others to follow;
- *public participation*: The policy or measures implemented with a view to the protection, management and/or planning of the landscapes concerned should involve the active participation of the public, local and regional authorities and other players and should clearly reflect the landscape quality objectives. The public should be able to participate simultaneously in two ways: through dialogue and exchanges between members of society (public meetings, debates, procedures for participation and consultation in the field, for example); through procedures for public participation and involvement in landscape policies implemented by national, regional or local authorities;
- *awareness-raising*: Article 6.A of the Convention provides that “each Party undertakes to increase awareness among civil society, private organisations and public authorities of the value of landscapes, their role and changes to them”. Action along these lines taken as

part of the completed project concerned will be assessed.

Sessions of the Council of Europe Landscape Award:

1st Session 2008-2009

On 23 September 2009, the Committee of Ministers decided:

- to confer the Council of Europe Landscape Award, under the European Landscape Convention, to the “Parc de la Deûle”, Lille Métropole (France);
- to give a special mention of the Council of Europe Landscape Award to the “Parque de Christina Enea”, San Sebastián (Spain);
- to congratulate the originators of the projects and the achievements linked with the following briefs: “Marking system of the tourist trails”, Tourist Club (Czech Republic); “Landscape Management of Hämeenkyrö National Landscape Area”, Hämeenkyrö (Finland); “Implementation of the Complex Nature Conservation and Landscape Management Programme in the Zámoly Basin”, Public Foundation for Nature Conservation Pro Vértes (Hungary); “The Val di Cornia Parc System”, Val di Cornia (Italy); “Biodiversity and Natural Resources Management Project”, Association for Nature Conservation (Turkey);
- to recognise the exemplary value of the work entitled “Regional Distribution of Landscape Types”, University of Ljubljana (Slovenia).

2nd Session 2010-2011

On 9 February 2010, the Parties to the Convention were invited to present candidatures to the Secretary General of the Council of Europe by 31 December 2010.

Fostering knowledge and research

Exploratory reports on issues related to the European Landscape Convention are drawn up by Council of Europe experts and submitted to the relevant committees of experts. To date, reports have been produced on the following subjects:

- landscape policies: contribution to the well-being of European citizens and to sustainable development (social, economic, cultural and ecological approaches);
- landscape identification, evaluation and quality objectives, using cultural and natural resources;
- awareness-raising, training and education;
- innovative tools for the protection, management and planning of landscape;
- landscape, towns and suburban and peri-urban areas;
- landscape and transport infrastructures: roads;
- selected EU funding opportunities to support the implementation of the European Landscape Convention;
- European local landscape circle studies;

- landscape and education;
- road infrastructures: tree avenues in the landscape;
- landscape and ethics;
- landscape and wind turbines.

The reports are available at the Council of Europe Publishing:

- Council of Europe, *Landscape and sustainable development: challenges of the European landscape Convention*, Council of Europe Publishing, 2006;
- Council of Europe, *Landscape dimensions*, Council of Europe Publishing (to be published in 2011).

Awarness raising

"Futuropa, for a new vision of landscape and territory" Magazine

Several information documents and four issues of the Council of Europe's "Naturopa" magazine have been devoted to landscape and the European Landscape Convention. The magazine has been renamed "Futuropa, for a new vision of landscape and territory" so as to highlight the cross-sectoral nature of the themes more clearly.

Themes concerning landscape

- "Landscapes: the setting for our future lives", Naturopa, 1998, No 86;
- "The European Landscape Convention", Naturopa, 2002, No 98;
- "Landscape through literature", Naturopa/Culturopa, 2005, No 103;
- "Vernacular rural housing: heritage in the landscape", Futuropa: for a new vision of landscape and territory, 2008, No 1;
- "Landscape and transfrontier co-operation", Futuropa: for a new vision of landscape and territory, 2010, No 2.

Website of Naturopa / Futuropa: www.coe.int/naturopa/futuropa

"International Heritage Photographic Experience - Heritage and Landscape" (IHPE) Exhibition

The prizewinning pictures from the "International Heritage Photographic Experience - Heritage and Landscape" (IHPE) competition were displayed in the Committee of Ministers Foyer in December 2009 and 2010. The competition is intended to encourage young people to adopt a creative approach and take a personal look, via the medium of photography, at elements of the cultural heritage around them, in liaison with the landscape. A prize-winning ceremony involving about a hundred young people from various countries was held on 7 December 2009 and 6 December 2010 in the Palais de l'Europe.

Fostering access to information: the European Landscape Convention website

The European Landscape Convention website www.coe.int/EuropeanLandscapeConvention will also offer access to the Council of Europe Information System of the European Landscape Convention provided for in Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention.

Conclusion

The Action Plan adopted by Council of Europe Heads of State and Government at their Third Summit in Warsaw on 17 May 2005 includes a section on "Promoting sustainable development" which provides that: "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 ... landscape, spatial planning² ..., in a sustainable development perspective". The work done by the Council of Europe seeks to promote a comprehensive and coherent vision of the "common heritage" concept, by presenting the landscape as a means of fostering sustainable spatial development, strengthening social ties and improving the environment people live in.

The European Landscape Convention represents an important contribution to the implementation of the Council of Europe's objectives, namely to promote democracy, human rights and the rule of law and to seek common solutions to the main problems facing European society today³. By taking into account landscape qualities, the Council of Europe seeks to protect the quality of life and individual and collective well-being of Europeans.

2. See the activities of the Council of Europe Conference of Ministers responsible for Spatial / Regional Planning (CEMAT) www.coe.int/CEMAT.

3. Humans Rights and the Environment, Council of Europe Publishing 2002, 341 p.; Council of Europe, Landscape and sustainable development: challenges of the European Landscape Convention, Council of Europe Publishing, 2006, 213 p.

DE Landschaftsschutz und Bürgerbeteiligung im EU-Recht Materielles Recht und Verfahrensrecht

Ludwig KRÄMER

Die Europäische Union (EU) ist einer Vielzahl internationaler Übereinkommen beigetreten, die (auch) auf den Schutz der Landschaft abzielen. Zu nennen sind hier insbesondere:

- Das Übereinkommen zum Schutz der biologischen Vielfalt von Rio de Janeiro (1992). Die EU ist dem Übereinkommen 1993 beigetreten⁴. Das Übereinkommen schreibt unter anderem in Artikel 8 vor, dass die Vertragsparteien, soweit möglich und angemessen, Ökosysteme schützen, in Gebieten die an geschützte Gebiete grenzen, eine nachhaltige und ökologisch gesunde Entwicklung fördern und beeinträchtigte Ökosysteme rehabilitieren und wiederherstellen. In Verfolg dieser Ziele verabschiedete die 10. Vertragsstaatenkonferenz einen Strategieplan für die biologische Vielfalt 2011-2020⁵, einen Beschluss über die landwirtschaftliche biologische Vielfalt⁶ und einen Beschluss über die biologische Vielfalt in Berggebieten⁷, der unter anderem die Notwendigkeit betont, geschützte Gebiete in die weitere Landschaft zu integrieren;
- Das Übereinkommen zur Bekämpfung der Wüstenbildung (Paris, 1994), dem die EU 1998 beiträt⁸. Das Übereinkommen sieht Massnahmen zur Bekämpfung der Wüstenbildung und der Bodenerosion durch Wind oder Wasser vorsieht;
- Das Übereinkommen zum Schutz der Alpen (Alpen Konvention, Salzburg 1991), dem die EU 1996 beiträt⁹. Das Protokoll über Naturschutz und Landschaftspflege von 1994 unterzeichnete die EU trat ihm aber bisher nicht bei.

Anderen internationalen Übereinkommen mit ähnlicher Zielsetzung ist die EU bisher nicht beigetreten. Zu nennen sind hier insbesondere das Übereinkommen zum Schutz von Feuchtgebieten (Ramsar 1971), das Übereinkommen zum Schutz des kulturellen und natürlichen Erbes (Paris 1972) und das Übereinkommen zum Schutz der Landschaft (Florenz 2000). Warum

4. Beschluss 93/626, ABl. 1993, L 309 S.1.

5. Beschluss X/2

6. Beschluss X/34

7. Beschluss X/30

8. Beschluss 98/216, ABl. 1998, L 83 S.1.

9. Beschluss 96/191, ABl. 1996, L 61 S.31.

EN Landscape conservation and civic participation in the EU law Substantive law and procedural law

Ludwig KRÄMER

The European Union (EU) has joined several international conventions which (also) aim at the protection of landscape. In particular, the following should be mentioned:

- the Convention of Biological Diversity signed in Rio de Janeiro (1992). The EU joined the Convention in 1993⁴. Among other things, Article 8 of the Convention stipulates that each contracting party, as far as possible and appropriate, shall protect ecosystems in areas adjacent to protected areas, promote sustainable and environmentally sound development, and rehabilitate and restore degraded ecosystems. In order to pursue these goals, the 10th Conference of the Parties approved the Strategic Plan for Biodiversity 2011-2020⁵, a decision on agricultural biodiversity⁶ and a decision on biodiversity in the mountains⁷, which emphasizes, among other things, the need to integrate protected areas in the wider landscape;
- the United Nations Convention to Combat Desertification (Paris, 1994), joined by the EU in 1998⁸. The Convention includes measures to fight desertification and soil erosion due to wind or water;
- the Convention on the Protection of the Alps (Alpine Convention, Salzburg 1991), joined by the EU in 1996⁹. The 1994 Protocol on the Conservation of Nature and Landscape Protection was signed by the EU, but it has never joined it.

To date, the EU has not joined other international agreements with similar goals. Particularly relevant are the Convention on Wetlands (Ramsar 1971), the Convention for the Protection of the World Cultural and Natural Heritage (Paris 1972) and the European Landscape Convention (Florence 2000). It is hard to understand why, in these cases, the EU has not joined the conventions.

4. Decision 93/626, OJ1993, L 309 P.1.

5. Decision X/2

6. Decision X/34

7. Decision X/30

8. Decision 98/216, OJ1998, L 83 P.1.

9. Decision 96/191, OJ 1996, L 61 P.31.

ein Beitritt in diesen Fällen nicht erfolgte, ist nicht nachzuvollziehen. Nach Artikel 216(2) des Vertrags über die Arbeitsweise der Europäischen Union (VAEU) binden die von der EU geschlossenen internationalen Übereinkünfte die Organe der Union und die Mitgliedstaaten. Da die EU selbst auch zum Schutz von Natur und Landschaft tätig geworden ist und Regelungen erlassen hat, sind die Bestimmungen der unter Nr.1 genannten Übereinkommen Teil des EU-Rechts. Das EU-Recht wird diesem Umstand indessen nur teilweise gerecht. Zum einen hat die EU für die genannten Übereinkommen keine Ausführungsregelungen - Richtlinien oder Verordnungen erlassen. Zum anderen sieht zwar Artikel 17 des Vertrages über die Europäische Union (EUV) vor, dass die Europäische Kommission für die Anwendung der von den Organen kraft der Verträge erlassenen Massnahmen Sorge trägt. Da die internationalen von der EU ratifizierten Übereinkommen teil des EU-Rechts sind, müsste die Kommission also dafür sorgen, dass die Vorschriften dieser Übereinkommen in allen EU-Mitgliedstaaten auch angewandt werden, und gegebenenfalls rechtliche Schritte gegen säumige Mitgliedstaaten einleiten. Diese Verpflichtung wird von der Kommission indessen systematisch ignoriert, obwohl doch die EU mit dem Beitritt zu einem Übereinkommen den anderen Vertragsstaaten verspricht, dass das Übereinkommen auf dem gesamten Gebiet der Gemeinschaft wirksam ist. EU-Bürger können gegen dieses Unterlassen nach EU-Recht keine Klage erheben.

Verbindliches EU-Recht zum Schutz der Landschaft ist rudimentär. Die EU hat Richtlinien zum Schutz wildlebender Vogelarten und ihrer Lebensräume¹⁰, sowie allgemein zum Schutz bedrohter Tier- und Pflanzenarten und ihrer besonders ausgewiesenen, geschützten Habitats erlassen¹¹. Beide Richtlinien erfassen indessen nur solche Gebiete (Habitats), die die Mitgliedstaaten als schützenswert ausgewiesen haben, nicht aber Landschaften. Es ist offensichtlich, dass eine solche „Insellösung“ von einem flächendeckenden Schutz der Landschaft weit entfernt ist. Eine Richtlinie über die Umweltverträglichkeitsprüfung¹² verlangt, dass Projekte - Infrastrukturprojekte, grosse Industrieanlagen usw. -, die erhebliche Auswirkungen auf die Umwelt haben können und die in einer EU-Liste aufgeführt sind, einer Prüfung über die unmittelbaren und mittelbaren Auswirkungen auf die Umwelt - einschliesslich der Landschaft - unterzogen werden müssen. Betroffene Bürger haben ein Recht auf Beteiligung; die Naturschutzbehörde ist anzuhören; in geringem Umfang sind auch Alternativen zu dem Projekt zu prüfen. Allerdings darf das Projekt auch dann genehmigt werden, wenn es negative Auswirkungen auf die Umwelt hat. Eine Umweltprüfung mit Beteiligung der betroffenen Bürger ist auch bei Plänen und Programmen vorzusehen, die Grundlage für die Genehmigung von

10. Richtlinie 2009/147, ABl.2010, L 27, S.7.

11. Richtlinie 92/43, ABl.1992, L 206 S.7.

12. Richtlinie 85/337, ABl.1985, L 175 S.40.

13. Richtlinie 2001/42, ABl.2001, L 197 S.30.

According to Article 216(2) of the Treaty on the Functioning of the European Union (TFEU), the international agreements joined by the EU bind the Union institutions and its member states. As the EU itself has become active in the field of environmental and landscape protection and has issued rules and regulations on this topic, the provisions of the conventions listed under point 1 are part of the EU legislation. However, the EU legislation only partially fulfils this requirement. On the one hand, the EU has not issued any implementation provisions – directives or regulations - to adopt the above mentioned conventions. On the other, Article 17 of the Treaty on European Union (TEU) states indeed that the European Commission is responsible for the implementation of the measures issued by the institutions by virtue of the conventions. As the international agreements ratified by the EU are part of the EU legislation, the Commission should therefore make sure that the provisions of these agreements are implemented in all EU member states, and, if necessary, take legal measures against defaulting member states. This obligation is systematically ignored by the Commission, although the EU, by joining an agreement, promises the other contracting states that the agreement is effective in the entire territory of the Community. According to EU legislation, EU citizens cannot take any legal action against this failure to act.

The binding EU legislation on environmental issues is rudimentary. The EU has issued directives for the protection of wild birds and their habitats¹⁰, and in general for the protection of zoological and botanical species and their identified protected habitats¹¹. Both directives only cover the areas (habitats) which member states have identified as worth protecting, but do not apply to landscapes. It is clear that such a patchy and isolated solution is very far from a comprehensive protection of landscapes.

A directive on the environmental impact assessment¹² requires that all projects - such as infrastructure projects, large industrial facilities, etc. - which may have significant repercussions on the environments and are included in a EU list, must be submitted to an assessment of the direct and indirect impacts on the environment - including the landscape. Affected citizens have a right to participate, the nature conservation authorities shall be heard and, to a minor extent, alternatives to the project shall also be assessed. However, the project may be approved also if it does have negative repercussions on the environment. An environmental assessment with the participation of affected citizens shall also be carried out in case of plans and programmes which lay the foundations for the approval of projects which fall under directive 85/337, or

10. Directive 2009/147, OJ 2010, L 27, S.7.

11. Directive 92/43, OJ 1992, L 206 S.7.

12. Directive 85/337, OJ 1985, L 175 S.40.

Projekten nach der Richtlinie 85/337 sind oder die geschützte Habitats berühren¹³. In der Praxis spielt der Schutz von Landschaften bei Prüfungen zur Umweltverträglichkeit keine Rolle.

Die Verordnung 1698/2005 gewährt Landwirten finanzielle Unterstützung, die sich umweltfreundlich verhalten¹⁴. Begünstigte Landwirte sind Landwirte in Berggebieten, in benachteiligten Gebieten, die in geschützten Habitats tätig sind, oder die Aufforstungsmassnahmen vorsehen. Ziel der Verordnung ist nicht der Schutz der Landschaft, sondern das Schaffen zusätzlicher Einkommen für Landwirte. Im Übrigen widmet die EU-Agrarpolitik dem Schutz der Landschaft keine besondere Aufmerksamkeit.

Hinsichtlich der Verfahrensrechte von Bürgern hat die EU eine Reihe von Regelungen erlassen, insbesondere auch unter dem Einfluss des Aarhus-Übereinkommens über den Zugang zu Informationen, die Beteiligung an Entscheidungen und Zugang zu Gerichten in Umweltangelegenheiten (Aarhus 1998). Die EU ist dem Übereinkommen 2005 beigetreten¹⁵. Die Richtlinie 2003/4 gibt Einzelnen ein Recht auf Zugang zu Informationen über die Umwelt, die sich im Besitz der Verwaltung befinden¹⁶. Die Richtlinie 2003/35 räumt den Bürgern Beteiligungsrechte in Verwaltungsverfahren über die Umwelt ein, beschränkt ihre Reichweite allerdings auf die Umweltverträglichkeitsprüfung, die Genehmigung grösserer industrieller Projekte und die Ausarbeitung von bestimmten Plänen und Programmen im Bereich der Abfälle, des Gewässerschutzes und der Luftreinhaltung¹⁷. Die Verordnung 1367/2006 wendet die Regelungen des Aarhus-Übereinkommens auf die Organe und anderen Institutionen der EU an¹⁸.

Insgesamt sieht das EU-Recht weder materiell-rechtlich noch verfahrensrechtlich einen umfassenden Schutz der europäischen Landschaft vor. Die Regelungen sind punktueller Art, sie enthalten viele Ausnahmen und entsprechen kaum den von der Kommission selbst aufgestellten Grundsätzen für ein „Regieren in Europa“¹⁹. Diese Grundsätze sehen vor, dass das EUhandeln bestimmt sein solle von grösstmöglicher:

- Offenheit und Transparenz;
- Beteiligung der Bürger;
- Verantwortlichkeit der Verwaltung;
- Effektivität und
- Kohärenz.

14. Verordnung 1698/2005, ABl.2005, L 277 S.1.

15. Beschluss 2005/370, ABl.2005, L 124 S.1.

16. Richtlinie 2003/4, ABl.2003, L 41 S.26

17. Richtlinie 2003/35, ABl.2003, L 156 S.17.

18. Verordnung 1367/2006, ABl.2006, L 264 S.13.

19. Kommission, Regieren in Europa, COM(2001) 248.

involve protected habitats¹³. In practice, the protection of landscapes has no role in the assessments of environmental sustainability.

Regulation 1698/2005 grants financial support to farmers who behave in an environmentally sound way¹⁴. The regulation benefits farmers in mountain and less-favoured areas who work in protected habitats, or farmers who envisage afforestation measures. The goal of the regulation is not the safeguard of the landscape, but the creation of additional income for farmers. By the way, the EU agricultural policy pays no particular attention to landscape protection.

In terms of citizens' procedural rights, the EU has issued a series of rules, influenced in particular by the Aarhus Convention on the access to information, the participation in decision-making and the access to courts in case of environmental matters (Aarhus 1998). The EU joined the Convention in 2005¹⁵. Directive 2003/4 gives individuals the right to access environmental information owned by public authorities¹⁶. Directive 2003/35 grants citizens participation rights in administrative procedures related to the environment, but limits their scope to the environmental impact assessment, the approval of large industrial projects and the development of specific plans and programmes related to waste, water protection and air pollution control¹⁷. Regulation 1367/2006 applies the rules of the Aarhus Convention to the institutions and bodies of the EU¹⁸.

In general, the EU legislation does not provide a comprehensive protection of the European landscape, neither in substantive nor in procedural terms. Regulations have a very specific and isolated scope, they contain several exceptions and hardly meet the principles defined by the Commission itself for "European governance"¹⁹. According to these principles, the EU should act with the maximum possible:

- openness and transparency;
- citizens' participation;
- accountability of authorities;
- effectiveness and
- consistency.

13. Directive 2001/42, OJ 2001, L 197 S.30.

14. Directive 1698/2005, OJ 2005, L 277 S.1.

15. Decision 2005/370, OJ 2005, L 124 S.1.

16. Directive 2003/4, OJ 2003, L 41 S.26

17. Directive 2003/35, OJ 2003, L 156 S.17.

18. Regulation 1367/2006, OJ 2006, L 264 S.13.

19. Commission, European Governance, COM(2001) 248.

Damit stellt sich die Frage, was Bürger und Umweltverbände unternehmen können, um den Schutz von Natur und Landschaft in der EU zu verbessern. Im wesentlichen scheinen fünf Schritte möglich, aber auch erforderlich, um allmählich zu einem besseren Schutz der europäischen Landschaft zu gelangen:

Zunächst einmal ist es erforderlich, die Verwaltung beim Wort zu nehmen. Wenn und weil die in Nr.1 genannten Übereinkommen geltendes EU-Recht darstellen, sollten Bürger und Umweltverbände auch darauf drängen, dass die Regelungen dieser Übereinkommen im Einzelfall auch vollständig angewandt werden. Notfalls sind insoweit auch gerichtliche Schritte zu unternehmen. Denn das Problem der Umwelt besteht ja auch im Bereich des Landschaftsschutzes darin, dass eine Vielzahl von kleinen Veränderungen - Genehmigungen, Strassenbau, Urbanisierung, intensive Landwirtschaft usw. - die Landschaft allmählich beeinträchtigt.

Beim Wort nehmen heisst auch, die nur allzu oft geäusserten Beteuerungen über Bürgerbeteiligung, über Offenheit, über Mitverantwortung gerade auch auf örtlicher und regionaler Ebene im Alltag einzufordern;

Bürger und Verbände sollten Transparenz herstellen und dafür sorgen, dass Entscheidungen auch wirklich ergebnisoffen und sachgerecht erörtert werden. Studien, die die Verwaltung über die Umwelt (im weitesten Sinne) erstellt, sind systematisch zu veröffentlichen; gerade auch Transport- und Energie-Verwaltungen befürworten bisher keine grösstmögliche Offenheit in Planungs- und Untersuchungsfragen; erwähnt seien Studien über nukleare Fragen, über Gas-Elektrizitätsleitungen oder Pipelines. „Die öffentliche Verwaltung besitzt Informationen über die Umwelt im öffentlichen Interesse“, d.h. nicht im Eigeninteresse der Verwaltung, stellt das Aarhus-Übereinkommen zu Recht fest;

Bürger und Verbände sollten und müssen Verantwortung übernehmen. Wer Kernkraft ablehnt, muss erklären, wie er sich eine Energieversorgung der Gesellschaft vorstellt. Infrastrukturmassnahmen im Energiebereich wie auch im Transportbereich bleiben notwendig. Stromleitungen und Pipelines, Windräder, Speicherseen und Kraftwerke - jede Lösung bringt auch Nachteile für Menschen und die Umwelt mit sich. Deswegen stellt eine Ablehnung eines Projektes als solche noch keine Lösung dar;

Bürger und Verbände sollten mehr auf das Prüfen von Alternativen drängen. Gerade weil jede Massnahme in irgendeiner Form die Umwelt beeinträchtigt, ist eine ausgebreitete Erörterung möglicher Alternativen - alternative Projekte, alternative Standorte, alternative Dimensionen des Projekts usw. - erforderlich, um die Umweltbeeinträchtigung so gering wie möglich zu halten. Diese Diskussion darf nicht der Verwaltung allein überlassen bleiben, weil dann nur allzu oft

This raises the question of what citizens and environmental associations can do to improve the safeguard of nature and landscapes in the EU. Essentially, five steps are possible, as well as necessary, to gradually achieve a better protection of the European landscape:

First, it is necessary to take public authorities by their word. As the conventions mentioned in point 1 are applicable EU legislation, citizens and environmental associations should urge that the provisions of these conventions are actually and fully applied to individual cases. If necessary, legal action should also be taken. This is relevant because the problem of the environment, also in the area of landscape protection, consists in the fact that a series of small changes - authorizations, road building, urbanization, intensive farming, etc. - gradually damage the landscape.

Taking public authorities by their word also means that the far too frequent statements on citizens' participation, openness and shared responsibility should be demanded also at local and regional level, and in everyday life;

Citizens and associations should create transparency and make sure that decisions are debated in an open, unbiased and objective way. Environmental studies (in the broadest sense of the term) produced by public authorities should be systematically made public. Until now, transport and energy authorities have not supported a great deal of openness when it comes to planning and research - suffice it to mention the studies on nuclear issues, on gas and electricity lines or pipelines. The Aarhus Convention states that "public authorities hold environmental information in the public interest", in other words not in the interest of the authorities themselves;

Citizens and associations should and must take on responsibility. Those who reject nuclear energy must explain how they envisage society's energy supply. Infrastructure measures in the energy and transport areas are still necessary: power lines and pipelines, windmills, reservoirs and power stations, and each solution also entails disadvantages for man and the environment. For this reason, the rejection of a project does not represent, as such, a solution;

Citizens and associations should insist more on the evaluation of alternatives. As each and every measure damages the environment in a way or another, a wide debate on possible alternatives (alternative projects, sites or scopes of the project, etc.) is necessary to contain environmental degradation as much as possible. This discussion should not be left exclusively to public authorities, as then - as it too often happens - only technical, financial or even irrelevant considerations could become decisive;

technische, finanzielle oder gar sachfremde Überlegungen den Ausschlag geben können;

Bürger und Verbände müssen von dem Sankt-Florians-Prinzip wegkommen²⁰. Es ist nicht möglich, die Landschaft im Alpenraum als Ganzes zu schützen, wenn gleichzeitig jede, wie auch immer geartete Lösung von den vor Ort Beteiligten abgelehnt wird. Weder kann man die Umwelt, noch kann man die Alpen als Museum ansehen, das keinerlei Veränderung unterliegen darf. Nicht umsonst hieß einer der Leitsätze der Urväter der globalen ökologischen Bewegung „global denken, lokal handeln“. Gelegentlich gewinnt man den Eindruck, dass Umweltverbände zwar lokal handeln (wollen), aber zum globalen Denken nur ungern vorstossen.

Ohne jeden Zweifel bedeutet dies auch, dass sich Umweltverbände und Bürger untereinander besser abstimmen und verständigen müssen. Nicht jeder Verband kann im Namen der Umwelt auf einer vollständigen Berücksichtigung gerade seiner - und nur seiner - Belange bestehen. Der Umwelt als ganzer ist mit einer solchen Haltung nicht wirklich geholfen. Wenn sich die Märkte europäisieren oder gar globalisieren - Energie, Transport, Handel, Produkte - müssen rein örtliche oder überörtliche Zielsetzungen bei der Suche nach einem Interessenausgleich notwendig zurücktreten. Eine erfolgreiche Beteiligung von Verbänden und Bürgern setzt also voraus, dass gesamtwirtschaftliche Umweltaspekte, aber auch gesamtwirtschaftliche ökonomische Aspekte mit-bedacht werden.

Der Schutz der Landschaft ist im EU-Recht unterentwickelt. Die gegenwärtig bestehenden „Inselregelungen“ reichen nicht aus, den Lebensraum „Europäische Union“ nachhaltig zu erhalten, zu schützen und seine Qualität zu verbessern. Eine sinnvolle Verbesserung würde eine EU-Richtlinie über den Schutz der biologischen Vielfalt darstellen, die die in Nr. 1 und Nr. 2 genannten internationalen Übereinkommen in sekundäres Gemeinschaftsrecht überträgt und anwendbar werden lässt. Eine solche Richtlinie würde einen rechtlichen Gegenpart zu dem „EU-Binnenmarkt“ darstellen, der ja schon besteht, aber dazu dient, ökonomische Interessen zu fördern. Die Richtlinie würde signalisieren, dass dort, wo freier Waren- und Dienstleistungsverkehr, freier Transport und ein Energie-Binnenmarkt besteht oder vorgesehen ist, auch der Schutz der Umwelt, der Landschaft, und der biologischen Vielfalt Teil der Zielsetzung des EU-Vertrages ist. Nichts anderes bedeutet ja die in Artikel 11 VAEU niedergelegte Verpflichtung für die EU-Organe, bei der Ausarbeitung und Durchführung aller EU-Politiken die Erfordernisse des Umweltschutzes mit zu berücksichtigen. Denn nur so kann, so Artikel 11, eine nachhaltige Entwicklung in der EU erreicht werden.

20. Das Stossgebet, das den erwähnten Namen gab, lautet: „Heiliger sankt Florian, verschon mein Haus, zünd' andre an“. Im modernen Verwaltungsdeutsch spricht man nunmehr von dem NIMBY-Prinzip (Not In My Backyard): die Eingriffsregelung mag stattfinden, wo sie wolle, aber nicht in meiner Nachbarschaft.

Citizens and associations should move away from the “Florian principle”²⁰. It is not possible to protect the landscape in the Alpine region as a whole if, at the same time, each and every solution is rejected at local level by those who are concerned by it. It is not for nothing that one of the guiding principles of the fathers of the organic movement states: “think global, act local”. Sometimes you have the impression that environmental associations do act locally (or want to do so), but are reluctant to think globally.

Undoubtedly, this also means that environmental associations and citizens should come to a better agreement and understanding among themselves. Not all associations can expect that their, and only their interests are fully taken into account in the name of the environment. The environment, as a whole, is not really helped by such an approach. If markets become European, or even globalized (the markets of energy, transport, commerce and products), merely local or supralocal goals must take a step back in the search for a balance of interests. A successful participation of associations and citizens requires that macro-environmental aspects, as well as macro-economic aspects, are taken into account at the same time.

Landscape protection is underdeveloped in the EU legislation. The current patchy and isolated rules and regulations are not enough to sustainably preserve and safeguard the “European Union” habitat and improve its quality. A reasonable improvement would be a EU directive on the protection of biodiversity, which transposes into Community secondary law the international conventions mentioned in points 1 and 2, and allows their implementation. Such a directive would be a counterpart of the “EU internal market”, which already exists but is aimed at promoting economic interests. The directive would show that in those cases where the free circulation of goods and services, free transport and an energy internal market do exist or are planned, the protection of the environment, the landscape and biodiversity belong to the goals of the Treaty of the European Union. This is exactly what Article 11 of the Treaty on the Functioning of the European Union (TFEU) establishes by stating the obligation for EU institutions to take into account the requirements of environmental safeguard when developing and implementing all EU policies. This is the only way, according to Article 11, to achieve sustainable development in the EU.

20. The prayer where this saying comes from says: „Holy Saint Florian, spare my house and kindle others“. A more common way to express this concept is the NIMBY (Not In My Backyard) principle: the impact regulation can be applied wherever you want, but not in my back yard.

IT La Convezione delle Alpi e il paesaggio

Marcella MORANDINI e Marco ONIDA

Il presente contributo si apre con una breve introduzione alla Convenzione delle Alpi (parte 1). I contenuti della Convenzione quadro e dei protocolli tematici sono oggetto della parte 2. La parte 3, infine, trae alcune conclusioni e offre spunti di riflessione per lo sviluppo futuro delle politiche di gestione del paesaggio nelle Alpi.

1. Introduzione alla Convenzione delle Alpi

La Convenzione delle Alpi è un trattato internazionale nato in seguito alla presa di coscienza che le Alpi sono, al di là dei confini amministrativi e politici, un'unica area dalle caratteristiche comuni in cui i problemi, le sfide e la storia sono simili, a fronte di una notevole varietà in fatto di lingue e culture. Il trattato è stato aperto alla firma il 7 novembre 1991 ed ha recentemente festeggiato il ventesimo anniversario. L'obiettivo principale della Convenzione delle Alpi è promuovere una politica coerente e globale per le Alpi considerate come un unico sistema territoriale. Sia nel titolo della Convenzione ("Convenzione per la protezione delle Alpi") che nei primi protocolli tematici adottati tra il 1994 e il 1998 risalta un evidente approccio protezionistico: la natura (e il paesaggio) doveva allora essere protetta da una crescente pressione delle infrastrutture (trasporti, energia, ecc..) e dall'espansione dell'urbanizzazione, con la costruzione di nuovi edifici di tutti i tipi, anche nelle zone più remote dove il fenomeno era per lo più legato all'industria turistica. Allo stesso tempo le Alpi dovevano essere "protette" da un irreversibile abbandono delle aree rurali, compreso l'abbandono dell'agricoltura: la presenza dell'uomo nei secoli è parte integrante del paesaggio alpino e in molti casi anche condizione indispensabile per la salvaguardia della biodiversità. L'abbandono delle aree marginali, quindi, comporta non solo problemi di carattere sociale (invecchiamento della popolazione e chiusura dei servizi di base) ma ha anche implicazioni di tipo ambientale. Questi tre fattori hanno dunque condotto gli Stati alpini a negoziare prima e quindi adottare uno strumento giuridico internazionale legalmente vincolante: la Convenzione delle Alpi. È un trattato tra Stati ma è anche un trattato per il territorio alpino (Figura 1): come tale richiede soluzioni di *governance* multilivello che permettano agli enti territoriali che ne hanno

EN The Alpine Convention and landscape

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This contribution begins with a brief introduction to the Alpine Convention (part 1). The contents of the Alpine Convention and its thematic protocols are the subject of part 2. Part 3 draws some conclusions and offers thoughts for a future policy on landscape in the Alps.

1. Introduction to the Alpine Convention

The Alpine Convention is an international Treaty the genesis of which is the awareness that the Alps are beyond administrative and political frontiers, a single area sharing common features where problems, assets and history are similar, in spite of the diversity of language and culture. The Treaty was opened to signature on 7 November 1991 and recently celebrated its 20th anniversary. The main objective of the Alpine Convention is to promote a coherent and overarching policy for the Alps as a unique system. In the title of the Convention ("Convention on the Protection of the Alps"), as well as in the first thematic protocols which were adopted between 1994 and 1998, one sees a clear environmental protection imperative: nature (and landscape) had to be protected from increasing pressure from infrastructure (transport, energy etc) as well as from expanding urbanisation and new buildings of all kinds, including in remote areas where it is mostly led by the tourism industry. At the same time the Alps had to be "protected" from an irreversible abandonment of remote areas, including mountain agricultural land: the presence of man over the centuries is part of the Alpine landscape and culture and in many cases also an indispensable condition for the preservation of biodiversity. Therefore the abandonment of remote areas not only creates social problems (ageing and disappearance of basic services) but also environmental ones. All these factors led the Alpine States to negotiate, and then adopt, an international legally binding instrument: the Alpine Convention. While manifestly a Treaty between States, it is also a Treaty for the Alpine territory (figure1): as such, it requires multi-level governance solution whereby the objectives and policies set out in the Treaty are implemented by those territorial entities which have the relevant

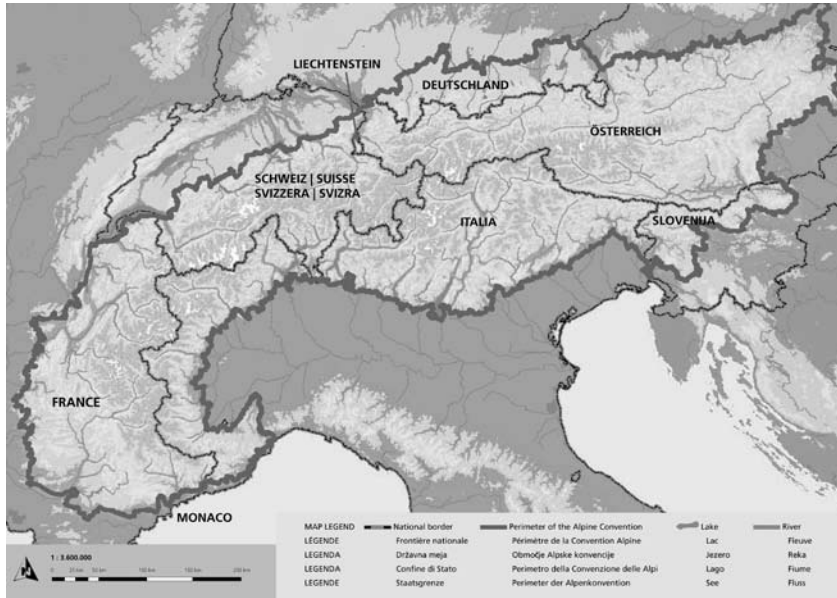


Figura 1

la relativa competenza (regioni, province e comuni) di attuare gli obiettivi e gli orientamenti delineati nel trattato. Per questo motivo non vi è nulla di cui sorprendersi se ogni protocollo tematico della Convenzione dichiara la necessità che ogni Stato stabilisca, *nel quadro istituzionale vigente, il livello più idoneo alla concertazione e cooperazione tra le istituzioni e gli enti territoriali direttamente interessati, al fine di promuovere una responsabilità solidale*. Ad eccezioni di pochi casi (ad es. Austria) la questione se questa disposizione sia stata efficacemente attuata rimane aperta. È infatti assodato che le autorità regionali e locali non sentano sempre la proprietà della Convenzione - pur avendone le competenze per attuarla - in quanto il trattato è stato negoziato e firmato a livello nazionale e gli Stati mantengono le principali competenze all'interno degli organi decisionali della Convenzione (Conferenza delle Alpi, Comitato permanente, Comitato di verifica e Gruppi di lavoro).

Vi sono indubbiamente delle tensioni irrisolte tra il livello nazionale e quello territoriale, con effetti negativi sull'attuazione della Convenzione a livello regionale e locale. Tali conflitti sono spesso legati a divergenze politiche o a questioni di competenza, in particolare in Stati federali o semi federali (come ad es. l'Austria, la Germania, l'Italia e la Svizzera). A questo si

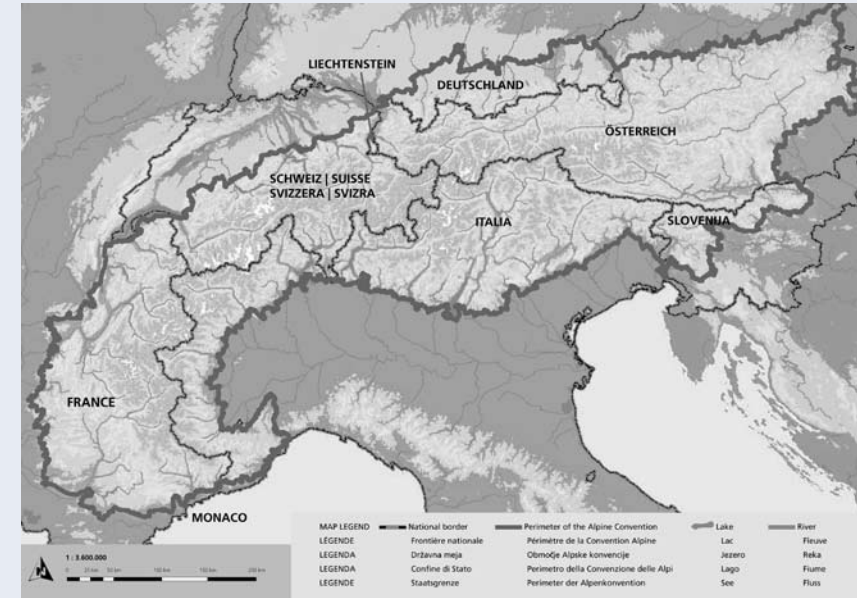


Figure 1

competencies (regions, provinces and municipalities). It is therefore no surprise that each and every thematic protocol of the Convention requires the States *to define, within its own institutional framework, the best level of coordination and cooperation between the institutions and regional and local authorities directly concerned so as to encourage solidarity of responsibility*. Whether this provision has been successfully put into practice, remains, with few exceptions (e.g. Austria) doubtful. It is a fact that regional and local authorities do not always feel a sense of ownership of the Convention - despite having the competencies for applying it - as the Treaty has been negotiated and signed at the national level and the States retain the main competences within the decision-making bodies of the Convention (Alpine Conference, Permanent Committee, Compliance Committee and Working Groups).

There are surely unresolved tensions between the national and the territorial level of authority, with negative effects on the implementation of the Convention by the regional and local level. These conflicts are often due to political divergences or issues of competency, in particular in federal or quasi-federal States (such as Austria, Germany, Italy and Switzerland).

aggiunge il fatto che i protocolli della Convenzione non sono ancora stati ratificati da tutte le Parti Contraenti²¹. Nonostante questo tuttavia, le disposizioni della Convenzione delle Alpi e dei suoi protocolli hanno ricadute dirette sulla gestione del territorio e per questo rivestono, almeno potenzialmente, una notevole importanza per le autorità territoriali interessate. A titolo di esempio, gli effetti della Convenzione sul territorio sono visibili già in termini di reti internazionali create per trasformare i principi della Convenzione in misure concrete. Tra queste "Alleanza nelle Alpi"²² (una rete di circa 300 comuni medio-piccoli), "Città alpina dell'anno"²³ (circa 14 città), "Alparc"²⁴ (quasi tutte le aree protette alpine), "Via Alpina"²⁵ e i Bergsteigerdörfer²⁶.

La protezione del paesaggio figura tra gli obiettivi principali della Convenzione *ratione materiae*. In particolare, le Parti contraenti si impegnano ad adottare misure al fine di "proteggere, di tutelare e, se necessario, di ripristinare l'ambiente naturale e il paesaggio" e per garantire stabilmente "l'unicità e la bellezza della natura e del paesaggio nel loro insieme"²⁷.

Come tale obiettivo generale venga sviluppato in principi e requisiti più specifici è oggetto della prossima sezione.

2. Protezione del paesaggio nella Convenzione delle Alpi e nei suoi protocolli

Tra il 1994 e il 2000 la Conferenza delle Alpi ha approvato otto protocolli tematici (Figura 2). Tra il 2006 e il 2011 sono state quindi approvate tre dichiarazioni tematiche (una su popolazione e cultura, una sul clima e una sulla strategia macroregionale) oltre ad un piano d'azione sui cambiamenti climatici. Uno dei protocolli, approvato nel 1994, tratta specificamente della protezione della natura e del paesaggio ed è in vigore in tutti i Paesi della Convenzione, ad eccezione della Svizzera. L'Unione Europea - anch'essa Parte contraente della Convenzione delle Alpi - ha ratificato quattro protocolli. Il Principato di Monaco ha ratificato quattro protocolli²⁸.

21. Ad oggi la Svizzera non ha ancora ratificato alcun protocollo della Convenzione delle Alpi. Nel settembre 2010 il Parlamento svizzero ha respinto una proposta di legge governativa volta a ratificare alcuni dei protocolli della Convenzione.

L'Italia ha recentemente ratificato (L. 50/2012) tutti i protocolli ad eccezione di quello sui trasporti.

22. www.alpenallianz.org

23. www.alpenstaedte.org

24. www.alparc.org

25. www.via-alpina.org

26. www.mountainvillages.at (solo in Austria).

27. Convenzione delle Alpi, art. 2, comma 2, lettera f.

28. Il quadro sinottico dello stato della ratifica è disponibile su www.alpconv.org

Moreover, protocols have not yet been ratified by all Contracting Parties²¹. Nonetheless, the provisions of the Alpine Convention and its protocols do directly affect the management of the territory and as such are potentially of great importance for the concerned territorial authorities. For example, the effects of the Convention on the territory are visible already in terms of international networks that have been set up in order to transform the principles of the Convention into concrete measures. These include: "Alliance in the Alps"²² (a network of about 300 medium-small municipalities), "Alpine City of the Year"²³ (approximately 14 Alpine cities), "Alparc"²⁴ (almost all protected areas of the Alps"), Via Alpina²⁵, and Bergsteigerdörfer²⁶ (Mountaineering villages).

Landscape protection features among the main objectives of the Convention *ratione materiae*. In particular, the Contracting Parties committed themselves to take measures "for protecting, conserving and, where necessary, rehabilitating the natural environment and the countryside" and for "preserving on a permanent basis the uniqueness and beauty of nature and the countryside as a whole"²⁷.

How this general aim developed into more specific principles and requirements is the subject of the next section.

2. Landscape protection in the Alpine Convention and its protocols

Between 1994 and 2000 the Alpine Conference approved eight thematic protocols (figure 2). Between 2006 and 2011 it also approved three declarations (on population and culture, climate change and macro-regional strategy), as well as an action plan on climate change. One of the protocols, approved in 1994, deals specifically with nature and landscape protection. It is currently in force in all member States, with the exception of Switzerland. The European Union - also a Contracting Party to the Alpine Convention - ratified four protocols. Four protocols have been ratified by the Principality of Monaco²⁸.

21. To date, Switzerland has not yet ratified any protocol of the Alpine Convention. In September 2010 the Swiss Parliament rejected a governmental bill aimed at ratifying some of the protocols of the Convention.

Italy has recently ratified all the protocols (L. 50/2012) except the one on transport.

22. www.alpenallianz.org

23. www.alpenstaedte.org

24. www.alparc.org

25. www.via-alpina.org

26. www.mountainvillages.at (limited to Austria).

27. Alpine Convention, Article 2, paragraph 2, letter f.

28. The complete overview of the ratifications is available on www.alpconv.org

CONVENZIONE QUADRO	
Agricoltura di montagna	Popolazione e cultura
Turismo	Clima
Trasporti	Protezione del suolo
Foreste montane	Energia
Protezione della natura e tutela del paesaggio	Pianificazione territoriale e sviluppo sostenibile

Figura 2

2.1 Protocollo Protezione della natura e tutela del paesaggio

Il protocollo "Protezione della natura e tutela del paesaggio" (1994) si fonda su un ampio spettro di principi: il fatto che le Alpi costituiscano uno dei maggiori spazi naturali continui del continente europeo; che in certe aree è evidente un'eccessiva compromissione della natura e del paesaggio, dovuta in particolare alla concentrazione di traffico, turismo, sport e attività ricreative, urbanizzazione e sviluppo economico squilibrato includendo la pratica intensiva di agricoltura e selvicoltura; e che la limitata capacità di carico (*carrying capacity*) del territorio alpino richiede regolamentazioni e misure specifiche per la conservazione e il ripristino del corretto equilibrio naturale. A questo fine il protocollo richiede che ogni Paese adotti le misure necessarie per assicurare la protezione, la cura e, per quanto necessario, il ripristino della natura e del paesaggio²⁹. Inoltre invita gli Stati a collaborare a livello transnazionale al fine di:

- definire modelli, programmi e/o piani paesaggistici per la prevenzione e il riequilibrio di compromissioni della natura e del paesaggio oltre che per il monitoraggio sistemico;³⁰
- concertare le condizioni quadro per rimuovere qualsiasi ostacolo al raggiungimento delle finalità del protocollo. Presenta e aggiornare regolarmente inventari sulla situazione corrente della conservazione della natura e del paesaggio;³¹
- creare i prerequisiti per valutare gli effetti diretti ed indiretti sull'equilibrio naturale e sul paesaggio delle misure e dei progetti rilevanti, sia privati che pubblici (valutazione di impatto);³²
- assicurare che tutti gli usi di rilevanza territoriale avvengano nel rispetto della natura e del paesaggio.³³

29. Art. 2

30. Artt. 3 e 7

31. Artt. 3(3) e 6

32. Art. 9

33. Art. 10

FRAMEWORK CONVENTION	
Mountain farming	Population and Culture
Tourism	Climate Change
Transport	Soil Conservation
Mountain forests	Energy
Conservation of nature and the landscape protection	Spatial planning and sustainable development

Figure 2

2.1 The protocol on conservation of nature and landscape protection

The 1994 protocol on conservation of nature and landscape protection builds on a broad set of principles: that the Alps are one of the largest continuous natural spaces in Europe; that in certain areas excessive compromising of nature and landscape is evident, in particular due to the concentration of traffic, tourism, sport and leisure activities, urbanisation, and unbalanced economic development including intensification of agriculture and forestry; and that the limited carrying capacities of the territory of the Alps requires regulations and measures of a specific character for the conservation and the restoring of the correct natural balance. To this end, the protocol requires the States to adopt the measures necessary to ensure the protection, care and - to the extent necessary - restoration of landscape²⁹. Furthermore, it calls on the States to cooperate internationally in order to:

- define landscape models, programmes and plans to prevent and rebalance damage, as well as systematically monitor the countryside³⁰;
- coordinate the framework conditions for enacting any restrictions necessary in order to achieve the protocol's objectives. Present and regularly update inventories on the current situation of the conservation of nature and the countryside³¹;
- create prerequisites to assess direct and indirect effects on the natural balance and the landscape of relevant measures and projects whether private or public (impact assessment)³²;
- ensure that all significant uses of the territory are undertaken with due care for nature and the countryside³³.

29. Article 2

30. Articles 3 and 7

31. Articles 3(3) and 6

32. Article 9

33. Article 10

2.2. Il paesaggio negli altri protocolli tematici

Tra le disposizioni che, nei vari protocolli della Convenzione, si riferiscono al paesaggio alcune sono di carattere generale. Altre invece si riferiscono a specifiche attività che si svolgono nelle Alpi, come l'agricoltura di montagna, la produzione di energia e quanto ruota attorno allo sci.

Ai sensi del protocollo sulla **pianificazione territoriale e lo sviluppo sostenibile** le politiche devono essere applicate in modo da ottenere una rapida armonizzazione degli interessi economici con la necessità di proteggere l'ambiente, con particolare attenzione [...] alla realizzazione compatibile con l'ambiente e il paesaggio di costruzioni e impianti necessari per lo sviluppo.³⁴

Secondo il protocollo **agricoltura di montagna** occorre riconoscere il ruolo fondamentale degli agricoltori nel mantenimento del paesaggio naturale e rurale e nella prevenzione di rischi naturali, rendendoli partecipi delle decisioni e delle misure per le zone montane.³⁵

Il protocollo **turismo** richiede che si tenga conto, per lo sviluppo turistico, delle esigenze di protezione della natura e di salvaguardia del paesaggio. Le autorità competenti si impegnano a promuovere, nella misura del possibile, solamente progetti che rispettino i paesaggi e siano compatibili con l'ambiente.³⁶ Le Parti contraenti si impegnano ad assicurare che la realizzazione, la manutenzione e l'esercizio delle piste da sci si integrino nel miglior modo possibile nel paesaggio, tenendo conto degli equilibri naturali e della sensibilità dei biotopi.³⁷

Varie altre rilevanti disposizioni sono contenute nel protocollo **energia**. Il preambolo evidenzia l'importanza di realizzare forme di produzione, distribuzione e utilizzazione dell'energia che rispettino la natura e il paesaggio e siano ecocompatibili promuovendo al contempo misure di risparmio energetico.

Gli effetti negativi delle infrastrutture energetiche sull'ambiente e sul paesaggio vanno limitati; vanno adottate misure preventive per le nuove realizzazioni e, se necessario, ricorrere a interventi di risanamento per impianti esistenti.³⁸

Le aree protette e le loro zone cuscinetto, le zone di rispetto e di quiete nonché quelle

34. Art. 3 (g)

35. Artt. 4 e 7

36. Art. 6

37. Art. 14

38. Art. 2(1d)

2.2. Landscape in the other thematic protocols

Some of the provisions dealing with landscape in the various thematic protocols to the Alpine Convention are of a general nature. Others, on the contrary, target very specific activities that take place in the Alps, such as farming, energy exploitation and skiing.

Pursuant to the protocol on **spatial planning and sustainable development**, policies are to be applied in order to achieve the swift harmonisation of economic interests with the need to protect the environment, with particular attention to [...] the compatibility of building structures and facilities necessary for development with safeguarding the environment and the landscape³⁴.

According to the protocol on **mountain farming**, recognition must be given to the essential role played by farmers in the conservation of nature and the countryside and in the prevention of natural hazards, and farmers must be associated in the decisions and measures taken for mountain regions³⁵.

The **tourism** protocol requires that account must be taken of issues such as the conservation of nature and the countryside when undertaking tourism developments. The competent authorities should undertake to promote, as far as possible, projects that enhance the countryside and are environmentally acceptable³⁶. The Contracting Parties shall ensure that the development, maintenance and use of ski slopes blend into the natural surroundings as much as possible, taking account of natural balances and biotope sensitivity³⁷.

Finally, several relevant provisions are to be found in the **energy** protocol. Its preamble highlights the importance of establishing forms of energy production, distribution and use which are not harmful to nature and the countryside, which are environmentally friendly and compatible with the promotion of energy-saving measures.

The negative effects of power plants on the environment and the landscape are to be limited; preventive measures are to be adopted for the new plants and, if necessary, existing ones are to be improved³⁸. Protected areas and their buffer zones, quiet zones as

34. Article 3, letter g

35. Articles 4 and 7

36. Article 6

37. Article 14

38. Article 2(1), letter d.

integre dal punto di vista naturalistico e paesaggistico devono essere preservate.³⁹ Nei casi di costruzione di nuove grandi infrastrutture energetiche e di rilevante potenziamento di quelle esistenti è obbligatoria la valutazione d'impatto ambientale e degli effetti territoriali e socioeconomici.⁴⁰

Un incremento dell'utilizzo di fonti rinnovabili, nonostante sia importante nel contesto dei cambiamenti climatici e della riduzione della dipendenza da fonti fossili, può avere tuttavia effetti indesiderati sull'ambiente e il paesaggio delle Alpi. È soprattutto il caso dell'idroelettrico, molto diffuso nelle Alpi.⁴¹ A titolo di esempio, solo nel Tirolo austriaco sono installati 1.053 impianti idroelettrici, molti dei quali si trovano in aree protette. In Austria il 72% dei corsi d'acqua è alterato dall'uomo. Al fine di attirare l'attenzione sulla necessità di raggiungere un equilibrio tra la produzione di energia e la protezione della natura e del paesaggio, la Conferenza dei Ministri alpini del 2011 ha adottato delle Linee guida comuni per l'utilizzo del piccolo idroelettrico nella regione alpina.⁴² Linee guida simili, ad esempio per l'eolico, sarebbero molto apprezzate per assicurare la miglior collocazione degli impianti e evitare la loro installazione al di sopra di una certa altitudine o in aree di particolare valore naturale o paesaggistico.

In generale occorre sottolineare che la protezione del paesaggio figura tra le massime priorità della Convenzione delle Alpi e dei suoi protocolli. Tuttavia non pare che le disposizioni citate sopra siano applicate in modo sistematico su tutto il territorio alpino. Al contrario, vi è una chiara e crescente tendenza ad optare per nuovi progetti di infrastrutture (energia, turismo, trasporti) asserendo che un forte impatto sul paesaggio sarebbe comunque inevitabile.

3. Conclusioni per una politica del paesaggio nelle Alpi

La pressione delle attività umane nelle Alpi è molto forte e in crescita. Circa 14 milioni di persone abitano nella regione alpina così come definita dalla Convenzione delle Alpi (un'area di quasi 200.000 km²), ma sono ogni anno più di 100 milioni coloro i quali visitano le Alpi, senza menzionare il volume del traffico di transito.

39. Art. 2(4)

40. Art. 2(2)

41. R. Psenner, Presentazione alla convegno "Di chi sono le Alpi"? – Agordo 22-24 settembre 2011.

42. http://www.alpconv.org/documents/Permanent_Secretariat/web/library/SHP_common_guidelines_it.pdf

well as areas of unspoiled nature and countryside shall be preserved³⁹. In the event of the construction of new, large power plants and any significant increase of the capacity of existing ones, prior assessment of the environmental – as well as socioeconomic – impact is mandatory⁴⁰.

Increased use of renewable energy sources, though important in the context of climate change and the reduction of the dependency on fossil fuels, can have undesired impacts on the Alpine environment and landscape. This is particularly the case with hydropower, which is widespread in the Alps⁴¹. For example, in the Austrian Province of Tirol alone there are 1053 hydropower plants, many of which are within protected areas. 72% of Austrian river water is anthropologically altered. In order to draw attention to the need to achieve a balance between energy production and nature and landscape protection, the Alpine Ministerial Conference of 2011 adopted common guidelines for the use of small hydropower in the Alpine region.⁴² Similar guidelines, for example on wind power, would be highly desirable in order to ensure the best location for wind power and the avoidance of installations above a given altitude or in areas of outstanding natural or landscape value.

Overall, it should be clear that landscape protection features high in the priorities of the Alpine Convention and its protocols. However, it does not seem that the abovementioned provisions are systematically applied throughout the territory. Indeed, there is a clear and growing tendency to opt for new infrastructure projects (energy, tourism, transport) with an acceptance that a prejudicial impact on the landscape is inevitable.

3. Conclusions on a policy for landscape in the Alps

The pressure of human activities in the Alps is very strong and growing. About 14 million people inhabit the Alpine region as defined geographically by the Alpine Convention (an area of almost 200,000 Km²), but more than 100 million people visit the Alps every year, not to mention the volume of transit traffic.

39. Article 2(4)

40. Article 2(2)

41. R. Psenner, presentation at the Conference "Whose Alps are these"? – Agordo 22-24 September 2011

42. http://www.alpconv.org/documents/Permanent_Secretariat/web/library/SHP_common_guidelines_en.pdf

Gli insediamenti nelle Alpi sono possibili solo in alcune zone (soprattutto nei fondivalle) e ogni nuova costruzione o infrastruttura ha un considerevole impatto sul paesaggio. Una tendenza che desta qualche preoccupazione è la crescente standardizzazione dei modelli sociali e culturali rispetto ai modelli "urbani": le città crescono in popolazione e le aree rurali sono sempre più frequentemente percepite puramente nell'accezione di "aree svago". Ciò aumenta il grado di dipendenza delle aree rurali da quelle urbane. La cultura del "piccolo è bello" viene gradualmente erosa dai modelli urbani. Sono tuttavia presenti anche tendenze positive, in particolare per quanto attiene l'emergere di reti fondate su peculiarità e tratti tipicamente alpini, impiegando queste caratteristiche per attirare turisti a "basso impatto". Un caso esemplare è la rete austriaca dei "Villaggi dell'alpinismo" (Bergsteigerdörfer), in cui un numero crescente di località uniscono le proprie forze per attuare forme di turismo alternative a quelle dell'industria del turismo invernale.⁴³ Due anni dopo il suo lancio, i risultati di questa iniziativa sono estremamente incoraggianti.

Ciò dimostra che è possibile conciliare le attività umane con la protezione del paesaggio. Tuttavia occorre che varie condizioni siano rispettate, tra cui le seguenti:

In primo luogo la protezione del paesaggio deve godere della stessa considerazione dello sviluppo economico piuttosto che esserne una sorella minore. Ciò acquista un significato anche più profondo dal momento che l'economia alpina si basa sempre di più sulle potenzialità del paesaggio. Degno di nota, a questo riguardo, è l'inclusione nel 2009 delle Dolomiti nella lista del Patrimonio Mondiale dell'UNESCO che è strettamente legata al valore paesaggistico delle Dolomiti. Ciò non significa che le Alpi debbano diventare un "museo" dove niente può essere cambiato. Al contrario, le Alpi sono sempre state caratterizzate dalla presenza e dall'intervento dell'uomo, dai suoi insediamenti. È tuttavia indispensabile porre dei limiti condivisi in termini di localizzazione, tipo e dimensione delle infrastrutture e questo al fine di garantire il giusto equilibrio tra uomo ed ecosistema. Una stazione eolica può avere senso in alcuni luoghi o in certe dimensioni mentre potrebbe avere affetti negativi in altre aree o in altre dimensioni.

In secondo luogo, ciò è fondamentale anche al fine di evitare quella concorrenza territoriale che potrebbe essere dannosa per le Alpi. Pare avere poco senso, ad esempio, la corsa alla realizzazione di nuove piste e impianti di risalita al fine di attirare più turisti in un settore che mostra segni di declino ed è fortemente influenzato dai cambiamenti climatici.

In terzo luogo, il desiderio di perseguire l'autarchia energetica deve essere trattato con grande attenzione. Le infrastrutture energetiche, tra cui gli impianti per le fonti rinnovabili (eolico,

43. www.mountainvillages.at

Settlements in the Alps are only possible in certain areas (mostly on valley floors) and any new construction or infrastructure has a considerable impact on landscape. A worrying trend is also the growing standardization of social and cultural models of the Alps according to "urban" models: cities grow in population and remote areas are increasingly seen as "pure leisure" land. This increases the dependency of remote areas on urban areas. The culture of "small is beautiful" is gradually being eroded by such urban-like models. However positive trends are also visible, in particular through the emergence of networks centered on the Alps' intrinsic assets and values, employing such assets to attract 'low impact' vacationers to the Alps. An exemplary case is the Austrian network of "Mountaineering villages" (Bergsteigerdörfer). Two years after its inception, the results of this initiative, under which a growing number of municipalities have joined forces to follow tourism development models alternative to those of mass-winter tourism⁴³, are very encouraging.

This shows that a reconciliation of anthropologic activities in the Alps with the protection of landscape is possible. However, several conditions must be met, including, inter alia, the following:

Firstly, landscape protection must be given the same consideration as economic development, rather than being "ancillary". This makes even more sense since the economy of the Alps is increasingly dependent on landscape. Noteworthy in this respect is the fact that the 2009 inclusion of the Dolomites in the UNESCO World Heritage list is strictly related to the value of the mountain range as landscape. This does not mean that the Alps have to become a "museum" where nothing can be changed. On the contrary, the Alps have always been characterized by the presence of man and human settlement and intervention. But limits in terms of location, type and dimension of infrastructure are indispensable for preserving the right balance between man and nature. A wind power station may make sense in a certain location or of a particular size, whereas it might prove destructive in other areas or of another size.

Secondly, it is crucial to avoid territorial competition that could be detrimental to the Alps. The rush to develop new ski slopes and cableways in order to attract more tourists, in a sector which is declining and heavily influenced by climate change, makes little sense.

Thirdly, the desire to become "energy independent" must be exercised with great precaution. Energy infrastructures, including renewable energy plants (wind, hydropower, solar, biomass) have a considerable impact in terms of land-take and a relatively low ratio of power

43. www.mountainvillages.at

idroelettrico, solare, biomassa) hanno un impatto considerevole in termini di occupazione del suolo e un rapporto relativamente basso di energia prodotta per unità di chilometri quadrati di terreni adibiti (tra 0,5 e 20 W/m²⁴⁴). Una politica energetica globale (nelle Alpi e tra le Alpi e le regioni circostanti e degli Stati) è indispensabile al fine di garantire che gli impianti energetici siano costruiti dove ha più senso farlo, prendendo in giusta considerazione sia i fattori economici che quelli legati alla tutela del paesaggio. In altre parole, una politica di "autarchia energetica" a livello di singole regioni alpine rischia di moltiplicare il numero degli impianti, a scapito del territorio nel suo complesso.

44. Intervento di Lučka Kajfež Bogataj al convegno annuale della CIPRA "Rendiamo le Alpi energeticamente indipendenti!", Bovec 16-17 settembre 2011.

produced per unit of square Km of land used (between 0,5 and 20 watt/square meter⁴⁴). An overarching energy policy (in the Alps and between the Alps and surrounding regions and States) is indispensable in order to ensure that energy installations are built where this makes sense, taking both economic and landscape factors equally into account. In other words, a policy of "energy autarchy" at the level of single Alpine regions risks multiplying the number of power installations, to the detriment of the territory as a whole.

44. Contribution of Lučka Kajfež Bogataj at the CIPRA Annual Conference "Make the Alps energy self-sufficient!", Bovec 16-17 September 2011.

IT I nuovi paesaggi dell'alta montagna alpina

Una nuova ricchezza culturale?

Claudio SMIRAGLIA

Ci si può porre il quesito se per l'alta montagna alpina si possa parlare di nuovi paesaggi. A livello di paesaggio antropico la domanda può apparire perfino banale. La plurimillennaria occupazione dello spazio alpino da parte dell'uomo ha sicuramente visto un'accelerazione negli ultimi decenni a livello di strutture e infrastrutture antropiche legate sostanzialmente alle mutate modalità di utilizzo delle Alpi e ai mutati fattori di polarizzazione di flussi antropici.

Per quanto riguarda gli aspetti naturali (pur nella consapevolezza che in un ambiente di così lunga e intensa umanizzazione sia quasi impossibile discriminare nettamente fra paesaggio naturale e paesaggio antropico), la coscienza diffusa di un cambiamento rapido in atto si sviluppa in tempi relativamente recenti. Se ci si limita all'alta montagna (intesa come fascia al di sopra della vegetazione arborea) e alle trasformazioni del paesaggio abiologico (anche in questo caso consapevoli di introdurre una distinzione fittizia fra paesaggio biologico e paesaggio abiologico), si constata che nel vissuto collettivo i nuovi paesaggi alpini si connotano di un'accezione deteriorata e si concretizzano sinteticamente nel fenomeno impropriamente definito "scioglimento dei ghiacciai".

I confronti fra i paesaggi alpini attuali e quelli di qualche decennio fa indicano chiaramente che, al di là degli eventi stagionali che ovviamente inducono trasformazioni evidenti e sensibili nel paesaggio dell'alta montagna, si stanno consolidando fenomeni evolutivi duraturi come tipologia e in accelerazione come intensità. Basta confrontare le immagini riprese nelle scorse estati e quelle riprese decenni fa oppure, per chi ha cominciato a frequentare le Alpi dopo la metà del XX secolo, riandare con la memoria alle escursioni della propria giovinezza, per constatare al di fuori di ogni dubbio seppur a livello qualitativo come il paesaggio alpino si sia trasformato e come si presentino continuamente nuovi spazi da conoscere e da interpretare.

La ricerca scientifica in modo certamente più asettico e quantitativo conferma queste impressioni che riguardano soprattutto gli ambienti e i sistemi morfodinamici glaciali e periglaciali. In sintesi nell'alta montagna alpina si sta verificando la transizione da un

EN The new landscapes of Alpine high mountains

A new cultural asset?

Claudio SMIRAGLIA

We may wonder if it makes sense to talk about new landscapes in Alpine high mountain areas. In terms of anthropic landscape, the question may even sound obvious. In recent decades, the millenary occupation of the Alpine space by man has certainly picked up pace with the development of anthropic structures and infrastructure linked to the changed way of using the Alps, and to the changed polarization factors of anthropogenic flows. As for the natural aspects - being aware, of course, that it is almost impossible to make a clear distinction between natural landscape and anthropogenic landscape in an environment with such a long-standing and intense presence of man - the common awareness that a rapid change is under way has developed rather recently. If we only look at high mountain areas (above the tree line) and at the changes in the non-biological landscape (again, being aware that the distinction between biological and non-biological landscape is fictitious), the public opinion is that the new Alpine landscapes are deteriorating. This is expressed in short by referring to the improperly called phenomenon of the "melting of glaciers".

Comparisons between current Alpine landscapes and landscapes from a few decades ago clearly show that, apart from seasonal events which of course cause obvious and deep transformations in high mountain landscapes, lasting evolutionary phenomena are consolidating and becoming more intense. Suffice it to compare the images from the last few summers and those of decades ago. Or those who started coming to the Alps after the mid-20th century can just think back of the hikes they took when they were young to realize - beyond any doubt - that the quality of the Alpine landscape has transformed, and that new spaces to explore and interpret keep on being created.

Scientific research, in a more detached and quantitative way, confirms these impressions, which mainly involve glacial and periglacial morphodynamic environments and systems. In brief, Alpine high mountains are shifting from a glacial system - characterized by erosion, transport and sedimentation processes due to the presence and movement of glaciers - to a paraglacial system. This is a relatively new scientific term which describes

sistema glaciale, caratterizzato quindi da processi di erosione, trasporto e sedimentazione derivanti dalla presenza e dal movimento dei ghiacciai, ad un sistema paraglaciale. È un termine relativamente nuovo nella scienza che indica quegli ambienti dove i processi di modellamento del paesaggio derivano solo indirettamente dalla presenza dei ghiacciai, la cui evoluzione, o meglio involuzione, crea versanti di detriti instabili e rilascia grandi quantità di acqua di fusione. È un paesaggio estremamente dinamico e non in equilibrio, i cui agenti morfogenetici sono in assoluta prevalenza le acque ruscellanti e incanalate e i fenomeni gravitativi.

Per misurare le variazioni glaciali sulle Alpi le metodologie sono numerose, da quelle più tradizionali in uso sin dalla fine dell'800, coordinate in Italia ad opera del Comitato Glaciologico Italiano, a quelle più moderne basate sui rilievi "in remoto". Fra le prime prevalgono le misure di "variazione frontale", in pratica la misura delle variazioni di lunghezza di un ghiacciaio effettuata ogni anno a settembre da punti fissi situati al di fuori della fronte, sia con strumenti speditivi, sia attualmente con strumenti topografici satellitari (GPS). I dati pubblicati nel Bollettino del Comitato Glaciologico Italiano fino al 1977 e successivamente sulla rivista *Geografia Fisica e Dinamica Quaternaria*, rappresentano un patrimonio conoscitivo insostituibile e permettono di tracciare l'evoluzione secolare del glacialismo italiano. L'elaborazione dei dati permette di constatare che durante il XX secolo i ghiacciai italiani hanno subito un regresso generalizzato con due limitate fasi di progresso all'inizio degli anni Venti e fra gli anni Settanta e la metà degli anni Ottanta. Dalla metà degli anni Ottanta è ripresa la fase di regresso con un'accelerazione dall'inizio del XXI secolo che ha visto negli ultimi anni il 100% dei ghiacciai misurati in ritiro (il campione è costituito da una cinquantina di ghiacciai). Fra gli altri metodi di misura viene utilizzato il "bilancio di massa", cioè la misura annua delle variazioni medie di spessore espresse in acqua equivalente. Data la complessità delle tecniche di terreno, questo metodo viene applicato sulle Alpi Italiane a una decina di ghiacciai-campione, la cui serie più lunga è quella del Careser sul versante trentino dell'Ortles-Cevedale, misurato dal 1967. Su questo ghiacciaio nell'arco di poco più di un quarantennio il bilancio è stato positivo solo per sei anni compresi fra il 1967 e il 1980 e nel complesso si è avuta la perdita di poco più di 40 m di spessore di acqua equivalente. Il fenomeno è in netta accelerazione: nell'ultimo decennio si sono registrate infatti perdite di spessore frequentemente superiori a 2 m, con il massimo di 3,3 m nel 2003. Anche le misure del Ghiacciaio della Sforzellina sul versante lombardo dell'Ortles-Cevedale, la seconda serie italiana più lunga, confermano quanto osservato precedentemente: su 25 anni di bilancio (1987-2011) vi sono stati 24 bilanci negativi con una perdita totale di spessore di 27 m e con i valori più elevati nel 2003 (-2,2 m) e nel 2006 (-2 m). Oltre alle misure di variazione di lunghezza e di bilancio di massa, le carte topografiche e il confronto di foto aeree e di foto da satellite offrono oggi strumenti di elevata risoluzione e di vasta estensione spaziale che

the environments where landscape forming processes are only indirectly caused by the presence of glaciers, whose evolution - or rather involution - creates sides with unstable debris, and releases large quantities of ice water. This is an extremely dynamic and unbalanced landscape, whose prevailing morphogenetic agents are runoff and channelled waters and gravitational phenomena.

Various methods exist to measure the changes of glaciers in the Alps, from more traditional ones used since the end of the 19th century (coordinated in Italy by the Italian Glaciological Committee) to more modern ones based on "remote" measurements. Among the first type, the "front variation" methods are the most widespread: the variations in length of a glacier are measured every year in September from fixed point outside the glacier front. Measurements are made both with quick instruments and, today, with satellite topographic instruments (GPS). The data published in the *Bulletin of the Italian Glaciological Committee* until 1977, and later on the journal *Geografia Fisica e Dinamica Quaternaria*, are an irreplaceable wealth of knowledge and trace the century-old evolution of Italian glacialism. The analysis of data shows that during the 20th century Italian glaciers have generally regressed, with two limited progression phases at the beginning of the 1920's and between the 1970's and the mid 1980's. In the mid 1980's the regression process resumed, and has accelerated since the beginning of the 21st century. In the past few years, 100% of measured glaciers are retracting (the sample includes about 50 glaciers). Other measurement methods include the "mass balance" method, i.e. the yearly measurement of the average variations in thickness, expressed in water equivalent. Given the complexity of the techniques used, this method is applied to about 10 sample glaciers in the Italian Alps. The longest is the Careser on the Trentino side of Ortles-Cevedale, measured since 1967. In little more than 40 years, the mass balance of this glacier has been positive only 6 years between 1967 and 1980 and, on the whole, its thickness has decreased by slightly over 40 m of water equivalent. The process is rapidly accelerating: in the past ten years thickness losses have often been above 2 m, with a maximum of 3.3 m in 2003. The measures of the Sforzellina Glacier, on the Lombard side of Ortles-Cevedale (the second longest Italian glacier), confirm the above. In 25 years (1987-2011) the mass balance has been negative 24 years, with a total thickness loss of 27 m and the highest values recorded in 2003 (-2.2 m) and 2006 (-2 m). In addition to length variation and mass balance measurements, topographic maps and the comparison between aerial and satellite pictures provide high resolution tools which cover large areas and allow us to obtain information on area changes. For instance, the Forni Glacier in the high Valtellina (the largest valley glacier in the Italian Alps) went from 17.7 square km in 1859 to 11.4 in 2007, with a 36% reduction of its area and a yearly average reduction of 0.04 square km. From 1981 to 2007 the yearly average reduction of the glacier area was

consentono di ottenere informazioni anche sulle variazioni areali. Ad esempio, per quanto riguarda il Ghiacciaio dei Forni in alta Valtellina, il maggiore ghiacciaio vallivo delle Alpi Italiane, si è passati da 17,7 kmq nel 1859 a 11,4 kmq nel 2007 con una riduzione areale del 36% e con una riduzione media annua di 0,04 kmq. Dal 1981 al 2007 la riduzione areale media annua è però doppia rispetto alla media dell'intero periodo (-0,09 kmq).

I rilievi diretti di terreno e l'analisi delle foto aeree e da satellite permettono di osservare in dettaglio i nuovi paesaggi alpini che si sono creati nelle aree liberate dal ghiaccio e nelle zone proglaciali.

In particolare si osservano:

- incrementi di numero e di dimensioni degli affioramenti rocciosi sulla superficie dei ghiacciai;
- frammentazione di corpi glaciali in più unità di minori dimensioni (casi classici la Brenva sul Monte Bianco, il Fellaria Orientale sul Bernina, il Careser sull'Ortles-Cevedale);
- formazione di laghi proglaciali e di contatto glaciale, che numericamente assommano a diverse centinaia, hanno una durata ridottissima (pochi anni), sono caratterizzati da una sponda a monte costituita da ghiaccio e creano paesaggi del tutto insoliti per le Alpi, con falesie di ghiaccio e iceberg veleggianti;
- la superficie dei ghiacciai tende a ricoprirsi di detriti derivanti dal crioclastismo sempre più intenso sulle pareti rocciose che li racchiudono: si sta attuando la transizione dai *debris free glacier* ai *debris covered glacier*. Il classico paesaggio alpino di alta montagna, caratterizzato anche nella percezione comune dalle bianche coltri glaciali, sta velocemente trasformandosi per lasciare il posto a montagne più scure, dove i ghiacciai durante l'estate sono letteralmente neri, sporchi per il detrito che li ricopre. E' un nuovo diffuso paesaggio che fino a pochi anni fa sulle Alpi Italiane era limitato a pochi ghiacciai come il Miage sul Monte Bianco, il Belvedere sul Monte Rosa, la Vedretta di Solda sull'Ortles;
- sulla superficie dei ghiacciai si formano crepacci circolari, derivanti dal collasso di caverne subglaciali scavate dalle acque di fusione, si formano corsi d'acqua a meandri che si infossano rapidamente in pozzi verticali, il ghiaccio appare cariato e inciso.

I paesaggi glaciali d'alta montagna e in particolare questi nuovi paesaggi derivanti dal regresso dei ghiacciai che libera spazi e crea nuove morfologie, possono essere definiti "beni culturali" e quindi costituire una ricchezza che deve essere protetta, oltre che conosciuta, e anche valorizzata? possono questi nuovi paesaggi costituire elementi di polarizzazione per un turismo "culturale" meno distruttivo di quanto spesso siamo abituati a vedere in montagna?

Che fra i "beni culturali" oltre alle "opere dell'uomo" debbano essere considerate anche

double the average of the entire period (-0.09 square km).

Direct ground surveys and the analysis of aerial and satellite pictures allow to observe the details of the new Alpine landscapes, which have developed in the areas freed from ice and in proglacial areas.

In particular, the following has been observed:

- an increase in the number and size of rock outcrops on the surface of glaciers;
- the fragmentation of glaciers into smaller units (classic cases: the Brenva on the Mont Blanc, the eastern Fellaria on the Bernina, the Careser on the Ortles-Cevedale);
- formation of several hundreds of proglacial and glacial contact lakes; they have a very short life (a few years), are characterized by an upstream ice bank and create very unusual landscapes in the Alps, with ice cliffs and floating icebergs;
- the surface of glaciers tends to be covered by debris caused by the more and more intense frost weathering on the rocky slopes around them. We are observing the transition from *debris free glaciers* to *debris covered glaciers*. The classic Alpine high mountain landscape, commonly perceived as covered by white glaciers, is rapidly disappearing and leaving room to darker mountains, where glaciers are literally black in the summer, covered by debris. This is a new, widespread landscape which, until a few years ago, was limited to just a few glaciers, such as Miage on the Mont Blanc, Belvedere on the Monte Rosa, and Vedretta di Solda on the Ortles;
- circular crevices are forming on the surface of glaciers, caused by the collapse of subglacial caves excavated by ice waters; meandering streams are being formed, which rapidly fall into vertical wells; the ice looks dented and carved.

Can high mountain glacial landscapes - particularly the new landscapes arisen from the regression of glaciers which has freed up space and created new morphologies - be defined as "cultural heritage", and therefore as an asset that should be known, safeguarded and promoted? Can these new landscapes attract a "cultural" tourism that is less destructive than what we are normally used to seeing in the mountains?

The fact that "cultural heritage" includes not only "man's works" but also "nature's works" is now acknowledged not only by scientific research, but by public opinion too. In high mountain landscapes, glacial and proglacial areas stand out for their charm and spectacularity. They are a natural cultural heritage whose evolution can be perceived by man, and thus become evidence and symbols of the current climate changes.

These areas can be defined as "natural cultural heritage" on the basis of a series of features that characterize them, as they have cultural, scenic, scientific and socio-economic relevance.

le "opere della natura" è ormai un'acquisizione non solo della ricerca scientifica ma anche della pubblica opinione. Nel paesaggio d'alta montagna spiccano per fascino e spettacolarità le aree glaciali e proglaciali, un bene culturale naturale la cui evoluzione è percepibile a scala umana e che diventano quindi testimoni e simboli dei cambiamenti climatici in atto.

La qualifica di "bene culturale naturale" si basa sulla presenza di alcuni attributi che lo caratterizzano: culturale, scenico, scientifico, socio-economico.

Attributo culturale: è appena il caso di sottolineare lo strettissimo rapporto fra il paesaggio dell'alta montagna glacializzata e la cultura, intesa nel senso più lato, quindi anche la vita quotidiana, delle popolazioni alpine. Basterebbe pensare a quell'insieme di miti e di credenze che hanno costellato il comportamento dei gruppi umani su entrambi i versanti della catena, dalla *valle perduta* alle danze macabre sui ghiacciai, passando attraverso i mille significati dell'acqua e del ghiaccio, fino a sintetizzare nel dualismo *bene - male* la percezione atavica dell'alta montagna, dispensatrice di linfa vitale, ma anche sede di tormenti e di esseri mostruosi ed ostili (le *infames frigidibus Alpes* degli storici classici oppure i *dracones helveticus* di Scheuchzer). Ma l'alta montagna è di per se stessa oggetto di cultura, elemento centrale e polarizzante delle varie espressioni artistiche (dalla *Commedia* di Dante ai vedutisti ottocenteschi, dal *Monboso* di Leonardo al Cervino di Guido Rey o alle Dolomiti di Buzzati), dove si intrecciano il tema della conoscenza alla De Saussure, il tema del buon selvaggio alla Rousseau e il tema della conquista alla Whymper.

Attributo scenico: il fascino dei paesaggi glaciali alpini spesso cupo e introverso, altre volte luminoso e armonico, ha da tempo accompagnato l'appropriazione estetica dell'alta montagna, che trova la sua massima espressione nel romanticismo del panorama. A differenza dell'oceano, meno articolato a livello spaziale, la geomorfologia di valli e cime, cangiante a livello non solo cromatico ma anche e soprattutto a livello geometrico, ha da almeno duecento anni favorito lo sviluppo del mito del paesaggio alpino con i suoi caratteri di pittoresco e di sublime. Ogni cima, ogni valle ha il suo *belvedere* dal quale osservare le cattedrali della Terra, ogni visitatore ha un sito, si tratti dei pallidi massicci dolomitici o delle glaciali mitiche altitudini delle Alpi occidentali dove entrare in sintonia con la natura, concepita spesso erroneamente e vissuta come selvaggia e incontaminata.

Attributo scientifico: l'alta montagna alpina, in particolar modo quella glacializzata, è stata il teatro almeno fino alla metà del XX secolo delle maggiori rivoluzioni scientifiche nel campo delle scienze della Terra, ma non solo. La geologia e la paleontologia, ma si potrebbe dire anche le scienze naturali in generale, hanno trovato in questo ambiente il campo privilegiato di sperimentazione, dove il fascino della ricerca diretta si è sempre commisto con l'attrazione del paesaggio e dove lo scienziato, da De Saussure ad Agassiz, da Tyndall a Wegener, è stato (ed è) il più delle volte alpinista.

Cultural relevance: there is a very tight relationship between the landscape of glacial high mountains and culture - in its wider meaning, including the daily life of Alpine populations. Suffice it to think of all the myths and legends which have characterized the behaviours of human groups on both sides of the range: from the *lost valley* to the macabre dances on the glaciers and the thousands of meanings given to water and ice, and finally to the good - evil dualism in the perception of high mountains - which give vital nourishment and at the same time host snowstorms and monstrous and hostile beings (the *infames frigidibus Alpes* of the historical classics or Scheuchzer's *dracones helveticus*). High mountains themselves are a subject of culture, and a central and distinctive element of various forms of art (from Dante's *Commedia* to the 19th century veduta painters, from Leonardo's *Monboso* to the Matterhorn by Guido Rey or Buzzati's Dolomites). The topic of knowledge, as seen by De Saussure, intertwines with Rousseau's noble savage and the Whymper's concept of conquest.

Scenic relevance: the fascination of Alpine glacial landscapes - often dark and introvert, at times bright and harmonious - has long been accompanying the development of the aesthetics of high mountains, which finds its full expression in landscape romanticism. In contrast to the ocean, which is less varied, the geomorphology of valleys and peaks, with different colours and geometries has fostered - at least in the last 200 years - the development of the myth of the Alpine landscape, with its picturesque and sublime traits. Every peak, every valley has its *viewpoint* to gaze at the Earth's cathedrals. Each visitor has a site, be it the pale massifs in the Dolomites or the legendary high glaciers in the Western Alps, where they can feel in harmony with nature, often wrongly perceived as wild and uncontaminated.

Scientific relevance: at least until the mid-20th century, Alpine high mountains, especially glacial mountains, were the setting for the most important scientific revolutions in the field of Earth sciences. They are a privileged environment to experiment in the field of geology and palaeontology - and natural sciences in general. Here the fascination of direct research has always been combined with the attractiveness of the landscape and many scientists, from De Saussure to Agassiz, from Tyndall to Wegener, were (and are) also mountaineers.

Glacial high mountains therefore become a model of geological and geomorphologic evolution; they are evidence of paleo-morphologic and paleo-environmental processes. Their uniqueness and rarity (such as in the case of the surge of the Belvedere glacier, a unique case in the Alps) and environmental role (note that trees grow on debris covered glaciers) take on a fundamental and distinctive meaning.

Socio-economic relevance: in the scenario we are drawing, the socio-economic features which have developed in the past two centuries also play a role. They overlap with and at

L'alta montagna glaciale diventa quindi un modello di evoluzione geologica e geomorfologica, diventa testimonianza paleogeomorfologica e paleoambientale, dove l'unicità e la rarità (come il *surge* del Ghiacciaio del Belvedere, unico caso sulle Alpi) e il supporto ecologico (si pensi agli alberi che crescono sui *debris covered glacier*) assumono valenze fondamentali e qualificanti.

Attributo socio-economico: nel quadro che si sta delineando rientrano anche i caratteri socio-economici che si sono sviluppati negli ultimi due secoli, sovrapponendosi e talora sostituendosi ai caratteri tradizionali con effetti spesso discutibili se non devastanti sui sistemi naturali. L'alta montagna, che sta ancora cercando i propri paradigmi di sviluppo per trasformarsi da problema in risorsa, è divenuta regione da cui attingere acqua ed energia e, soprattutto negli ultimi cinquanta anni, paesaggio. Turismo, soprattutto invernale, escursionismo e alpinismo sono le forme di utilizzo più recenti, che in molte situazioni sembrano però privilegiare l'aspetto meramente tecnico-ludico.

Indubbiamente i nuovi paesaggi che si stanno creando sulla catena alpina, dovuti in massima parte al regresso glaciale e alla transizione da un sistema glaciale a un sistema paraglaciale, meritano la qualifica di beni culturali naturali. Basterebbe ricordare come, pur trattandosi di paesaggi effimeri, sensibilmente mutevoli nell'arco non solo di un'estate ma anche di pochi giorni, offrano una straordinaria ricchezza culturale.

Sono paesaggi in fragile equilibrio, sensibilissimi anche ai più piccoli mutamenti dei vari parametri ambientali, in particolare climatici, di cui evidenziano in modo molto amplificato gli effetti. Ci offrono quindi a livello generale la possibilità di riflettere sui delicati rapporti fra i nostri interventi e i loro effetti sui sistemi naturali.

Inoltre a livello locale ci permettono di osservare processi in atto e morfologie che, fatte salve ovviamente le dimensioni e la distribuzione areale, sono gli stessi che hanno caratterizzato la transizione dall'ultima era glaciale all'attuale periodo interglaciale, ad esempio la formazione di *nunatak* (le rocce emergenti dal fondo roccioso su cui appoggia il ghiacciaio), di laghi di contatto glaciale, di rocce montonate, di coni e funghi di ghiaccio, di morfologie fluvio-glaciali (coni alluvionali, *esker*, terrazzi, alvei intrecciati), di colate di fango e di detriti.

In sintesi nell'alta montagna glacializzata ci si trova di fronte a nuovi paesaggi che offrono spazio all'esplorazione e alla scoperta, ad esempio attraverso appositi itinerari (sentieri naturalistici, sentieri glaciologici). Sono ricchezze culturali da conoscere, da valorizzare, da preservare, che testimoniano il costante mutare dei sistemi naturali, sui quali si sovrappone, troppo spesso in modo invadente, l'attività antropica.

times even replace traditional characteristics, often with questionable - if not devastating - effects on natural systems. High mountain areas, which are still looking for development paradigms that can turn them from problems into resources, have become sources of water and energy and - especially in the past fifty years - landscapes. Tourism - mainly in winter - hiking and mountaineering are the most recent forms of use of these areas, although they often only focus on technical aspects and leisure.

Undoubtedly, the new landscapes that are appearing in the Alpine range - and mainly caused by the regression of glaciers and the transition from a glacial to a paraglacial system - deserve to be classified as natural cultural heritage. Suffice it to think that, although they are ephemeral landscapes which change considerably not only over one summer, but even just a few days, they offer an extraordinary cultural richness.

These are landscapes with a delicate balance, they are extremely sensitive to the smallest changes of the various environmental parameters (especially climate) and show their amplified effects. In general, they offer the opportunity to think about the delicate relationships between our actions and their effects on natural systems.

At local level, they give us the opportunity to observe processes and morphologies which - despite the differences in size and geographical distribution - are the same which characterized the transition from the last glacial era to the current interglacial period, such as the formation of *nunatak* (rocks emerging from the bedrock under the glacier), glacial lakes, roches moutonnées (sheepback rocks), ice cones and mushrooms, fluvio-glacial morphologies (alluvial cones, eskers, terraces, braided stream beds), mud and debris flows.

In summary, glacialized high mountains present new landscapes to be explored and discovered, for instance through ad hoc itineraries (such as nature walks, glaciological paths). These are a cultural heritage that should be known, promoted and preserved; they are evidence of the constant change of natural systems to which anthropic activities - often in an excessively invasive way - are added.

DE Der ästhetische Wert alpiner Landschaften

Sigbert RICCABONA

Der Wandel

Die alpine Landschaft gehört heute neben den Küstengebieten zu den „Paradelandschaften“ des Massentourismus in Europa, mit knapp einer Milliarde Nächtigungen jährlich. Das war nicht immer so. Noch im 18. Jhd. wurden die Alpen von den Menschen bloß als gefährlich, unberechenbar und bedrohlich angesehen und daher gemieden. Mit zunehmender Verstädterung und Industrialisierung begann sich jedoch, von den Städten ausgehend, ein neues ästhetisches Wertempfinden für die Alpen herauszubilden. Die alpine Kulturlandschaft und die „freie, wilde Natur“, also auch Gipfel und Gletscher galten als „schön“ (Kulturlandschaft) und „erhaben“ (Gletscher- und Bergregion). Kunstmaler verließen ihre Ateliers und begannen in der freien Natur zu malen, die Unmittelbarkeit war ihnen wichtig, der romantische „städtische“ Blick wurde geboren und verzerrte Mensch, Landschaft und Natur in den Alpen zu einer heilen Welt der Folklore, lieblicher Almen und aufregender Wildnis im Hintergrund.

Mediengesellschaft und Wahrnehmung

Alpine Landschaftsbilder werden heute in einer nicht mehr überschaubaren Zahl aufgenommen, digital vervielfacht, bearbeitet und weitergeleitet. Sie erscheinen als Hintergrund von Fernsehübertragungen (sportliche Wettbewerbe, Großevents) oder Marketing-Kampagnen. Die Zahl der Menschen die lediglich über digitale Bilder, also allein optisch, in Kontakt mit den Alpen kommen, wächst geradezu exponentiell gegenüber der Zahl der Menschen, die sie tatsächlich aufsuchten. Ja, die Bilder selbst haben ihren Marktwert. Je schriller, je extremer die jeweiligen Sujets sind und je brillanter die Technik, desto weiter vorne liegt man (als Bild, als abgebildete Landschaft, Ort, Hotel, Event etc.) in diesem Wettbewerb der Aufmerksamkeit. „Ein unberührter Hang ist noch kein Film, Curt Morgan ist ein Regisseur, der sogar von den Locations Höchstleistungen verlangt“ (The Red Bulletin; Okt. 2011: Mister Morgans Mission, der Mann hinter dem größten Snowboardfilm ever.) In den Bildern wird also eine Höchstleistung nicht nur vom

EN The aesthetic value of Alpine landscapes

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The change

The Alpine landscape belongs today, alongside coastal areas, to the “showcase” landscapes of mass tourism in Europe, with almost one billion overnight stays every year. This was not always the case. In the 18th century the Alps were still seen as dangerous, unpredictable and threatening, and were therefore avoided. However, with growing urbanization and industrialization, a new aesthetic sense of the value of the Alps started to develop, starting from cities. The Alpine cultural landscape and the “free, wild nature”, including peaks and glaciers, became “beautiful” (cultural landscape) and “sublime” (glacier and mountain regions). Painters left their studios and started to paint in the free nature; this direct contact was important to them. The romantic “urban” view developed and it distorted the people, landscape and nature of the Alps into a holy world made of folklore, lovely pastures and exciting wildness in the background.

Media society and perception

Today the number of images of Alpine landscapes which are produced, digitally multiplied, processed and forwarded is no longer manageable. They appear in the background of TV programmes (sport competitions, big events) or marketing campaigns. The number of people who come in contact with the Alps through digital images, i.e. only optically, grows exponentially in comparison to the number of people who physically visit them. Sure, the images themselves have their own market value. The fancier and more extreme the technique used, the further ahead you are (as an image or depicted landscape, site, hotel, event, etc.) in the competition to obtain the most attention. “An unspoilt slope is not a movie yet, Curt Morgan is a director who demands top performances even from locations” (The Red Bulletin; Oct. 2011: Mister Morgan’s mission, the man behind the greatest snowboard movie ever). In images, therefore, a top performance is expected not only of the director,

Regisseur, Sportakteur und Technik, sondern auch von der „Location“ (Landschaft) abverlangt. Wir leben in einer Mediengesellschaft, in welcher Kinder und Jugendliche bis zu 8 Stunden täglich von Bild und Tonträgern optisch-akustisch überflutet werden, Bilder und Töne aufnehmen, bearbeiten, weiterleiten und diese an jedem Ort, zu jeder Zeit und in jeder Situation wieder auf Knopfdruck abrufen können. Die Sinne: Geruch, Geschmack, Haptik und Kinästhetik werden höchstens imaginiert, jedoch nicht mehr geschärft. Die leibliche Präsenz mit allen Sinnen am „Originalgeschehen“ ist nicht mehr erforderlich. Die Reduktion der sinnlichen Wahrnehmung auf Auge und Ohr einerseits und die Reizüberflutung der Menschen in den „Sinnkanälen“ des Auges und Ohres andererseits, verändern den gesamten Wahrnehmungsprozess grundlegend in einer noch nie gekannten Geschwindigkeit an jedem Ort. Diese Veränderungen beeinflussen das ästhetische Wahrnehmungsvermögen der Menschen von Natur und Landschaft. Innigkeit und Unmittelbarkeit unserer Naturbeziehungen nehmen ab, da sich ein digitaler Filter in unserer Beziehungswelt einzunisten beginnt. Fragen nach den landschaftsästhetischen Werten und deren Bedeutung sind in diesem Kontext zu stellen und zu beantworten.

Wandel in der Landschaft, Abbild und Wirklichkeit

Schöne Bilder der Berge und Täler, Städte und Dörfer sind beliebte „Stimmungsverstärker“ (hinter der Schönheit steckt auch die Sehnsucht der Menschen nach Eins-Sein und Harmonie) auf den Plakaten und Glanzbroschüren, in den Werbekampagnen der Politik und der Unternehmen des Landes und werden meist von beschönigenden, blumigen Worten kommentiert. Der romantische Blick verwischt die Spuren der geradezu invasiven Technisierung und Ökonomisierung der Berge und Täler seit rd 60 Jahren. In der Realität hat sich das Bild der Landschaft dramatisch verändert. Diese Diskrepanz macht betroffen, emotionalisiert und führt zu Polarisierungen mit unvermeidlichen Konflikten im Umfeld von Großprojekten wie z.B.: Rohstoffgewinnung, Anlagen und Maßnahmen zur Stromerzeugung, Kraftwerks- und Leitungsbau, schitouristische Erschließungen von unberührten Naturräumen, Großevents etc., vor allem dann, wenn sie besonders geschätzte Landschaftsbereiche erfassen wie: Gewässer, Berggipfel, horizontbildende Bergkämme und Grate, Almen, traditionelle Kulturlandschaft, Wald und Auen etc.

Ästhetik, Anästhetik und landschaftsästhetische Erlebniswerte

Ästhetik

Ästhetik ist eine schwer zu fassende, eigenständige Disziplin in der Wissenschaft. Ihr Gegenstand - das Ästhetische - ist nicht exakt abgrenzbar und durchdringt alle Bereiche des menschlichen

sport actors and technique, but also of the “location” (the landscape).

We live in a media society where children and young people are optically and acoustically flooded every day- for up to 8 hours - with images and sounds; they absorb, process and forward images and sounds, and can recall in any place and at any time with a simple click. The senses - smell, taste, touch and kinesthetics - are mainly imagined, but not sharpened. The physical presence with all senses at the “original event” is no longer necessary. The reduction of the sensorial experience to eyes and ears on the one hand, and the sensory overload through the “sensory channels” of eyes and ears drastically change the entire perception process at an unprecedented speed, everywhere. These changes influence the aesthetic perception of nature and landscape. The intimacy and directness of our relationships with nature decrease, as a digital filter comes into our world of relationships. Questions on the landscape aesthetic values and their meaning should be asked and answered in this context.

Changes in the landscape, representation and reality

Beautiful images of mountains and valleys, towns and villages are favoured “mood boosters” (behind beauty there is also the longing of man for unity and harmony) on billboards and glossy brochures, in the advertising campaigns of politicians and enterprises of a region and are usually commented by flattering and flowery words. The romantic perspective cancels the very invasive technologization and economization of mountains and valleys since the Sixties. In reality, the landscape appearance has dramatically changed. This discrepancy surprises, raises emotions and leads to polarisation and inevitable conflicts when it comes to large projects, such as the extraction of raw materials, the creation of plants and the adoption of measures for power production, construction of power plants and lines, building of ski infrastructures in unspoilt natural areas, organization of big events, etc. This is especially true when particularly appreciated landscape features are involved, such as waters, mountain tops, horizontal mountain ridges and crests, pastures, traditional cultural landscapes, woods and meadows, etc.

Aesthetics, anaesthetics and landscape aesthetic experiential values

Aesthetics

Aesthetics is a separate discipline of knowledge which is very difficult to explain. Its object - aestheticism - cannot be clearly defined and permeates all areas of the life of individuals and society. As a consequence, various scientific disciplines are involved in aesthetics (for

Lebens und der Gesellschaft. Dementsprechend sind mehrere wissenschaftliche Disziplinen im Bereich der Ästhetik tätig (z.B.: Philosophie, Soziologie, Psychologie, Sozialmedizin, Ökologie). Wörtlich bedeutet Ästhetik die Lehre von der sinnlichen Wahrnehmung. Sie umfasst sämtliche Sinnesorgane des Menschen wie: Auge, Ohr, Mund, Nase, Haut (Haptik), Kinästhetik (Bewegungsempfindungen, besonders im alpinen Raum von Bedeutung). Dieses Ausgangs- und Grundverständnis von Ästhetik geht von der leiblichen Präsenz des Menschen in seiner unmittelbaren Umwelt, die so zur Mitwelt wird, aus. Die leibliche Präsenz mit allen (!) Sinnen ist auch im Zusammenhang mit den landschaftsästhetischen Erlebniswerten in Natur und Landschaft das zentrale Thema.

Für die philosophische Ästhetik war die Fragestellung nach der Beziehung zwischen dem Schönen und der Wahrheit von größter Relevanz. Ästhetik begann sich aber auch damit von ihrem ursprünglichem sozusagen sinnlichen Ansatz zu entfernen und wurde zu einer intellektuell dominierten Theorie der Beurteilung des Schönen.

Auch heute noch wird, wenn das Wort „Ästhetik“ erscheint, vielfach sofort an „schön oder nicht schön“ gedacht. Der Begriff wird meist als ein Synonym für das Schöne verwendet, welches genussvoll konsumiert wird als Augen und Ohrenschaus.

Die Bandbreite der Ästhetik heute ist jedoch eine wesentlich größere. Angesichts der mediengesellschaftlichen Entwicklung findet auch eine Art Rückbesinnung auf „die Lehre von der sinnlichen Wahrnehmung“ statt. In diesem Zusammenhang wird auch der Begriff „Anästhetik“ verwendet. Der Begriff verweist auf das ästhetische Phänomen, dass die Reizüberflutung der Sinne immer öfters dazu führt, dass das Fundament des Ästhetischen - die Wahrnehmungsfähigkeit - außer Kraft gesetzt ist und die Wahrnehmungslosigkeit thematisiert wird. Der Ruf eine auf alle Sinne ausgerichtete „ökologische“ Wahrnehmung zu mobilisieren und eine den Sinnen verpflichtete Ästhetik zu entwickeln, wurde laut. Die Wiederbesinnung auf die Sinne ist auch der Ausgangspunkt landschaftsästhetischer Forschung, bis zu den Gutachten in Behördenverfahren, die sich mit den Fragen der Beeinträchtigung von Eigenart und Schönheit der Landschaft befassen.

Landschaftsästhetische Erlebniswerte

Befragung der Landesumweltanwaltschaft

In einem landschaftsästhetischen Erleben beginnt der Betrachter, die Betrachterin auch spontan intuitiv Gedankenbilder zu entwickeln, die über das gegenständlich Wahrgenommene hinaus auf etwas Anderes verweisen. Es handelt sich dabei um Symbole, Visionen etc. So kann z.B.: ein See als ein Symbol der Seelentiefe, eine Alm als eines für Friede und Geborgenheit, ein Bächlein für Märchen, Gipfel für Freiheit und Heimat stehen. Das ist aber auch ein

instance philosophy, sociology, psychology, social medicine, ecology).

Literally, aesthetics means the science of sensory perception. It involves all sensory organs: eyes, mouth, nose, skin (touch) and kinesthetics (perception of movements, which is particularly important in the Alpine region). This first and basic understanding of aesthetics depends on the physical presence of man in its direct environment, which therefore becomes an “experienced environment” (“Mitwelt”, a world that exists “with” man, rather than an “Umwelt”, the environment “around” man). The physical presence with all (!) senses is the central issue also in relation to the landscape aesthetic experiential values.

In philosophical aesthetics, the question of the relationship between beauty and truth was of great relevance. However, this meant that aesthetics started to move away from its original sensory approach and became a mainly intellectual theory of the appraisal of beauty.

Even today, when the world “aesthetics” is mentioned, we immediately think of the “beautiful or not” issue. The term is used mainly as a synonym for beauty, which is consumed and appreciated as a treat to the eyes and the ears.

However, today the scope of aesthetics is significantly wider. Given the development of the media society, a sort of return to the “science of sensory perception” is taking place. In this context the term “anaesthetics” is also used. This concept refers to the aesthetic phenomenon where the overload of senses makes the basis of aesthetics - the perception ability - inoperative, and this perceptive inability becomes a subject of discussion. The call for an “environmental” perception that involves all senses and for a view of aesthetic that is centred on the senses became loud. This refocus on senses is also the starting point of the research on landscape aesthetics, and even concerns the evaluations in authority procedures which deal with the spoiling of the peculiarity and beauty of the landscape.

Landscape aesthetic experiential values

Survey of the Landesumweltanwaltschaft (environmental ombudsman)

In an aesthetic experience of the landscape, the observer begins to spontaneously develop intuitive mental images which go beyond what is objectively perceived and refer to something different, such as symbols, visions, etc. So, for instance, a lake can be a symbol of the depth of the soul, a meadow can recall happiness and protection, a stream can be associated to fairy tales and a peak stand for freedom and homeland. But this is an area that some people shy away from talking about, as very personal values, feelings and moods are involved. Over the course of more than 10 years - until 2007 - the Umweltanwaltschaft (environmental ombudsman) in Tirol asked 300 people to express their own personal associations (mental images) and symbols in relation to 30 different landscape elements, on the basis of images and questionnaires. They

Bereich, den sich manche Menschen scheuen anzusprechen, denn hier werden auch sehr persönliche Werte, Gefühle und Stimmungen berührt. Von der Umwelthanwaltschaft in Tirol wurden über 10 Jahre hinweg bis 2007 rd. 300 Menschen an Hand von Bildern und mit Fragebögen aufgefordert ihre jeweiligen Assoziationen (Gedankenbilder) und Symbole zu 30 verschiedenen Landschaftselementen mitzuteilen und anschließend ihre Gedanken und Erfahrungen in einem gemeinsamen Gespräch auszutauschen.

Hier in aller Kürze einige Ergebnisse:

Die intersubjektive Übereinstimmung der Bewertungen und Reihungen war erstaunlich groß, insbesondere bei den hochbewerteten Landschaftselementen wie: Gipfel, Wasserfall, Bächlein, See, Einzelbaum, Bauernhof, Moor, Alm mit Almhütte... Interessant sind auch die unterschiedlichen Reihungen von Bauern und nicht Bauern (sh. Abb. 1).

Reihung von Landschaftselementen nach Themen

Alle Befragten

Rang	1	2	3	4	5	6	7	8	9	10
WUNSCHLANDSCHAFT	Gipfel	See	Bächlein	Tiere	Wald	Almhütte	Wasserfall	Bäume	flache Wiese	Waldrand
GLÜCKSERLEBNISSE mit LE*	Gipfel	See	Almhütte	Tiere	Bächlein	Bauernhof	Wald	Bachufer	Waldrand	Wasserfall
HEIMATGEFÜHL mit LE	Gipfel	Almhütte	Bauernhof	Tiere	Wasserfall	Gletscherfeld	Steilwiese	Wald	Felswand	See
WOHLFÜHLEN mit LE	See	Bachufer	Almhütte	Bächlein	Waldrand	Gipfel	Einzelbaum	Wasserfall	flache Wiese	Pflanzenpolster
KINDHEITSERINNERUNGEN mit LE	Tiere	Bachufer	See	Almhütte	Bachufer	Waldrand	Wald	Bauernhof	Gipfel	flache Wiese
IDENTIFIKATION mit LE	Gipfel	Einzelbaum	See	Bächlein	Bauernhof	Wasserfall	Waldrand	Gletscherfeld	Almhütte	Tiere
AUFREGENDE LE (+)	Wasserfall +	Gipfel +	Felswand +	Gletscher +	Spalten +	Bach steil +	Geröllhalde +	Felsbrocken +	Runsen +	Steilwiese +
BERUHIGENDE LE (-)	Bächlein -	See -	Tiere -	Almhütte -	Bachufer -	Einzelbaum -	flache Wiese -	Waldrand -	Moor +	Pflanzenpolster -

Bauern

Rang	1	2	3	4	5	6	7	8	9	10
WUNSCHLANDSCHAFT	Almhütte	Tiere	Gipfel	See	Bächlein	Wasserfall	Wasserfall	Wald	Bauernhof	Waldrand
GLÜCKSERLEBNISSE mit LE*	Almhütte	Gipfel	Tiere	See	Waldrand	Bachufer	Bächlein	Wasserfall	Bauernhof	Buschgruppe
HEIMATGEFÜHL mit LE	Gipfel	Almhütte	Tiere	Bauernhof	Wasserfall	Bach steil	Bäume	Bächlein	Steilwiese	Wald
WOHLFÜHLEN mit LE	Almhütte	See	Gipfel	Bachufer	Bächlein	Waldrand	Wasserfall	Tiere	Pflanzenpolster	Bäume
KINDHEITSERINNERUNGEN mit LE	Almhütte	Bächlein	Tiere	Waldrand	See	Bachufer	flache Wiese	Gipfel	Wasserfall	Wald
IDENTIFIKATION mit LE	Gipfel	Einzelbaum	Almhütte	Bäume	Wasserfall	Buschreihe Hecke	Waldrand	flache Wiese	See	Acker

*) LE = Landschaftselemente

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Abbildung 1

were finally asked to exchange their thoughts and experiences in a conversation.

Here are, in brief, some of the results:

The intersubjective correspondence in the rating and arrangement of elements was surprisingly high, especially when it comes to particularly appreciated landscape elements, such as mountain tops, waterfalls, streamlets, lakes, isolated trees, farms, marshes, pastures with mountain huts. The different arrangements indicated by farmers and non farmers are also interesting (see Fig. 1).

Arrangement of landscape elements according to themes

All respondents

Rank	1	2	3	4	5	6	7	8	9	10
DESIDERED LANDSCAPE	peak	lake	rill	animals	forest	hut	waterfall	trees	flat meadow	outskirts of the forest
HAPPY EXPERIENCE with LE	peak	lake	hut	animals	rill	farm	forest	waterside	outskirts of the forest	waterfall
HOME FEELING with LE	peak	hut	farm	animals	waterfall	glacier field	steep meadow	forest	cliff	lake
WELL BEING with LE	lake	waterside	hut	rill	outskirts of the forest	peak	single tree	waterfall	flat meadow	cushion plant
CHILDHOOD'S MEMORIES with LE	animals	waterside	lake	hut	waterside	outskirts of the forest	forest	farm	peak	flat meadow
IDENTIFICATION with LE	peak	single tree	lake	rill	farm	waterfall	outskirts of the forest	glacier field	hut	animals
EXITING LE (+)	waterfall (+)	peak (+)	cliff (+)	glacier (+)	crevasse (+)	steep brook (+)	scree slope (+)	boulder (+)	gullies (+)	steep meadow (+)
CALMING LE (-)	rill (-)	lake (-)	animals (-)	hut (-)	waterside (-)	single tree (-)	flat meadow (-)	outskirts of the forest (-)	bog (+)	cushion plant (-)

Farmers

Rank	1	2	3	4	5	6	7	8	9	10
DESIDERED LANDSCAPE	hut	animals	peak	lake	rill	waterfall	waterfall	forest	farm	outskirts of the forest
HAPPY EXPERIENCE with LE	hut	peak	animals	lake	outskirts of the forest	waterside	rill	waterfall	farm	bush
HOME FEELING with LE	peak	hut	animals	farm	waterfall	steep brook	trees	rill	steep meadow	forest
WELL BEING with LE	hut	lake	peak	waterside	rill	outskirts of the forest	waterfall	animals	cushion plant	trees
CHILDHOOD'S MEMORIES with LE	hut	rill	animals	outskirts of the forest	lake	waterside	flat meadow	peak	waterfall	forest
IDENTIFICATION with LE	peak	single tree	hut	trees	waterfall	bush	outskirts of the forest	flat meadow	lake	field

*) LE = Landscape elements

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Figure 1

Die Aussage über stressende und nicht stressende Landschaftselemente liefert auch Hinweise über die Erlebnisqualität von Wanderwegen und Landschaftsräumen. Die genannten Symbolinhalte und Assoziationen machen die innere Resonanz der Menschen mit Landschaftselementen deutlich und lassen auf die jeweilige Stimmung in unterschiedlichen Landschaftsräumen schließen.

Als hochbewertete Landschaftsräume ergaben sich, bzw. wurden folgende Schutz- und Pflegemaßnahmen gefordert:

- Almboden mit Almhütte am Talschluss: Verzicht auf Intensivierung und großvolumige Hüttenerweiterung mit Parkplätzen;
- Gipfel, Horizont zum Himmel und Grate: grundsätzlich sollte dieser äußerst sensible Bereich von Gebäuden und Anlagen freigehalten werden;
- Gewässer: Schutz der Ufer und Rückbau, Schaffung o. Erhaltung von Retentionsräumen, die wenigen noch vorhandenen Naturbäche sollten als Tabu für jegliche Nutzung oder bauliche Veränderung gelten;
- Traditionelle, reich strukturierte Kulturlandschaft: Erhaltung der Kleinstrukturen (z.B.: Streuobstwiesen), geometrisierende technische Maßnahmen und Infrastrukturen sollen vermieden werden.

Landschaftsästhetische Erlebniswerte

Dem Komplex: landschaftsästhetische Erlebniswerte - Gesundheit (seelisches, geistiges, körperliches Wohlbefinden) wird immer mehr Bedeutung beigemessen. Die Paracelsus Universität Salzburg stellte in Forschungsprojekten fest, dass der Aufenthalt nahe an einem Wasserfall, Stressparameter verbessert, Immunzellen aktiviert und so das Immunsystem stärkt. Therapeuten sprechen von der Natur als „Co-Therapeutin“. Das Planoalto Institut in Zürich entwickelt Therapieformen, die es als „systemische Naturtherapie“ bezeichnet. Im Zusammenhang mit dem Burn Out Syndrom wird den Betroffenen ein kontemplativer Aufenthalt in der freien Natur empfohlen. Es soll hier nicht der Eindruck erweckt werden, dass die Natur als eine Art Wellnesshotel mit guten Vermarktungschancen zu betrachten wäre. Vielmehr geht es darum die Wohlfahrtswirkungen eines kontemplativen Aufenthaltes in der Natur deutlich hervorzuheben. Diese positiven Auswirkungen auf Körper, Geist und Seele sind besonders intensiv in den „stillen“, technisch nicht erschlossenen Landschaftskammern gegeben, in deren Nächten vielleicht auch der Sternenhimmel noch funkelt, die Milchstraße leuchtet und Sternschnuppen gesehen werden können, weil sie noch fern des „Lichthofes“ der Ballungsräume liegen. „Das Kulturgut Sternenhimmel läuft Gefahr durch die Aufhellung

The statements on stressful and non stressful landscape elements give an insight of the experiential quality of hiking paths and landscape spaces. The mentioned symbolic contents and associations highlight the inner connection between man and elements of the landscape and are indicative of the specific mood associated to different landscape spaces.

The most appreciated landscape spaces and the required protection and maintenance measures are as follows:

- Alpine meadows with huts at the head of the valley: no intensification or large-scale expansion of the huts with parking places;
- peaks, horizons with sky and mountain ridges: these extremely sensitive areas should be kept free from buildings and plants;
- water: protection of the banks and reconstruction, creation or maintenance of retention spaces; the few still existing natural streams should be spared from any exploitation or structural change;
- traditional, structured cultural landscape: conservation of small structures (for instance meadows with scattered fruit trees), technical measures to change their geometry and infrastructures should be avoided.

Landscape aesthetic experiential values

The combination of the landscape aesthetic experiential values and health (psychological, spiritual and physical well being) is attached more and more importance. The research projects of the Paracelsus Universität in Salzburg established that a stay near a waterfall improves stress parameters, activates immunocompetent cells and therefore strengthens the immune system. Therapists refer to nature as a “co-therapist”. The Planoalto Institut in Zürich has developed forms of treatment called “systemic natural treatment”. In cases of Burn-Out Syndrome, a contemplative stay in the outdoors is recommended. This should not give the impression that nature is a sort of wellness hotel with good marketing chances. The intention is merely to emphasize the positive consequences on the well-being of a contemplative stay in a natural environment. These positive effects on body, spirit and soul are particularly intensive in “quiet” and technically unspoiled landscapes, where at night the starry sky still flickers, the Milky Way shines and shooting stars can still be seen clearly, as they are still far away from the “halo” of built-up areas. “The starry sky, as a cultural good, risks fading away because of illumination”, lament astronomers worldwide. Even at night the outdoors offer an extremely important landscape aesthetic experiential value. Striking horizons, woods and waters create an additional atmosphere.

zu verblassen“, wird von Astronomen weltweit beklagt. Auch in der Nacht hat die freie Natur einen äußerst intensiven landschaftsästhetischen Erlebniswert. Markante Horizonte, Wald und Gewässer setzen zusätzliche stimmungsvolle Akzente

Bewahrung der landschaftsästhetischen Erlebniswerte

Die bisherigen Ausführungen weisen in aller Kürze auf den bedeutenden Stellenwert der landschaftsästhetischen Qualitäten für das seelische, geistige und körperliche Wohlbefinden der Menschen hin, insbesondere im Hinblick auf die dramatischen Veränderungen des Wahrnehmungsprozesses im Zuge der mediengesellschaftlichen Entwicklung, der bereits im Gange ist und sich zukünftig noch verstärken wird. Trotz der gesetzlichen Verankerung in zahlreichen Rechtsmaterien, Plänen, Programmen, Konzepten und internationalen Vereinbarungen und Konventionen die Eigenart und Schönheit der Landschaft zu schützen und trotz der zahlreichen Bekenntnisse zu einer nachhaltigen Entwicklung im Sinne der AGENDA 21 bzw. LA 21, setzt sich der „Nicht-Enkel-Taugliche“ Entwicklungsprozess eines „nachhaltig“ betriebenen und wirkenden Raubbaues an wertvollen Landschaftsbildern unvermindert fort. Diese Situation deutet auf folgende drei Defizite hin:

- 1) Der Wert der ästhetischen Erlebnisse für die Gesellschaft (Gesundheitswesen) wird nicht erkannt. Sie werden noch immer als individuelle Werturteile (schön/nicht schön) betrachtet. Tiefergehende ästhetische Analysen werden vermieden;
- 2) Für eine längerfristige konkrete nachhaltige Landschaftsentwicklung fehlen übergeordnete, die Richtung weisende Visionen und Zielsetzungen des Landes, sowie Strategien (Einbindung der Zivilgesellschaft, Art und Weise des Kommunikationsprozesses, Beteiligungsmodelle, Dringlichkeiten, Evaluierung und Reflexion etc) zur Umsetzung der damit verbundenen notwendigen Maßnahmen. Ein regelmässiger länderübergreifender Erfahrungsaustausch, sowie eine grenzüberschreitende Abstimmung der Schutzgebietsausweisungen (mit landschaftsästhetischen Leitbildern) wären ebenso aus der Sicht einer nachhaltigen Entwicklung des Alpenraumes im Sinne der AGENDA 21 sehr dringlich;
- 3) Wenn ästhetisch begründete Argumente in Behördenverfahren einfließen, geschieht dies in der überwiegenden Zahl der Fälle in den Naturschutzverfahren in denen inselhaft immer nur das eine jeweilig beantragte Projekt beurteilt werden kann. Da großräumige verbindliche Zielvorgaben über die angestrebte landschaftsästhetische Entwicklung des Raumes fehlen, greift die jeweilige Landschaftsbildbeurteilung über einen längeren Zeitraum gesehen nicht. Flächenbeanspruchende Ausgleichsmaßnahmen erfahren zudem keine raumplanerische Absicherung, sprich Widmung.

Conservation of the landscape aesthetic experiential values

The above remarks briefly point out the importance of landscape aesthetic qualities for the psychological, spiritual and physical well-being of people, especially in view of the dramatic changes in the perception process following the development of the media society, which is already under way and will further intensify in the future. Despite the existence of several legal materials, plans, programmes, policies and international agreements and conventions aimed at protecting the uniqueness and beauty of the landscape, and despite the many declarations in favour of sustainable development, in line with AGENDA 21 and LA 21, the development process - which is "not considerate of our grandchildren" - of a "sustainable" and effective overexploitation of valuable landscapes continues unabated. This situation suggests the following three shortcomings:

- 1) the value of aesthetic experiences for society (health) is not acknowledged. They are still seen as individual value judgements (beautiful/non beautiful). Deep aesthetic analyses are avoided;
- 2) for a long-term, truly sustainable landscape development, higher visions and goals showing the right direction are missing, as well as strategies (integration of civil society, methods of the communication process, participation models, priorities, evaluation and reflection, etc.) for the implementation of the related necessary measures. A regular transnational exchange of experiences and a transnational agreement on the establishment of protected areas (with guidelines on landscape aesthetics) are also urgent for a sustainable development of the Alpine region, in line with AGENDA 21;
- 3) if arguments based on aesthetics are integrated in authority procedures, in most cases this happens in the context of nature conservation procedures, where only the specific project presented for approval can be evaluated in an isolated manner. As there are no broad, mandatory targets on the desired aesthetic development of space, the individual assessment of landscapes is not effective on the long term. In addition, land-consuming compensatory measures are not covered by dedicated spatial planning provisions.

In order to overcome these shortcomings, the following measures are suggested:

- promotion of aesthetic literacy, education and further training starting from children (natural kindergartens). Independent expert consulting should be provided by an expert advisory body;
- the goal of sustainable development should be laid down in the various laws, guiding principles ("Zukunftsraum Tirol" - Utopia Tirol), plans and programmes and even in the Alpine Convention. Sustainable development according to AGENDA 21 is not only an

Zur Behebung dieser Defizite werden folgende Maßnahmen vorgeschlagen:

- Förderung der ästhetischen Bildung, Aus- und Weiterbildung schon im Kindesalter beginnend (Naturkindergarten). Eine unabhängige Fachberatung von einem Fachbeirat wäre einzurichten;
- In diversen Gesetzen, Leitbildern (Zukunftsraum Tirol), Plänen und Programmen oder auch in der Alpenkonvention wird das Ziel einer Nachhaltigen Entwicklung festgeschrieben. Die Nachhaltige Entwicklung im Sinne der AGENDA 21 ist nicht allein ein umwelttechnisch-ökonomisches-, sondern auch ein zutiefst kulturelles Projekt mit zahlreichen Gestaltungsaufgaben in denen ästhetische Werte eine starke Rolle spielen. Die Menschen wollen eine Nachhaltige Entwicklung nicht nur politisch schönegeredet präsentiert bekommen, sie wollen sie sinnlich wahrnehmen können. Somit erhebt sich die Frage, wie entwickelt sich eine Ästhetik der Nachhaltigkeit? Eine Ästhetik, die eine Einheit in der Vielfalt vermittelt. Gemeinsam mit Künstlern und Persönlichkeiten aus den Kulturwissenschaften wären im lebensweltlichen Bereich wirksame Aktionen zu gestalten, die eine ästhetische Kultur der Nachhaltigkeit allmählich erkennen lassen. Ansätze liegen bereits vor, wie ein Blick in die Broschüre: „Weiterbauen am Land; Verlust und Erhalt der bäuerlichen Kulturlandschaft in den Alpen“ (Christoph Hölzl, Walter Hauser, Band 5 in der Schriftenreihe des Archivs für Baukunst im Adambräu; Innsbruck) erkennen lässt;
- Die schon langsam „ausgelaugte“ Formulierung „Nachhaltige Entwicklung“ bedarf einer Konkretisierung bezüglich einer ihr entsprechenden Entwicklung der Landschaft und ihrer ästhetischen Werte. Dazu wären Landschaftspläne und ein landschaftsästhetisches Leitbild für größere Raumeinheiten zu erstellen, damit bereits im Vorfeld von Projekten klargestellt ist, welche Bereiche der Landschaft als besonders sensibel zu betrachten sind (sh. auch: Werner Nohl: Landschaftsplanung, ästhetische und rekreative Aspekte; Patzer Verlag, 2001) Das könnte eine Herausforderung für Architekten dafür sein in der Nähe oder an diesen Standorten eine besondere Formensprache zu entwickeln, aus welcher sich eine Ästhetik der Nachhaltigkeit herauszukristallisieren beginnt. Vielleicht erzählt dann die gefundene Formensprache auch die Geschichte der Versöhnung von Natur und Technik. Die Zukunft liegt meiner Meinung nach darin, dass der Mensch in der Landschaft Gestaltungen findet, sei es bei Gebäuden, Artefakten oder landschaftlichen Veränderungen (Gelände, Pflanzungen, Naherholungsräume, Parks und Gärten etc.), die jeweils in einen sympathisch friedlichen und wertschätzenden Dialog mit der Natur und Landschaft treten und keinesfalls mehr den pompösen, herrschaftlichen, rücksichtslos ökonomischen Dialog fortsetzen. So könnte ein „Enkel-tauglicher-Wandel“ gelingen.

environmental, technical and economic approach, but also a deeply cultural project with many structural tasks, where aesthetic values play a significant role. People do not just want a politically well presented idea of sustainable development, they want to actually feel it with their senses. The question therefore arises: how can the aesthetic of sustainability develop? An aesthetic approach which communicates unity in diversity? In cooperation with artists and personalities from the cultural sciences, it would be necessary to develop effective actions in the realm of experience (“Lebenswelt”) which gradually convey an aesthetic culture of sustainability. Some first attempts already exist, as can be seen by taking a look at the brochure: “Weiterbauen am Land; Verlust und Erhalt der bäuerlichen Kulturlandschaft in den Alpen”(Christoph Hölzl, Walter Hauser, Volume 5 in the series of the Archive for architecture in Adambräu; Innsbruck);

- the now long “worn out” expression “sustainable development” needs to be concretely translated into a corresponding development of the landscape and its aesthetic values. To this purpose, it would be necessary to develop landscape plans and a guideline on landscape aesthetics for larger spaces. In this way, it would be clear, even before actual projects, which areas of the landscape shall be considered as particularly sensitive (see also: Werner Nohl: Landschaftsplanung, ästhetische und rekreative Aspekte; Patzer Verlag, 2001). This could be a challenge for architects to develop a new and specific formal language to be applied in the vicinity of or at these sites, and this could be the starting point to consolidate the aesthetics of sustainability. Maybe this new formal language will also tell the story of the reconciliation between nature and technology. I believe that the future lies in developing structures in the landscape - buildings, artifacts or changes to the landscape (grounds, cultivations, nearby recreational areas, parks and gardens, etc.) - which establish a friendly, peaceful and appreciative dialogue with nature and landscapes, and do not continue the pompous, dominant, inconsiderate economic dialogue. In this way a change that is considerate of our grandchildren may succeed.

DE Wem gehört die Landschaft?

Raimund RODEWALD

1. Wem gehört die Landschaft?

Die Frage „Wem gehört die Landschaft?“ scheint auf den ersten Blick banal zu sein. Man wäre geneigt, sofort auf den Bodenbesitzer zu verweisen. Dennoch ist vorweg genommen zu sagen, dass die Landschaft entweder uns Allen oder Niemandem gehört. Doch was ist eigentlich Landschaft und was kann man daran genau besitzen?

Den herkömmlichen Landschaftsbeschreibungen, die sich in der Regel mit der blossen Beschreibung der naturräumlichen Verhältnisse, der Nutzungsmuster und Siedlungsstrukturen sowie deren Geschichte begnügen, haftet der Makel an, dass zentrale Aspekte des Landschaftsverständnisses so eben gerade nicht erfasst werden können. Die sinnlich wahrnehmbaren Raumqualitäten, die normativ-kulturell vermittelten Werte sowie die metaphorischen, symbolistischen Deutungen machen vielmehr den Unterschied zwischen Land und Landschaft aus. Man wird der Landschaft nur dann gerecht, wenn wir die drei sich überlappenden Ebenen der Realität, des Konstruktives und der Metapher gemeinsam und gleichwertig betrachten und damit mehr das Besondere eines Raumes aufspüren als uns mit dessen Allgemeingesetzlichkeit zufrieden zu geben. Die Ebene der Realität umfasst das Physische und sinnlich Wahrnehmbare eines Raumes. Man erkennt die Komponenten einer Landschaft, die Bäume, den Wald, den Kirchturm, die Gliederung und die Topographie eines Ortes. Man nimmt aber gleichzeitig auch ihre sinnlichen Komponenten wahr, wie die Windverhältnisse, die Temperatur, die Sonneneinstrahlung, den Regen, die Gerüche, die Geräusche, die ertastbaren Materialien. Dieser sinnliche Wahrnehmungsschatz ist daher durchaus von objektiver Natur, auch wenn die Verarbeitung der Sinneseindrücke subjektiv stattfindet. In der Ebene des Konstruktives kommen die kulturell und sozialen Werte und Normen zum Vorschein. Wir erkennen in einer Landschaft das Schutzwürdige (die Magerwiese, das historische Ortsbild), das künstlerisch (die Trockenmauer, der Garten, eine stimmige Architektur) oder wissenschaftlich Wertvolle (die Naturwildnis, alte Wege) sowie auch das kulturell vermittelte Schönheitsideal (die gepflegte Parklandschaft). Dieses über unsere Erziehung, Bildung und das kulturelle Umfeld intersubjektiv vermittelte Konstrukt der Landschaft ist bereits in uns da, bevor wir überhaupt den realen Ort sehen. Schliesslich entsteht das Verständnis von Landschaft auch in der subjektiven

EN Who does the landscape belong to?

Raimund RODEWALD

1. Who does the landscape belong to?

The question “Who does the landscape belong to?” may sound obvious at first sight. One would be inclined to say it belongs to the land owner. However, it is not too daring to say that the landscape belongs either to us all or to nobody. But what is actually meant by landscape, and what can you own of it?

Common landscape descriptions, which usually are just a mere description of natural relationships, usage patterns and settlement structures and their history, are believed to be unable to accurately seize the central aspects needed for a true understanding of landscape. The qualities of space that can be perceived through our senses, the values conveyed by rules and culture, and metaphorical and symbolic interpretations are more relevant to make the difference between land and landscape. It is only possible to understand a landscape if we simultaneously take into account and give the same value to the three overlapping levels of reality, construction and metaphor. This allows to perceive and feel the peculiarity of a place, rather than be content with its existence according to the universal laws of nature. The level of reality includes the physical elements of a space, and those that can be perceived through our senses. The components of the landscape are identified: trees, the wood, the church tower, the organization and the topography of a place. At the same time, sensorial components are also perceived, such as wind conditions, temperature, solar radiation, rain, smells, sounds, and materials that can be touched. This sensorial perception is indeed objective, although the processing of the sensory impressions is subjective. On the level of construction, cultural and social values and rules are involved. In a landscape, we identify what is worth safeguarding (the meadows, the historical appearance of a place), the artistic elements (the dry stone walls, the garden, a consistent architecture), the scientifically relevant factors (the wildness of nature, old paths), and the ideal of beauty conveyed by culture (the well-tended park landscape). We already possess this interdisciplinary construction of the landscape, which depends on our upbringing, education and cultural background - even before we actually see the real place. Finally, there is also a subjective understanding of the landscape, where

Ebene, wo wir Orte mit Erinnerungen und Zeichen metaphorisch verknüpfen. Der Baum, von dem wir als Kind fast magisch angezogen wurden und worauf wir kletterten, ist für uns persönlich zu einem besonderen Baum geworden. Fällt dieser Baum, so löst dies in uns das schmerzliche Gefühl eines persönlichen Verlustes aus. Erst auf dieser dreifachen Ebene „entsteht“ Landschaft im umfassenden Sinne. Dieses in se anthropozentrische Landschaftsverständnis deckt sich auch mit der Definition des Europarates im Rahmen der europäischen Landschaftskonvention. Um zur Frage des Eigentums zu gelangen, sind nun diese Landschaftseigenschaften als nutzbare Leistungen zu verstehen. Das Millennium Ecosystem Assessment stützte sich auf den Begriff der Ökosystemleistungen ab und zählte hierzu auch spirituelle und religiöse Werte, ästhetische Werte sowie die Erholung, also Aspekte, die eng mit dem Landschaftsverständnis verknüpft sind. Konkret lassen sich die zentralen Landschaftsleistungen wie folgt zusammenfassen:

- 1) Erholungs- und Erlebnisleistungen (Ästhetik/Sinnliches)
- 2) Identifikationsleistungen (Information/Symbolisierung)
- 3) Kulturelle/natürliche Ausdrucksleistungen (Kultur- und Naturwissen und -werte)

Solche Leistungen lassen sich ressourcenökonomisch betrachtet nutzen und damit auch in einem gewissen Sinne erwerben und veräußern. Die schweizerische Gesetzgebung, namentlich das Schweizerische Zivilgesetzbuch (ZGB) von 1907 deckt dabei Widersprüchlichkeiten auf, welche die konkreten Konfliktsituationen zwischen Schützen und Nutzen letztlich auf die Eigentumsfrage zurückführen lassen. So besteht auf Bundesebene einerseits eine starke Position des Privateigentums auf Kosten kollektiver Eigentumsformen, z. B. der Allmendgenossenschaften, die nur noch dem kantonalen Recht unterstellt sind. Andererseits wird das dem Gemeinwesen unterstellte „herrenlose Land“ (das nicht nutzbare Land) oftmals angeeignet, verprivatisiert und damit in Geldwerte umgewandelt. Gerade bei Skigebietserschliessungen und Pistenbauten oberhalb der Alpweiden fragt heute Niemand nach dem Eigentumsrecht. Hier werden Bewilligungen und Konzessionen vergeben, ohne die Eigentümer, die in diesem Fall alle Mitglieder der betreffenden Gemeinwesen, also alle Bürgerinnen und Bürger sind, letztlich um Zustimmung zu bitten. So wird Landschaft faktisch zu einem Niemandland. Dabei würde die Mitsprache noch weiter gehen und auch das sogenannte Jedermannszutrittsrecht betreffen (Art. 699 ZGB). Dieses ist nicht nur ein „Pflückrecht“, sondern eigentlich ein Recht auf Erholung und Wohlbefinden in der Landschaft, auf naturbelassene Landschaft und auf Zutritt zu den Erholungsräumen, das Jeder und Jedem zukommt, aber kaum je eingefordert werden kann.

Art. 641 ZGB

- Wer Eigentümer einer Sache ist, kann in den Schranken der Rechtsordnung über sie nach seinem Belieben verfügen.

we metaphorically link places with memories and signs. The tree that, as children, we felt almost magically drawn to and which we climbed, has become a very specific tree for us. If this tree fell, we would experience the painful feeling of personal loss. The landscape, in its comprehensive meaning, only “exists” on this threefold level. This anthropocentric understanding of the landscape coincides with the definition given by the Council of Europe in the context of the European Landscape Convention. To come to the issue of ownership, these characteristics of the landscape should be understood as “usable services”. The Millennium Ecosystem Assessment is based on the concept of “Ecosystem Services”, and among these it also includes spiritual and religious values, aesthetic values and recreation, i.e. aspects which are tightly connected with the understanding of landscape. In concrete terms, the key landscape services can be summarized as follows:

- 1) recreational and experiential services (aesthetics/senses)
- 2) identification services (information/symbolic representation)
- 3) cultural/natural services (cultural and natural knowledge and values)

These services can be used as resources and, in a certain way, also purchased and sold. The Swiss legislation, in particular the 1907 Schweizerische Zivilgesetzbuch (ZGB - Swiss Civil Code) reveals some contradictions which the actual situations of conflict between protection and exploitation trace back to the issue of ownership. On a federal level, we find the strong position of private ownership to the detriment of collective forms of ownership, for instance the so-called Allmendgenossenschaften (farmers’ associations), which are only subject to cantonal laws. On the other hand, the “ownerless land” (land that cannot be used), which belongs to the community, is often taken possession of, privatized and therefore turned into cash value. In the case of infrastructures in skiing area and ski slopes above Alpine meadows, today nobody asks for property rights. Here, authorizations and concessions are given without asking for the final approval of the owner - in this case all members of the concerned community, i.e. all citizens. The landscape thus becomes nobody’s land. Citizens’ participation could actually go one step further and involve the so called Jedermannszutrittsrecht (everyone’s right of access, Art. 699 ZGB). This is not only a “right to pick”, but the right to recreation and well-being in the landscape, the right to a natural landscape and to access the recreational spaces that anyone may come across. However, it can hardly ever be claimed.

Art. 641 ZGB

- the owner of a property can dispose of it at his/her discretion, within the limitations of the existing legal system.

Art. 664 ZGB

- Die herrenlosen und die öffentlichen Sachen stehen unter der Hoheit des Staates, in dessen Gebiet sie sich befinden.
- An den öffentlichen Gewässern sowie an dem der Kultur nicht fähigen Lande, wie Felsen und Schutthalden, Firnen und Gletschern, und den daraus entspringenden Quellen besteht unter Vorbehalt anderweitigen Nachweises kein Privateigentum.

Art. 699 ZGB Jedermannszutrittsrecht

- Das Betreten von Wald und Weide und die Aneignung wildwachsender Beeren, Pilze u. dgl. sind in ortsüblichem Umfange jedermann gestattet, soweit nicht im Interesse der Kulturen seitens der zuständigen Behörde einzelne bestimmt umgrenzte Verbote erlassen werden.

Gerade die enorme Landschaftszerstörung in den letzten Jahrzehnten, aber auch in jüngster Zeit zeigt, dass die Bewahrung der wähten ästhetischen, kulturellen und gesundheitsfördernden Landschaftsleistungen letztlich von der Bevölkerung kaum je eingefordert wird. Am ehesten steht dieses Klagerecht noch den Umweltverbänden zu, die allerdings immer wieder unter Druck geraten und gerade im Bereich Ästhetik, Wohlbefinden und Raumplanung sich selten einmal auf eine genügende Rechtshandhabe stützen können.

An der Landschaft im umfassenden Sinne der ökologischen, soziokulturellen und ästhetischen Landschaftsqualitäten besteht heute kein formales Eigentumsrecht. Es lassen sich auch kaum öffentliche Politiken erkennen, welche die Nutzung von beanspruchten Landschaftsleistungen koordinierend steuern. Ihre drohenden Einschränkungen namentlich im Bereich der soziokulturellen und ästhetischen Landschaftsqualität können die beeinträchtigten Akteure daher selten mit Unterstützung der öffentlichen Politiken abwenden. Die ästhetischen Landschaftsleistungen sind daher in der Regel dem freien Spiel der nach der eigentumsrechtlichen Grundordnung an den Primärressourcen, wie Boden, Wald, Wasser u.a., berechtigten Akteure ausgeliefert, sofern dies nicht punktuell über das öffentliche Recht korrigiert wird. Diese Leistungen sind daher Aneignungsprozessen der Eigentümer der Primärressourcen unterworfen (Rodewald und Knoepfel 2005).

Wie die Abb. 1 zeigt, lassen sich die einzelnen Landschaftsleistungen am besten als genossenschaftliche und auch öffentliche Güter in entsprechende Eigentums- und Nutzungsrechte verwalten (Governance). Damit können Nutzungskonflikte durch Ausschliessbarkeiten oder bei Vorliegen von Nicht-Rivalitäten in der Nutzung (z.B. der Aussicht auf eine unverbaute Bergkette, die Allen gleichermassen zuteil wird und durch diese ästhetische Nutzung nicht verkonsumiert werden kann) frühzeitig vorgebeugt werden.

Art. 664 ZGB

- public and ownerless properties (res nullius) are under the sovereignty of the state on whose territory they are located.
- no private ownership of public waters and non-arable land - such as rocks and debris areas, firns and glaciers and the springs arising from them - exists, unless there is an otherwise proof of ownership .

Art. 699 ZGB - Jedermannszutrittsrecht (everybody's access right)

- the access to woodland and pastures and the right to gather wild berries, mushrooms and so forth is granted to everyone, according to local customs, unless specific and limited prohibitions have been issued by the responsible authorities in the interest of the cultivations.

The huge destruction of landscapes in the last decades, and also in more recent times, shows that the preservation of the above mentioned aesthetic, cultural and health-enhancing landscape services is hardly ever demanded by citizens. First and foremost, environmental associations are entitled to this right of action, however they are constantly under pressure and especially in the fields of aesthetics, well-being and spatial planning can seldom rely on a sufficient legal basis.

Today no formal landscape property right - in the comprehensive sense of environmental, socio-cultural and aesthetic landscape qualities - exists. There are hardly any public policies which manage the exploitation of the above mentioned landscape services in a coordinated way. The concerned actors can rarely fight off the restrictions that threaten them in the area of socio-cultural and aesthetic quality of the landscape with the support of public policies. The aesthetic landscape services are therefore normally left to the free play of the actors entitled - according to the basic regulation on property rights - to primary resources, such as soil, woodland, water, etc., unless this is not specifically corrected by public law. These services are therefore subject to the appropriation processes of the owners of the primary resources (Rodewald and Knoepfel 2005).

As Fig. 1 shows, the individual landscape services can be managed at best as common property and public goods, according to the property and use rights associated with them (Governance). In this way, conflicts of use can be prevented at an early stage, either because there is an excludability or because there is no conflict of use (for instance the view from an unspoiled mountain range, which is granted to everyone and cannot be consumed by this aesthetic use).

	Rivalität	Nicht-Rivalität
Nicht-ausschliessbarkeit	Res Nullius: <ul style="list-style-type: none"> • First come first served-Prinzip 	Public goods: <ul style="list-style-type: none"> • Erholungs- und Erlebnisleistungen • Kulturelle/natürliche Ausdrucksleistungen
Ausschliessbarkeit	Common property resources: <ul style="list-style-type: none"> • Erholungs- und Erlebnisleistungen • Kulturelle/natürliche Ausdrucksleistungen • Identifikationsleistungen 	Uncongested wilderness: <ul style="list-style-type: none"> • Natürliche Ausdrucksleistungen

Abbildung 1: Zuordnung der Landschaftsleistungen zur umweltökonomischen Typisierung der Eigentumsrechte (nach Vogler 2000)

Ein ideales, d.h. nachhaltiges Ressourcenregime für die Landschaft würde also darin bestehen, dass ein hohes Ausmass der Regulierung der zu nutzenden Landschaftsleistungen auf eine hohe Kohärenz unter den Akteuren trifft. Diese Kohärenz ist in Falle von Institutionalisierungen, wie den Allmendgenossenschaften, Stiftungen für Naturpärke etc. am besten gegeben.

2. Präferenzbegründung Landschaft/Energie

Bei der aktuellen Präferenzbegründung in der Diskussion um erneuerbare Energie und Landschaftsschutz haben wir es mit einem klassischen Corneille'schen Wahldilemma zu tun. Beide Argumentationen sind in sich logisch und plausibel. Die Entscheidung fällt daher umso schwerer. Dem Landschaftsschutz wird regelmässig in Bevölkerungsbefragungen ein sehr hoher Stellenwert beigemessen, während dies aber auch für die Notwendigkeit für den Ausbau der erneuerbaren Energieträger zutrifft. Dieses Dilemma wird noch deutlicher, wenn wir uns bewusst machen, dass unsere Landschaftspräferenzen von den kulturell vermittelten Idealen des Arkadisch-Pastoralen, Erhabenen, Pittoresken und Romantischen geprägt sind, die a priori keine grossen menschgeprägten Landschaftsveränderungen zulassen. Auf der anderen Seite sind auch die Ideale des Atomausstiegs als ethisch-moralischer Auftrag, als Zukunftsverantwortung und das Gebot der Opfersymmetrie (Jede und Jeder muss zur Lösung beitragen, also auch der Naturschutz) gesellschaftlich stark verankert.

Eine Lösung aus diesem Wahldilemma wäre immerhin insofern möglich, als die Konflikte zwischen

	Rivalrous	No rivalrous
Non excludable	Res Nullius: <ul style="list-style-type: none"> • first come first served principle 	Public goods: <ul style="list-style-type: none"> • recreational and experiential services • cultural/natural services
Excludable	Common property resources: <ul style="list-style-type: none"> • recreational and experiential services • cultural/natural services • identification services 	Uncongested wilderness: <ul style="list-style-type: none"> • natural services

Figure 1: Classification of landscape services according to the environmental-economic typification of property rights (Vogler 2000)

In an ideal, sustainable resource regime for the landscape, the regulation of landscape services to be used should present a high degree of coherence among the involved actors. This coherence can be best ensured in case of institutionalizations, such as the Swiss Allmendgenossenschaften (farmers' associations), foundations for natural parks, etc.

2. Argumentation of preferences in the debate on landscape/energy

In the current argumentation of preferences in the debate on renewable energy and landscape protection we stumble upon a classic Cornelian dilemma. Both argumentations are, per se, logical and reasonable. Making a decision is therefore even more difficult. In public surveys, landscape protection is constantly awarded a very high rating, but this is true also for the need to build renewable sources of energy. The dilemma becomes even clearer when realize that our preferences in terms of landscapes are shaped by the culturally-rooted ideals of Arcadian-pastoral, sublime, picturesque and romantic nature, which do not leave much room for man-induced landscape changes. On the other hand, the ideals of nuclear phase-out as an ethical and moral duty and a responsibility for the future, and the imperative of the "symmetry of sacrifices" (everyone must contribute to the solution, even the protection of nature) are firmly established in society.

Nutzen und Schützen (wobei das Schützen ressourcenökonomisch auch eine Form von Nutzen ist) frühzeitig durch geeignete Planung und sorgfältige Politik offen gelegt und partizipativ bereinigt würden.

3. Konflikte

Die Konfliktpotenziale der verschiedenen erneuerbaren Energieträger sind in Abhängigkeit des jeweiligen technologischen Entwicklungsstandes einigermaßen gut bekannt (Abb. 2).

Energieträger	Natur	Landschaft	Siedlung	Verkehr	Weitere Bauten und Anlagen
Windkraft					
Biomasse					
Wasserkraft					
Photovoltaik					
Geothermie					

Abbildung 2: Grobe Konfliktdarstellung der einzelnen erneuerbaren Energieträger. Grau bedeutet grosser Konflikt, blau mittlerer Konflikt. Quelle: ARE

Insbesondere betreffend Windenergie sind die Konflikte im Alpenraum erheblich. So ist mit den heutigen Anlagegrößen bis 180 Meter keine Einpassung ins Landschaftsbild möglich, die Proportionalität und der Naturcharakter der Landschaften würden massiv verändert. Die Entwertung der Landschaftsqualitäten wäre die Folge und das Bild eines industriellen Produktionsstandorts würde entstehen. Zudem würde das Landschaftsbild eine deutliche Zweckdominanz im Sinne der Landschaft als Produktionsort von Energie tragen. Zudem sind die Vogel- und Fledermausschutzprobleme nicht zu vernachlässigen und eine Eingriffskompensation ist praktisch unmöglich. Zudem sind die akustischen Emissionen und der Stroboskopeffekt auch auf Distanzen von mind. 1 km durchaus als störend wahrnehmbar, wie ein jüngster Bundesgerichtsentscheid in der Schweiz bestätigt.

Die Schweiz verfügt zwar bislang über sehr wenige Windkraftanlagen, es sollen aber bis zu 800 Anlagen bis 2050 erstellt werden. Dies in einem Lande, das dicht besiedelt ist, eine eher geringe Windhöffigkeit und stark bewaldete und geschützte Kretenlagen aufweist. Gerade der

However, a solution to this dilemma would be possible if the conflicts between use and protection (whereby the protection, from a resource and economic perspective, is also a form of use) were presented openly and solved in a participatory way at an early stage, through appropriate planning and careful policy-making.

3. Conflicts

The conflict potentials of the various renewable sources of energy, depending on the respective technological stage of development, are rather well known (Fig. 2).

Source of energy	Nature	Landscape	Settlement	Traffic	Further buildings and structures
Wind power					
Biomass					
Water power					
Photovoltaic power					
Geothermal energy					

Figure 2: Rough illustration of conflicts of the individual sources of energy. Gray means a big conflict, blue a medium conflict. Source: ARE

Especially when it comes to wind power, the conflicts in the Alpine region are considerable. With the current sizes of plants (until 180 meters) no integration in the landscape is possible, and the proportionality and natural character of landscapes are severely changed. The consequence would be the devaluation of the landscape qualities, and the image of an industrial production site would emerge. In addition, the landscape appearance would clearly indicate a predominant role of the landscape as an energy production site. The problems of the protection of birds and bats should not be overlooked and a compensation of the impact is practically impossible. Noise emissions and the strobe effect can be perceived as quite disturbing even from distances of a least 1 km, as a recent federal court ruling in Switzerland confirms.

So far, Switzerland only relies on very few wind power plants, but up to 800 plants should be built by 2050. This should happen in an area which is not inhabited, is characterized by

unverbauten Horizontlinie kommt eine grosse ästhetische und symbolische Bedeutung zu. Die Horizontlinie stellt im romantischen Erlebnismodus der Landschaft als Schnittstelle zwischen dem Diesseits und Jenseits, Himmel und Erde, als Begrenzung des sichtbaren Raumes und von Licht und Dunkel eine bedeutende Lebenslinie für den Menschen dar. Im nationalen Konzept Windenergie Schweiz von 2004 wurden zwar nationale Schutzgebiete und der Wald als Ausschlussgebiete bezeichnet, exponierte Bergketten werden aber nicht als Problem bezeichnet. Nach Fukushima stehen aber auch diese wenigen Ausschlusskriterien wieder zur Diskussion. In der betroffenen Bevölkerung reagiert man hingegen teilweise sehr ablehnend auf die Flut der geplanten Projekte (Abb. 3).



Abbildung 3: Von einer Bürgerbewegung erstellte Fotomontage eines geplanten Windparks im Jura.

4. Positivplanung, Verfahrensvorschläge und Best Practise

Entscheidend für eine Konfliktlösung sind eine übergeordnete Standortplanung und sorgfältige Kriterien bei der Gewährung der kostendeckenden Einspeisevergütung. So erstellte die Stiftung Landschaftsschutz Schweiz (SL) 2008 eine eigene Kriterienliste für die Windkraftplanung (auf www.sl-fp.ch), die auch von dem Betreiber des einzigen grösseren Windparks im Berner

very low wind speeds, is densely forested and has protected crests. The unspoiled line of the horizon has a strong aesthetic and symbolic meaning. In the romantic way of experiencing the landscape, the line of the horizon - as the interface between this mortal world and the afterlife, sky and earth, the boundary of the visible space and between light and darkness - represents an important lifeline for man. The Swiss national plan for wind power of 2004 states that national protected areas and woods are exclusion areas, but exposed mountain ranges are not identified as a problem. However, after Fukushima even these few exclusion criteria are again under discussion. The concerned populations react partially with strong hostility against the planned projects (Fig. 3).



Figure 3: Photomontage of a planned wind park made by a citizens' movement.

4. Positive planning, procedural suggestions and best practices

In order to attain a resolution of conflicts, it is fundamental to have an overall location planning and careful criteria to grant the cost-covering electricity feed-in payments. This is why, in 2008, the foundation Landschaftsschutz Schweiz (SL) drew up a list of criteria

Jura (Juvent SA) übernommen wurde. Die SL ist der Ansicht, dass Windpärke grundsätzlich nach dem Prinzip der Raumplanung für Bauwerke beurteilt werden müssten. So soll das Konzentrationsprinzip gelten, wonach Einzelanlagen im Sinne der Verspargelung der Landschaft verhindert und Pärke bevorzugt würden. Auch seien nationale und kantonale Schutzgebiete Taburegionen und eine durchschnittliche Windstärke von mind. 5,5 m/s müsse gegeben sein. Der Abstand zu Wohngebieten soll mindestens 1000 m betragen. Wichtig ist aber auch die Erarbeitung und Bewertung von „Best Practise“-Beispielen, wie im Walliser Rhonetal und auf dem Mont Crosin.

Schlussfolgernd ist zu sagen, dass sich die Berggebiete für grössere Windpärke nur begrenzt eigenen. Insbesondere im Alpenraum sind diese aufgrund der bedeutenden Landschaftsleistungen, der kulturgeschichtlichen, patrimonialen und touristischen Werte grundsätzlich unerwünscht; Ausnahmen bilden allenfalls Standorte in unmittelbare Nähe grosser Staukraftwerke. Im stark gewellten Hügelgebiet und Voralpenraum sind Windanlagen ebenfalls zu exponiert, zu wenig effizient und können nicht in Pärken gruppiert werden. Die Zukunft gehört vielmehr der Sonnenenergie. Wenn wir aber das ungebremste Stromverbrauchswachstum (2010 in der Schweiz entsprechend der Produktion von 480 Windkraftanlagen!) nicht in den Griff bekommen, so werden wir auch mit einem massiven Ausbau der erneuerbaren Energieträger den Atomausstieg nicht schaffen, gleichzeitig aber damit unsere wertvollen Landschaften und Naturräume für Jahrzehnte geopfert haben.

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Vogler, J. (2000). *The global commons – environmental and technological governance, 2nd ed., Chichester*

for wind power planning (see www.sl-fp.ch), which was adopted also by the operator of the single largest wind park in the Berner Jura (Juvent SA). The SL believes that wind parks should essentially be evaluated on the basis of the principle of spatial planning for buildings. Thus, the concentration principle should be applied. This principle, in order to avoid turning the landscape into an "asparagus field", prevents the building of individual plants and favours wind farms. National and cantonal protected areas would also be taboo, and an average wind speed of at least 5.5 m/s should be present. The distance from inhabited areas should be at least 1000 m. The development and assessment of examples of best practices, as in the Valais Rhone Valley and on Mont Crosin, is also very important.

To conclude, it is important to stress that mountain regions are only suited to large wind farms to a limited extent. Especially in the Alpine region these are fundamentally to be avoided, due to the important landscape services, and the cultural and historical, heritage and touristic values. However, sites in the immediate vicinity of large barrage power plants are an exception. In very undulated hilly areas and in the pre-Alps wind plants are too exposed, too inefficient and cannot be grouped in wind farms. The future belongs much more to solar energy. But if we do not put under control the unrestrained growth of electricity consumption (in Switzerland, in 2010 it corresponded to the production of 480 wind plants!), we will not be able, even with a massive expansion of renewable sources of energy, to succeed in the nuclear phase-out. In the meantime, though, we will have sacrificed our valuable landscapes and natural areas for decades.

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DE Landschaftsschutz als ein Kriterium für die Bewertung von Projekten

(im Bereich der erneuerbaren Energien)

Johanna EBNER

Die EU-Richtlinie 2009/28/EG (Erneuerbare-Energien-Richtlinie) deren Zielsetzung die Senkung der Treibhausgasemissionen und die Gewährleistung der Energieversorgungssicherheit ist, sieht als Maßnahmen zur Zielerreichung den Ausbau der erneuerbaren Energien, die Steigerung der Energieeffizienz und die Energieeinsparung vor. Im Bereich der erneuerbaren Energien werden dabei auch Vorgaben für die Genehmigungsverfahren festgelegt. Den nationalen Rechtsrahmen bilden das gesetzvertretende Dekret Nr. 387/2003 und die Leitlinien für die Genehmigung von Anlagen für die Erzeugung von Energie aus erneuerbaren Quellen (Ministerialdekret vom 10.09.2010). Die Rechtsquellen im Bereich der Autonomen Provinz Bozen sind folgende: Landesraumordnungsgesetz und entsprechende Durchführungsverordnungen, Fachpläne, Bauleitplan, Landschaftsschutzgesetz, Unterschutzstellungen, Landschaftspläne, Naturschutzgesetz, UVP-Gesetz. Im Bereich der erneuerbaren Energien gibt es - je nach Schwellenwert - vier verschiedene Genehmigungsebenen (Genehmigung durch den Bürgermeister der gebietsmäßig zuständigen Gemeinde, Genehmigung durch den Direktor der Landesabteilung Natur und Landschaft, Genehmigung durch die Dienststellenkonferenz im Umweltbereich, Genehmigung durch die Landesregierung nach Durchführung der Umweltverträglichkeitsprüfung). Die Südtiroler Landesregierung hat für den Bereich der erneuerbaren Energien Richtlinien und Kriterien sowie Schwellenwerte beschlossen. So wurden z.B. für Photovoltaikanlagen detaillierte Kriterien für deren Anbringung und windkraftfreie Zonen festgelegt (siehe Dekret des Landeshauptmannes vom 28. September 2007, Nr. 52. Schließlich wurde mit Beschluss der Südtiroler Landesregierung vom 20.06.2011, Nr. 940, die KLIMA-Strategie Südtirol 2050 genehmigt. Im Vergleich zu anderen Planungsinstrumenten des Landes Südtirol wird mit diesem Klimaplan eine langfristige Strategie definiert, die sich über die nächsten vier Jahrzehnte erstreckt, wobei jeweils alle fünf Jahre entsprechende Evaluationen durchgeführt, Zwischenziele definiert und sofern erforderlich, Maßnahmen neu festgelegt werden.

EN Landscape protection as a criterion for the assessment of projects

(in the area of renewable energies)

Johanna EBNER

The EU directive 2009/28/EC (directive on renewable energies), whose goal is to reduce greenhouse effect emissions and ensure energy supply security, mentions the increase of energy efficiency and energy saving as measures to achieve the goal of increasing the use of energy from renewable sources. In addition, it contains provisions for the approval procedures in the area of renewable sources of energy. The national legal framework includes the Decree Law 387/2003 and the guidelines for the approval of plants aimed at the production of energy from renewable sources (Ministerial Decree of 10/09/2010). The sources of law in the Autonomous Province of Bozen are the following: the provincial spatial planning law (Landesraumordnungsgesetz) and the corresponding implementing regulations, technical plans, the urban development plan, the provincial landscape protection law (Landschaftsschutzgesetz), the establishment of protected areas, landscape plans, the law for the protection of nature (Naturschutzgesetz) and the environmental impact law (UVP-Gesetz). In the area of renewable energies, four different approval levels – depending on the set threshold - are defined: approval by the mayor of the concerned municipality; approval by the Director of the provincial department for nature and landscape; approval by the Dienststellenkonferenz (the conference of services) responsible for the environment; approval by the provincial government after carrying out the environmental impact assessment. The provincial government of South Tyrol has approved directives and criteria, as well as thresholds, in the area of renewable sources of energy. For instance, specific and detailed criteria have been defined for the setup of photovoltaic plants, and wind power free areas have been established (see the Decree Law of the provincial governor of September 28th 2007, N. 52). Finally, with the decision of the provincial government of South Tyrol of June 20th . 2011, N. 940 - the KLIMA-Strategie Südtirol 2050 (KLIMA strategy for South Tyrol 2059) has been approved. In comparison to other planning instruments of the province of South Tyrol, this climate plan defines a long-term strategy for the next four decades; every five years the necessary evaluations shall be carried out, intermediate goals shall be set and, if necessary, new measures defined.

List of Contributors



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She graduated in Law from the University of Montpellier, worked as a lawyer at the Court of Appeal in Montpellier and taught at the University of Law. From 1987 she worked at the Council of Europe. From 1987-1992: she was Administrator at the European Court of Human Rights; from 1992-1997: Administrator at the Directorate of Environment and Local Authorities - Protection and Management of the Environment Division; Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats of Europe (Bern, 19 September 1979); from 1998-2001: Principal Administrator and Head of the Environment and Sustainable development Division; Secretariat of the Pan-European Biological and Landscape Diversity Strategy (PEBLDS) and Responsible for the European Diploma of Protected Areas; from 2001-2002: Head of the Spatial Planning and Technical and Assistance Division: Secretary of the European Landscape Convention (Florence, 20 October 2001), of the European Conference of Ministers responsible for Spatial Planning (CEMAT); and of the *Naturopa Magazine*; from 2002-2003: Head of the Spatial Planning and Landscape Division: Secretary of the European Landscape Convention (Florence, 20 October 2001), of the European Conference of Ministers responsible for Spatial Planning (CEMAT); and of the *Naturopa Magazine*. She has published various papers and books on the safeguard of coastal and marine areas, on biological diversity and landscape, and on the "human right" to the environment.

Johanna Ebner Mittelberger is a jurist and Vice Head of the Verwaltungsamt für Landschaftsschutz (administrative office for landscape protection) of the Autonomous Province of Bolzano-Bozen, as well as Vice Chairwoman of the Dachverband für Natur- und Umweltschutz (the umbrella association for the protection of nature and the environment). Among other things, she develops the legal bases of landscape protection in South Tyrol.

Ludwig Krämer, Professor of Environmental Law in Brussels. For more than 30 years, he was a judge at the Landgericht Kiel and a key figure at the Environment Directorate-General of the European Commission. Now retired, he still pursues his academic career and works as a consultant. He studied law and history in Kiel, Munich and Paris and obtained his PhD at the University of Hamburg. He is Honorary Professor in Bremen and at the University of Copenhagen, he teaches at the London University College and at the European College in Bruges. He has published more than 20 books and about 200 papers on community environmental law.

Umberto Martini is the General President of Club Alpino Italiano since May 2010. He previously covered, for over 30 years, technical and institutional roles, both locally and centrally, at all levels of the association. He has practiced several mountain sport and athletic disciplines. He is President of Banca di Credito Cooperativo "Romano Santa Caterina" in Bassano and auditor of Fondazione "Antonio Berti" in Venice.

Marcella Morandini is an official of the Permanent Secretariat of the Alpine Convention (Innsbruck/Bolzano). She is responsible for various projects for the local implementation of the Alpine Convention and is also involved with the activities of the System for the Observation and Information on the Alps, as well as with European territorial cooperation.

Marco Onida is an official of the Environment Directorate-General of the European Commission. He has been working for the European institutions in Brussels since 1994 (European Parliament and Commission, Environment Directorate-General). In November 2006 he was elected Secretary General of the Alpine Convention. He is fond of environmental law and politics.

Robert Renzler, is a qualified mountain and ski guide. Since 1986 he has been working at the Oesterreichischer Alpenverein as head of the mountain sport department, and as Secretary General since 2002. He served for several years at the International Mountaineering and Climbing Federation (UIAA) as President of the CICE (International Council of Competition Climbing) and of the UIAA Mountaineering Commission. In his private life, he still feels passionate about mountaineering and rock climbing. He took part in a wide range of tours which took him on the tops of high mountains, such as the Gasherbrum II, 8035 m, or the Masherbrum, 7824 m (first ascent with use of Mandutal). He also climbed many of the classic North sides of the Alps, such as the Eiger or the Grand Jorasses.

Sigbert Riccabona, studied at the Universität für Bodenkultur (University of Natural Resources and Life Sciences) and at the TU Wien (Vienna University of Technology). He worked as environmental ombudsman for Tyrol (1990 - 2007) and is retired since 2008. The following catchwords and thoughts were and are of particular relevance to Riccabona: "long term, thriving development of man, with nature" and "promotion of processes rooted in civil society for the development of goals and targets for the future development of the landscape". Riccabona has speculated on the "development of a sustainable cultural landscape with the involvement of civil society" and has expressed his thought on paper. He has always dealt with the issue of the "landscape in relation to the value of recreation".

For him it is essential to work following a process. What really matters is minimizing the costs of conflict and therefore achieve a timely conflict management (money, time, administrative effort, social aspects), professional project management, social fairness etc. through participation, the conservation and environmentally sound development of recreational spaces and the development of concrete landscape development concepts. He believes that these elements are the key for the implementation of sustainability concepts.

Raimund Rodewald, Dr. phil. biol., Dr. h.c. iur., graduated in Biology at the University of Zürich and specialized in Plant Biology in 1990. In 1989 he obtained the diploma for higher education teaching. In January 1990 he obtained a full time position as scientific assistant at the Stiftung Landschaftsschutz Schweiz (SL) in Bern and has been its director since 1992. Since 2006 he is visiting professor for landscape aesthetics at the Institut für Natur-, Landschafts- und Umweltschutz (NLU - the institute for the protection of nature, landscape and the environment) at the University of Basel. In addition to his activity as an expert within various commissions and working groups, to the direction, supervision and approval of scientific works and to his publications, Raimund Rodewald turned the Stiftung Landschaftsschutz Schweiz (SL) into a widely acknowledged institution. In November 2008 Raimund Rodewald obtained a honorary degree at the Law faculty of the University of Basel. Since 2008 he presides the Working Group "Right of environmental associations", and since 2010 the association Philosophietage in Biel/Bienne.

Books published: Sehnsucht Landschaft – Landschaftsgestaltung unter ästhetischem Gesichtspunkt (1999/2001); Institutionelle Regime für nachhaltige Landschaftsentwicklung (2005), Flurbewässerung im Münstertal (2009), Ihr schwebt über dem Abgrund - Die Walliser Terrassenlandschaften Entstehung-Entwicklung-Wahrnehmung (2011).

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What is the price of landscape? How do we exploit clean technologies such as wind power and solar without in the process damaging the unspoiled qualities that make the Alps so special?

It is imperative to increase the efficiency of existing energy production facilities, such as hydro power stations, and to invest in the potential of wind, sun and biomass. Yet such projects can put at risk the very integrity of the Alpine landscape. How should a balance be struck; indeed to whom does 'landscape' actually belong?

These questions go to the heart of challenges facing the Alps today. In June 2011 an international conference was held in Bolzano-Bozen (Italy) to discuss and reflect on these issues. This publication contains the contributions of the experts who took part.

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