

Principles of Landscape Management in Italian Case — Basic Values for Legislation and Planning: Conclusions for Russia

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Abstract—The paper presents the results of the PhD research of author “The Landscape: comparison between Italy and Russia. The general values for legislative and planning instrumentation”, supported by the Erasmus Mundus Action 2 Programme of the European Union. The paper is dedicated to the landscape planning after European Landscape Convention, in particular to the Italian experience, is concerned with the integration of the European Landscape Convention (Florence, 2000) into the Italian legal system and with development of the regional landscape planning tools, focusing on its organizational, operational structure, its legislative content, disciplinary and managerial innovations, mechanisms and procedures for the processing of the general planning instruments (landscape plan) in order to identify criteria, principles and tools to produce the base model, which can be applicable in different countries. The research investigates the theme of landscape planning in Italy to answer the main question of the thesis: how can the ELC’s addresses are applied to the Russian case through experience of Italian landscape planning.

Keywords—*landscape planning; values; legacy; heritage; management*

I. INTRODUCTION

The European Landscape Convention (ELC) was adopted by the Committee of Ministers of the Council of Europe in Strasbourg on 19 July 2000; it was signed by member states on 20 October 2000 in Florence and entered into force with 10 ratifications on 1 March 2004 [1]. The ELC originated from the Mediterranean Landscape Charter (Seville, 1994), which was firstly adopted in Spain in the region of Seville and Andalusia, and then later in France in the Languedoc-Roussillon region followed by Italy in the region of Tuscany [2]. In March 1994, the Standing Conference of Local and Regional Authorities of Europe adopted the Resolution 256, which was an invitation for the development of a frame convention for management, protection and safeguard of natural and cultural landscapes throughout Europe.

The ELC at the international level takes into account a number of documents such as: The Convention on the Conservation of European Wildlife and Natural Habitats

(Berne, 19 September 1979), the Convention for the Protection of the Architectural Heritage of Europe (Granada, 3 October 1985), the European Convention for the Protection of the Archaeological Heritage (Valletta, 16 January 1992), the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid, 21 May 1980) including its additional protocols, the European Charter of Local Self-Government (Strasbourg, 15 October 1985), the Convention on Biological Diversity (Rio, 5 June 1992), the Convention on the Protection of World Cultural and Natural Heritage (Paris, 16 November 1972), and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice on Environmental Matters (Aarhus, 25 June 1998), the Recommendation 95 of the Committee of Ministers concerning the identification and evaluation for the protection of natural landscapes, the Mediterranean Landscape Charter (Seville, 1994), the European Community regulation on the agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside fauna and flora, as well as important legal documents adopted at national and international level and at Community level [3], [4], [5].

Thus, the contemporary ELC is a follower of Mediterranean Landscape Charter. It is important to note that the regions belonging to the Mediterranean Landscape Charter have very similar physical-morphological characteristics, including access to the Mediterranean Sea only on a coastal side, on the other side they are very close to the mountains and at the same time all three regions have very complex landscape geomorphology with a number of protected areas and a strong presence of cultural heritage values.

Among the main aspects for the motivation of the research was the fact that during the period after the ELC entered into force more than 18 years ago the Parties form and develop the tools to applicate the guidelines of the Convention. Italy was one of the first to sign the ELC on 20 October 2000, 1 September 2006 the Convention entered into force on Italian territory. During this period Italy has elaborated and continues to develop its instruments to update

the guidelines of the Convention and to respond to the present problem of the intensive transformation of the contemporary landscape, taking into consideration the strongest presence of the cultural and world heritage, Italy stands at the top of the UNESCO list of World Heritage Sites in terms of the number of registered sites.

The analysis of this experience, especially in relation with cultural heritage and landscape, the research for the effectiveness of the integration process and its mechanisms, strengths and weaknesses, represents a complex scientific problem at the global and national level. The increased practical interest of research is for the possible Parties that have not signed and ratified the Convention. Russia has not signed the European Landscape Convention and doesn't implement its guidelines, but it is a member state of the Council of Europe, therefore has the possibility to ratify the Convention and to implement its guidelines in the land management and landscape management systems. Russia is completely involved in a global process of the transformation of the territory. Has its own urban planning system, the system of ecological and environmental legislation. The framework of the Russian laws concerning territorial planning, cultural heritage and ecological legislation presents a complex system of concepts for the protection of the environment, cultural heritage, nature and natural resources, and has its own structure and contents.

II. METHODOLOGY

The research investigates the theme of landscape planning in Italy to answer the main question of the thesis: how can the ELC's addresses be applied as a basic model through Italian experience of landscape planning in another State, for example, in Russia.

There were identified two main paper goals structured as:

- To verify the integration process between the European Landscape Convention, the Italian legislative system and landscape planning tools;
- To identify ways to manage the landscape transformations that can be declined to the Russian case.

To achieve those goals, has been verified: the process of integrating the European Landscape Convention, the Italian legislative system and landscape planning tools.

The methodology of research includes complex analysis of the subject of study: collection of materials, materials analysis, full-scale survey, empirical analysis, interviewing. The research path has been organized in 3 phases:

- Cognitive phase. The first phase represents the preliminary investigation which includes.

- Evaluation phase. The second phase represents the critical reading of significant good practices.
- Proposal phase. The third phase proposes the elaboration of a methodological path for the draft guidelines / general principles, declined to the Russian case.

III. VALUES FOR LEGISLATION AND PLANNING

Landscape, the visual perception of the environment around us, its qualities and values, its importance for everyday life and for the future, can we have the adequate methods and instruments to manage it?

The legal concepts defined in the Convention are "landscape", "landscape policy", "landscape quality objective", "landscape protection", "landscape management", and "landscape planning" [6]. Those basic concepts form a fundamental network to move inside for the Parties. By the "promoting the protection, management and planning of landscapes", the Convention activates the less used areas of economy, with their involvement in active life [7]. The landscape is represented as "a resource favorable to economic activity" and its "protection, management and planning can contribute to job creation", which aims to identify and to recognize the additional possible economic resources [8]. The process of management and planning, in each case, involves the possible transformation that, from the evolutionary point of view, is the obvious process. On the one hand, it opens the possibility for rethinking the concept "landscape", but also opens the possibility for its changes and transformation, in consequence, conduct the risks associated with the realization of programs and with the qualification of the professionals involved in the planning and management and risks related to legal procedures of territory management on the implementation and integration of the Convention, including economic risks, legal, environmental, climate, social and others.

The indirect objectives of the Convention express the vital needs of European society as a whole in a global context. The Convention indirectly affects global processes such as migration, employment, development of culture and identity, global and local markets. The conceptual chain: cultural and natural heritage — landscape — identity — population, creates a link between the landscape and the European cultural and natural heritage and the local population [9]. This link is a legal connection. It creates a new legal object, which is "landscape", between two other legal objects: European cultural heritage and population ("Fig. 1"). The ELC recognizes that changes in the habitat, the changes of landscape transform our culture and the culture of commons.

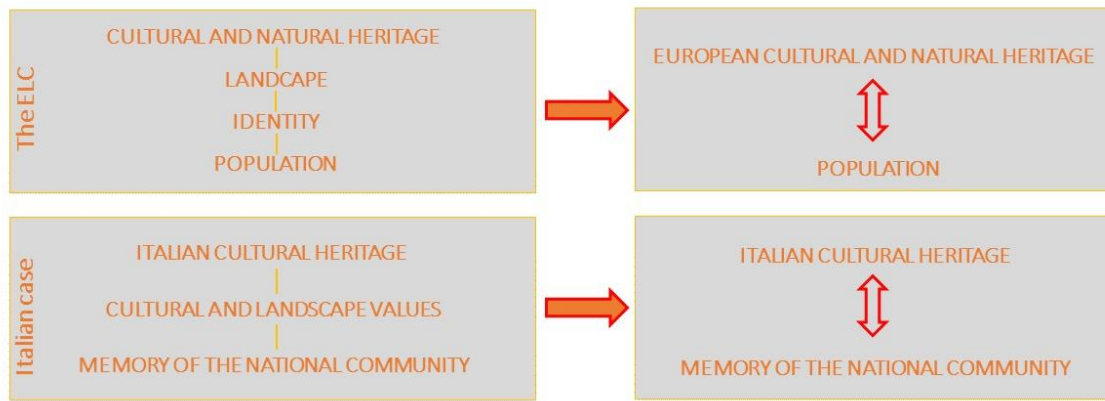


Fig. 1. Identification of the basic concepts of the landscape planning in Italy and the emerging issues in comparison with principles of ELC.

IV. VALUES: LANDSCAPE MANAGEMENT, ITALIAN CASE

In Italy, the integration of the addresses of the Convention is regulated by D.Ls. 22 January 2004, n.42 – The Code of Cultural Heritage and Landscape (The Code) [10]. The control functions on cultural heritage has “The Ministry of cultural goods and activities and tourism” / Ministero dei beni culturali e delle attività culturali e del turismo (MIBACT). The Constitution of the Italian Republic has introduced the term “landscape protection” / “tutela del paesaggio”, by the Code the term “landscape” has been legally recognized and has been defined [11]. The Code is an integrated document applicable throughout Italy.

By the Code are introduced the basic concepts for the activation of the process of management the cultural heritage in Italy. The cultural heritage consists of cultural values and landscape values. The Republic protects and enhances cultural heritage, according to the provisions of the present Code. The protection and the enhancement (“valorizzazione” it) are the main basic concepts for operation with cultural heritage. The enhancement is implemented in compliance with the requirements of protection [12].

The functions of protection can be defined:

- To recognize cultural values;
- To safeguard cultural values;
- To recover cultural values.

The functions of enhancement can be defined:

- To promote the development of culture;
- To requalify buildings and areas;
- To public use of the landscape;
- To create the new landscape values.

It can be defined that the enhancement is the new integrated concept to safeguard the territory, to use the territory, to develop the territory, to build a new landscape and a new city, which Italy follows to be applied with the Code [13]. The protection and enhancement all together form the principles to activate concepts of the Code in legislation and planning for the management of the Italian territory and landscape (“Fig. 2”).

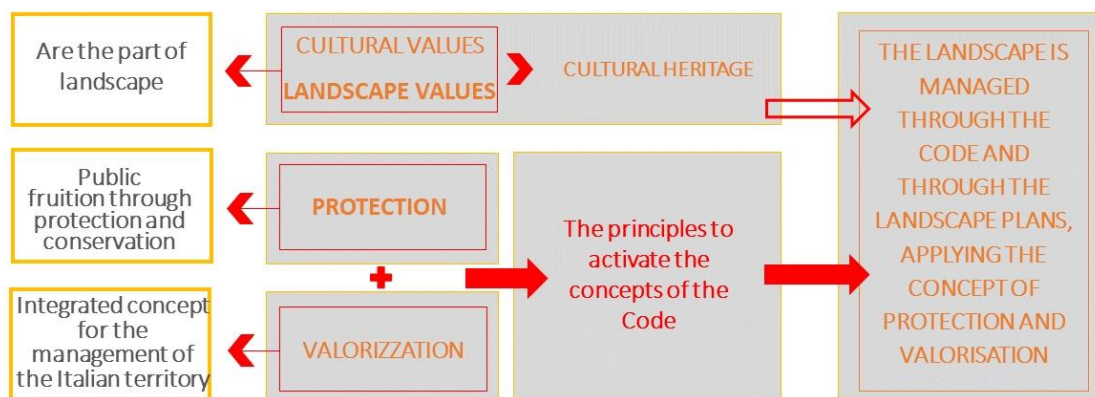


Fig. 2. Definition of the national / regional legislative framework, mechanisms and principles which regulate the protection, conservation, transformation and management of the landscape values.

By that Code was introduced a new type of plan on the entire Italian territory: the landscape regional plan or urban-

territorial plan with specific consideration of landscape values is mandatory on the regional level. The Code and the

Plan are the main tools for the multilevel governance to achieve the “Landscape policy” (ELC) on the Italian territory [14]. Where for “Landscape quality objective” (ELC) have been put at the center of conceptual level the cultural development and the memory of the national community and the territory.

The Landscape Plan has priority above other types of plan, is a key tool for landscape planning. By the Code for the regional landscape plan is required to identify the landscape areas (it. “ambiti”) at the defined borders. The criteria for identifying the landscape areas are defined by Plan, which represents for each region a complex research and design problem. Identification of landscape areas presents an innovative tool for the Landscape Plan, because it is a new tool to achieve the protection and enhancement of the landscape [15].

The plan can have required actions and possible actions, such measures make the plan a more flexible tool and allows for each region to create its own language for management the landscape and allow for the plan to be more independent. Each region should have their own landscape plan in their own borders. The plan should be elaborated through the protection and enhancement tools.

The current situation of Italian landscape planning has been observed in the twenty regions. Based on this observation by case of a critical reading study, four regional landscape plans were selected: The Regional Territorial Landscape Plan (PTPR) of the Lazio Region (adopted 2007), Territorial Direction Plan with Value of the Landscape Plan (PIT) of the Tuscany Region (approved Integration Act 2015), the Regional Landscape Territorial Plan (PPTR) of the Apulia Region (approved 2015), the Regional Landscape Plan (PPR) of Piedmont (approved 2017).

There were elaborated the methodology to analyze these plans based on the 10 criteria. The plans have non-homogeneous structures and types of elaborated materials. Each plan has elaborated its own language of interpretation of the addresses of the European Landscape Convention and norms of the Code of Cultural Heritage and Landscape. The priorities for all the decisions made in the plans are the protection and enhancement of cultural heritage and landscape.

V. APPLICATION OF THE ITALIAN MODEL FOR RUSSIAN CASE

The framework of the Russian laws and planning system have been analyzed more specifically on the concept of “landscape” and related concepts, to define where and how the addresses of the European Landscape Convention can be included. Within the framework of the laws related to spatial planning, cultural heritage and ecological legislation, the term “landscape” can be found in the following Federal Laws:

- About Objects of Cultural Heritage (Historical and Cultural Monuments) of the people of the Russian Federation [16].

- About Environmental Protection [17].
- About the Specially Protected Natural Areas [18].
- The Forestry Code of the Russian Federation [19].
- The Land code of the Russian Federation [20].

In the Constitution of Russian Federation, the term “landscape” is not present [21]. But there are alternatives and related concepts such as: historical and cultural heritage, conservation of nature and the environment and so on. In the Urban Planning Code of the Russian Federation the term “landscape” is not present [22]. But there are also alternative and related concepts such as: sustainable development, favorable natural conditions for life and conservation of cultural heritage, balance of environmental / ecological, economic, social factors and other factors in the execution of activities urban development, environmental protection and ecological security requirements, conservation needs of cultural heritage and protected areas, and others.

In the Federal Law “About Objects of Cultural Heritage (Historical and Cultural Monuments) of the people of the Russian Federation” the concept “landscape” presents as: landscape architecture, cultural and natural landscapes, protected area of the natural landscape, historical environment landscape, and landscape features [23]. The law has its system of concepts / objects for conservation, use, promotion and protection of cultural heritage values, where also part of the landscape is included. In the Federal Law “About Environmental Protection” is defined what is a “natural landscape” [24]. Also, in the present laws there is a complex system of concepts / objects for the protection of the environment.

The term “landscape” is not defined in the documents observed, but presents or as a natural landscape, or as a cultural landscape, or as a place of interest, or as a natural complex and so on. That is why it can be concluded that the framework of laws relating to spatial planning, cultural heritage and ecological legislation presents a complex system of concepts for the protection of the environment, cultural heritage, nature and resources, and has its structure and contents connected to each other.

There were elaborated basic models of application of the ELC addresses through experience of Italian landscape planning and additionally to the basic model in Russian case there were proposed such actions:

- Transformation of the structure of the normative into a hypothesis of two possible scenarios to applicate the Italian method declined in the Russian case to illustrate the necessity to implement the addresses of the Convention:

Through the elaboration of a single code to manage all the assets, areas, objects of protection (“Fig. 3”);

Through working with each document related to the environment, territory, cultural heritage and landscape and others (“Fig. 4”).

- Introduction of legal concept and of definition what is “landscape”;
- To applicate Convention addresses to all normative documents, applying the basic concepts of the Constitution to preserve nature and the environment and to preserve the historical and cultural heritage;
- Enhance the concept of “landscape” for planning;
- Develop landscape planning as a basis for spatial planning as a whole landscape;
- Develop the methodology to elaborate the Landscape Plan (basic model);
- Evaluate the risks, weaknesses and strengths more detailed with the possibility of advantages and benefits.

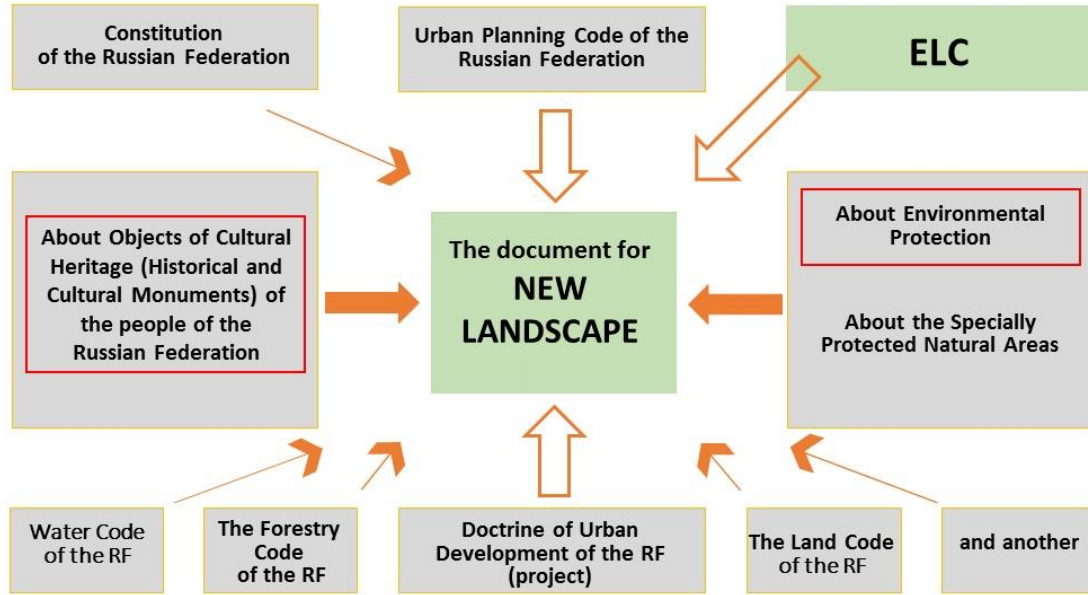


Fig. 3. First scenario. Elaboration of a single Code.

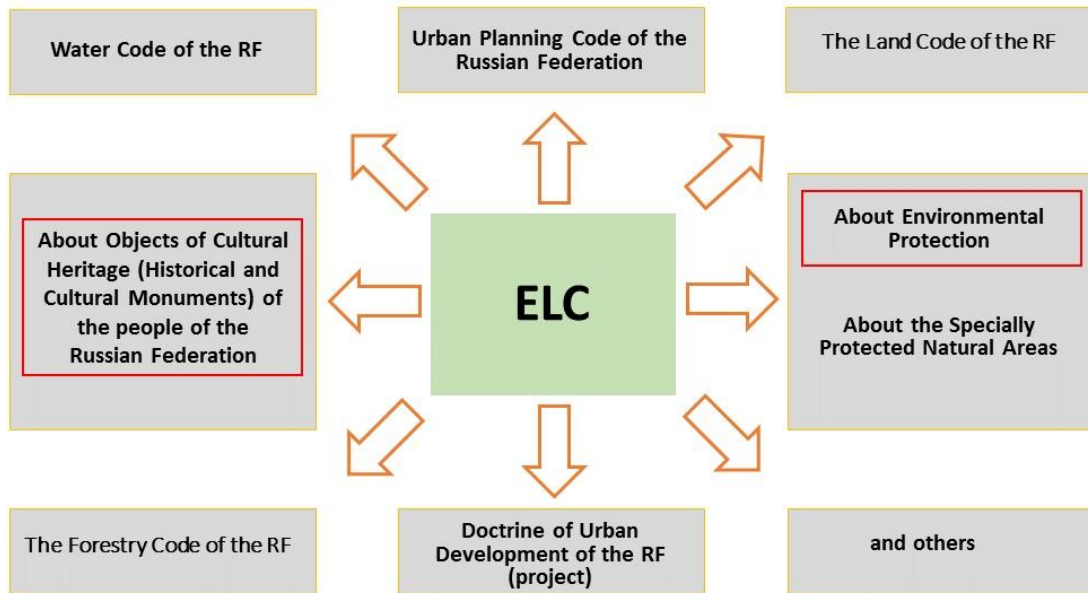


Fig. 4. Second scenario. Integration of the ELC principles to the various laws.

VI. CONCLUSION

There were elaborated the methodology, the principles, the criteria and the tools for applying ELC guidelines. In

case of Russia there were proposed different types of actions. The results of the study can be used as a basis for the preparation of methodological guidelines, duly declined to the Russian case, aimed at studying, planning and designing

documents and documents at federal level; the guidelines will be aimed to the conservation and management of landscape values and can provide methodological and scientific support for the drafting of some urban planning instruments of the Russian Federation.

REFERENCES

- [1] Council of Europe, European landscape convention, Florence, 2000.
- [2] Council of Europe, The Mediterranean Landscape Charter (Sevilla Charter) in Resolution 256 (1994) of the Congress of Local and Regional Authorities of Europe on the 3rd Conference of Mediterranean Regions (Taormina, Italy, 5-7 April 1993), Strasbourg, 1994.
- [3] Council of Europe, European landscape convention, Florence, 2000.
- [4] Council of Europe, European Charter of Local Self-Government, Strasbourg, 1985.
- [5] Council of Europe, The Mediterranean Landscape Charter (Sevilla Charter) in Resolution 256 (1994) of the Congress of Local and Regional Authorities of Europe on the 3rd Conference of Mediterranean Regions (Taormina, Italy, 5-7 April 1993), Strasbourg, 1994.
- [6] Council of Europe, European landscape convention, Florence, 2000.
- [7] Ibid.
- [8] Ibid.
- [9] O. Maximova, "Values for planning", in Proceedings of 54th ISOCARP Congress Bodø Norway, October 1-5, 2018 Cool planning: changing climate & our urban future, Editor: Dushko Bogunovich, International Society of City and Regional Planners, 2018: p. 1690.
- [10] D.Lgs 22 gennaio 2004, n. 42 — Codice dei beni culturali e del paesaggio.
- [11] Repubblica Italiana, Costituzione della Repubblica Italiana, Gazzetta Ufficiale della Repubblica Italiana, 298, 1947.
- [12] D.Lgs 22 gennaio 2004, n. 42 — Codice dei beni culturali e del paesaggio, art. 131 c. 5.
- [13] O. Maximova, "Enhancement of landscape of Moskva-river", in Tasting the landscape. 53rd IFLA WORLD CONGRESS APRIL, 20th - 22nd 2016 TORINO ITALY, Florence, Edifir-Edizioni, 2016, p. 366.
- [14] S. Amorosino, Introduzione al diritto del paesaggio, Roma-Bari, Laterza, 2010.
- [15] O. Maximova, "Landscape areas (it, "ambiti") as a tool for the implementation of the European Landscape Convention. In case of Italy", in Landscape Values: Place and Praxis, 29 June-2 July 2016.
- [16] [16] Federal Law, 25.06.2002 № 73-FZ "About Objects of Cultural Heritage (Historical and Cultural Monuments) of the people of the Russian Federation" (Federalnyj zakon ot 25.06.2002 № 73-FZ Ob obektah kulturnogo naslediya (pamyatnikah istorii i kultury) narodov RF) [In Russian].
- [17] Federal Law, 10.01.2002 № 7-FZ "About Environmental Protection" (Federalnyj zakon ot 10.01.2002 № 7-FZ Ob ohrane okruzhayushhej sredy) [In Russian].
- [18] Federal Law, 14.03.1995 № 33-FZ "About the Specially Protected Natural Areas" (Federalnyj zakon ot 14.03.1995 № 33-FZ Ob osobo ohranyaemyh prirodnyh territoriyah) [In Russian].
- [19] Federal Law, 04.12.2006 № 200-FZ "The Forestry code of the Russian Federation" (Federalnyj zakon ot 04.12.2006 № 200-FZ Lesnoj kodeks RF) [In Russian].
- [20] Federal Law, 25.10.2001 № 136-FZ "The Land Code of the Russian Federation" (Federalnyj zakon ot 25.10.2001 № 136-FZ Zemelnyj kodeks RF) [In Russian].
- [21] Constitution of the Russian Federation (Konstituciya, R. F.), in Rossiiskaia Gazeta, Dec. 25, 1993 [In Russian].
- [22] Federal law, 29.12. 2004 № 190-FZ "Urban Planning Code of the Russian Federation" (Federalnyj zakon ot 29.12.2004 № 190-FZ Gradostroitelnyj kodeks RF) [In Russian].
- [23] Federal Law, 25.06.2002 № 73-FZ "About Objects of Cultural Heritage (Historical and Cultural Monuments) of the people of the Russian Federation" (Federalnyj zakon ot 25.06.2002 № 73-FZ Ob obektah kulturnogo naslediya (pamyatnikah istorii i kultury) narodov RF) [In Russian].
- [24] Federal Law, 10.01.2002 № 7-FZ "About Environmental Protection" (Federalnyj zakon ot 10.01.2002 № 7-FZ Ob ohrane okruzhayushhej sredy) [In Russian].