Legal production of cultural landscapes: the role of voluntary action

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The cultural values in a landscape are protected by law in most European countries. In Finland, for instance, the value of "national heritage" which includes biodiversity and cultural landscapes is recognised in the Constitution. Pursuant to section 20 of the Constitution everyone has responsibility to protect and to maintain the valuable characteristics of a cultural landscape. In more practical terms, 27 areas are designated as "national landscapes". In addition, there is a plan to extend landscape protection with a new category that includes 156 areas, recognised as "nationally valuable landscapes". This sets rough limits to the ways of land use and it might be in conflict with the rights of ownership, as the critics have pointed out. In conservation politics, the debate over biodiversity protection in privately owned lands has been heated because it delimits owners' possibilities to use of property. As a compromise, a voluntary approach has been suggested. The situation regarding cultural landscapes seems somewhat different. Some elements in cultural landscape might be protected by law (e.g., trees and buildings), other aspects depend on the continuation of human activities that are not forced by law. It follows that the protection of cultural landscapes requires cooperation between ordinary citizens and public authorities. The purpose of the paper is to clarify the points of the intersection between the coerced and voluntary protection of a layered cultural landscape in the Finnish legislation and policy-making.

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