SHORT ARTICLES – NOTISARTIKLER

Multiple interfaces of the European Landscape Convention

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Ingrid Sarløv Herlin: The European Landscape Convention – a brief presentation

The European Landscape Convention, the world’s first international treaty specifically concerning landscape, was opened for signature for the member states of the Council of Europe in Florence, Italy, on 20 October 2000 as a part of the Council of Europe’s campaign: ‘Europe: a Common Heritage’. An explanation of the history of the European Landscape Convention is useful for understanding its agenda. Here, a brief outline of the European Landscape Convention (ELC), its origin and evolution is presented.

The main aims of the ELC are the protection, management and planning of European landscapes by means of national measures and European cooperation. The Convention applies to the entire territory of the ratifying states and covers natural, rural, urban, and peri-urban areas. It covers both land areas and water areas, which can be inland waters as well as marine areas. It covers all types of landscape: ordinary as well as outstanding ones; everyday landscapes as well as outstanding and even damaged landscapes. The ELC regards landscapes as dynamic and not static, as expressed in the Explanatory Report of the European Landscape Convention with reference to the Convention’s Chapter 1 – General Provisions:

In seeking the right balance between protection, management and planning of a landscape, it should be remembered that the aim is not the preservation or ‘freezing’ of the landscape at a particular point in its lengthy evolution. Landscapes have always changed and will continue to change, both through natural processes and through human action. In fact, the aim should be to manage future changes in a way which recognises the great diversity and the quality of the landscapes that we inherit and which seeks to preserve, or even enhance, that diversity and quality instead of allowing them to decline. (Council of Europe 2000a, Art 5)

Every state that ratifies the Convention agrees to apply four General Measures (Article 5 of the Convention):

- to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity
- to establish and implement landscape policies aimed at landscape protection, management and planning
- to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies
- to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Each country also undertakes to apply five Specific Measures (Article 6). These include: awareness-raising; training and education; identification and assessment of landscapes; definition of landscape quality objectives; and the introduction of instruments to put landscape policies into effect. In more detailed terms, this means increasing awareness of landscape values and landscape changes in civil society, including private organisations and the general public. Countries also have to promote training for specialists in landscape appraisal and multidisciplinary training programmes, and to promote school and university courses in landscape protection, management and planning. Each country further undertakes to use active public participation in the identification and assessment of landscapes, to analyse landscape characteristics, and to take note of landscape changes. Public consultation should be used to define landscape quality objectives for landscapes, after they have been identified and assessed (Article 6D). Central issues regarding European cooperation are presented in Chapter III. These include: international policies and programmes (Article 7); mutual assistance and exchange of information on landscapes (Article 8); cooperation over borders on local and regional levels, and the preparation and implementation of common landscape programmes (Article 9). Article 10 deals with the monitoring of the implementation of the ELC, and in Article 11 a new Landscape Award of the Council of Europe is presented (Council of Europe 2000a).

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A few central definitions are presented (Article 1):

- ‘Landscape’ is defined as ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’.
- ‘Landscape protection’ is defined as ‘actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity’.
- ‘Landscape management’ is defined as ‘action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic, and environmental processes’.
- ‘Landscape planning’ is defined as ‘strong forward-looking action to enhance, restore or create landscapes’.

(Council of Europe 2000a, Art 1)

Several instruments dealing with natural and cultural heritage are related to the ELC, such as: the Convention for the Protection of the Architectural Heritage of Europe; the Convention on the Conservation of European Wildlife and Natural Habitats; the European Convention on the Protection of the Archaeological Heritage; the European Charter of Local Self-government; and the Convention on Biological Diversity. A significant convention, related to the participatory approach of the ELC, is the Athens Convention or the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters from 1998 (Council of Europe 2000a, Preamble).

The Council of Europe was established in 1949 to defend human rights and democracy in the building of post-war Europe. The organisation now has 47 member countries, of which 22 are from central and eastern Europe. The major tasks of the Council of Europe are to develop a European agreement for social and judicial praxis, to work for a European identity and human rights, and to provide knowledge in areas that consider human rights, local democracy, education, culture, and environment (Council of Europe 2006). The strong emphasis on human rights by the Council of Europe and the focus on democracy underpin the ELC. The preamble of the Convention states that ‘the landscape is a key element of individual and social well-being and its protection, management and planning entail rights and responsibilities for everyone’ (Council of Europe 2000a, Preamble).

The Mediterranean Landscape Charter that was adopted in 1993 in Seville, Spain, by the Regions of Andalusia (Spain), Languedoc-Roussillon (France) and Tuscany (Italy) was one of the major sources of inspiration for the ELC. This landscape conservation and management policy for the Mediterranean area was shaped in the light of the many ecological threats to the area from industrialisation, urbanisation, military activities, transport, and tourism, and the need to prevent environmental and natural resources from being ‘sacrificed to uncontrolled short-term economic development’ (Council of Europe 1994). Further objectives of the Mediterranean Landscape Charter were the promotion and conservation of areas of landscape with historic or natural value of Mediterranean civilisations and to ensure that natural, cultural or historic values were taken into account in development. The Mediterranean Landscape Charter used a rather complex definition of ‘landscape’ as: ‘the tangible expression of the spatial and temporal relationship between individuals and societies and their physical environment, shaped to varying degrees by social, economic and cultural factors. The landscape is therefore the result of a combination of natural, cultural, historic, functional and visual elements’ (Council of Europe 1994). In the ELC the definition of landscape had evolved to a more simplified but yet inclusive definition.

In 1994, the Council of Europe’s Congress of Local and Regional Authorities (CLRAE) drew up a framework convention on the basis of the Mediterranean Landscape Charter, to apply to the management and protection of the natural and cultural landscape of Europe as a whole (Council of Europe 2000b, §1). Since this, the CLRAE has had an important influence in the shaping of the ELC. The role of the CLRAE is to monitor the establishment and development of local and regional democracy across Europe, in accordance with the principles of the Charter on Local Self-Government, and to promote good local and regional governance (Local Government International Bureau 2006). The work by the CLRAE, with its strong focus on public participation and local and regional influence on decision-making, was influential for the ELC (Philips 2004).

In accordance with Article 5 – General Measures, the Explanatory Report notes that each state that has ratified the Convention is required to ‘lay down procedures for participation by the general public, local and regional authorities and other interested parties in the formulation and implementation of these policies. Landscape is an issue which affects the whole population and care for the landscape requires collaboration between a wide range of individuals and organisations’ (Council of Europe 2000b, §50c).

In 1995, the European Environment Agency published Europe’s Environment: The Dobrošt Assessment after the 1st Conference of European Environment Ministers held at Dobrošt in the Czech Republic in 1991 (Stanners & Bordeau 1993). This suggested that the Council of Europe should take the lead in drawing up a European convention on rural landscapes in particular. In 1995 the World Conservation Union (IUCN) also published a report, Parks for Life: Actions for Protected Areas in Europe, which argued for an international convention on rural landscape protection in Europe, involving the Council of Europe (IUCN 1995). Several international, national and regional bodies and programmes were later invited to take part in a working group that created a draft version of the Convention (the Parliamentary Assembly and the Cultural Heritage Committee of the Council of Europe (CC-PAT), the Committee for the Activities of the Council of Europe in the Field of Biological and Landscape Diversity (CO-DBP), the UNESCO World Heritage Committee, the IUCN, the Committee of Regions and the Commission of the European Union, the Bureau for the Pan-European Biological and Landscape Diversity Strategy, and the regions of Andalusia (Spain), Languedoc-Roussillon (France) and Tuscany (Italy)). After a number of consultations and hearings, a text of the Convention was finally adopted and opened for signature on 20 October 2000 (Council of Europe 2000b, §§4 & 20). The ELC entered into force on the 1 March 2004 after 10 member states had ratified it. By this stage, the original ideas on protection and rurality had been extended to a great extent (Philips 2004). By December 2006, 26 countries had both signed and ratified the ELC, 8 countries had signed but not ratified it, and 12 countries neither signed nor ratified it.

The ELC can be summarised as very wide in its territorial scope as well as bridging over and linking many disciplines together. It is concerned with the planning, management and protection of landscapes and seeks to make these key processes in sustainable development (Philips 2004). It puts emphasis on landscapes as a democratic matter that entails rights and responsibilities for everyone. Therefore the participation of the public and local and regional authorities is a key issue. It also emphasises the importance of guiding and harmonising landscape changes rather than trying to freeze or preserve landscapes as they were at a certain time. Hence the ELC has the potential to be a bridging tool in the many countries where landscape issues have become a single-sector interest. Further, it encourages a bottom-up approach, as well as a holistic, forward-looking approach to the management, protection and planning of landscapes.

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References


Michael Jones: The interface with law

In discussing the European Landscape Convention from the perspective of the interface between landscape and law, my approach is not that of a lawyer but that of a landscape geographer with an interest in the geography of law (also termed legal geography). The earliest known usage of the term ‘landscape’ in the Germanic (including Scandinavian) languages was closely related to law. Law and customary institutions were historically central to the shaping of the land by its people, and landscape referred both to the condition and character of the land as well as to the polity within which the people’s shaping of the land occurred (Olwig 1996; 2002, 3-61). It is important to keep in mind that the differentiation of agrarian landscapes in Europe is as much due to different customs and legal systems as to physical geography (Cosgrove 1998, 67).

First on the list of General Measures in the European Landscape Convention is the obligation placed on the ratifying parties ‘to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity’ (Council of Europe 2000, Art. 5a; my emphasis). This means that parties are obliged to make legal provision for landscape protection, management and planning.

Landscape is already to varying degrees recognised explicitly or implicitly in most European countries through environmental and cultural heritage legislation, providing for the designation of conservation areas such as national parks, landscape protection areas, cultural heritage sites, and so on, as well as to some extent in planning laws. However, whereas such legislation is generally concerned with the designation of particular areas and landscapes with specific qualities, the European Landscape Convention differs in that it recognises in its preamble that the landscape is an important part of the quality of life of people in all areas – urban areas as well as countryside, degraded areas as well as areas of high quality, and everyday surroundings as well as areas recognised as of outstanding beauty. The fact that the Convention applies to all landscapes implies the necessity for adjustments to exiting legislation in most of the countries that have ratified the Convention.

Legal language necessarily defines landscape in specific ways. In the European Landscape Convention, ‘landscape’ is defined as ‘an area, as perceived by people, whose character is the result of action and interaction of natural and/or human factors’ (my emphasis). Landscape ‘as perceived by people’ implies that landscape is not regarded as a neutral material object, but as an expression of the interrelationship between people and their physical surroundings. Landscape is not simply a collection of material artefacts, but is concerned with the immaterial meanings and values people attach to their material surroundings. Nearly all landscapes are special in some way to someone, although not always consciously expressed. The Convention implies that account should be taken of people’s attachments to their physical surroundings also in previously neglected areas, such as for example suburbs, industrial areas, working-class landscapes, and even degraded landscapes. ‘As perceived by people’ implies that the views of all groups should be considered – not just the views of an academic or political elite.

The European Landscape Convention places an obligation on the ratifying parties to establish procedures for the participation of the general public, local and regional authorities and other interested parties in matters concerning landscape. This implies broad consultation with all interested individuals, organisations and administrative bodies at various levels. The intention of a participatory, dialogue-based approach is undoubtedly a step in the right direction. It means that the values and meanings attached to landscapes by different groups will need to be the subject of negotiation between competing views and interests. However, this will provide significant challenges to law-makers.

Laws will need to be formulated to make provision for dealing with a whole range of potential conflicts. Conflicts between amenity interests and economic development interests are familiar. However, conflicts can also arise between nature conservation and cultural heritage. As Peter Howard (2004, 427) expressed it, ‘conserving the church tower implies also conserving the bats inside it, the lichen on the walls and the falcon on top’. Another instance is where the maintenance or restoration of specific historic landscapes requires the removal of trees that host insects or plants of importance for biodiversity (Johannson 1993, 40). Conflicts may also arise between different social classes: the designation of amenity landscapes of natural or cultural heritage value enhances the attractiveness of such areas to developers who wish to exclude less well-off groups who no longer can afford to live there, thus pushing social problems to other, often poorer, local-authority districts (see e.g. Duncan & Duncan 2001). Conflicts frequently arise over whose landscape values are taken into consideration. Feelings of exclusion can arise among ethnic and other minority groups, new immigrants or others defined as outsiders, whose voices are often not heard or are ignored. Another type of conflict can arise as a result of changing perceptions over time regarding what are considered valuable historic landscapes on the one hand and what are considered desirable new features of the landscape on the other.

Some challenges facing the legal implementation of the European Landscape Convention are presented in the following six points:

1. There is a need to find ways of safeguarding not just material objects in the landscape, but also the livelihoods, cultural activities and ways of life of those who live in and use the material framework. This requires a dynamic rather than a static approach.

2. There is a need to find ways of making landscape management economically and ecologically sustainable in the face of (a) budgetary constraints and the changeability of government financing, (b) sponsorship by corporate bodies who will often favour the spectacular over the unglamorous, and (c) the uncertainties of the market.

3. There is a need to be aware of differing interpretation of the law. Laws are not absolute but subject to interpretation by lawyers and courts. Interpretation is easier when it can refer to precedence, but at the same time it needs to adapt to new circumstances.

4. There is a need to find appropriate ways of institutionalising participation by all interested groups of stakeholders. There is the challenge of defining and safeguarding local community interests while recognising the interests of other groups of stakeholders outside the local community and at different administrative levels. It must be recognised that local communities are not homogeneous but reflect local constellations of power and influence. There is the dilemma that local communities, however defined, tend to be exclusive in their essence, while majority democratic rule on the other hand can often be discriminatory to minority interests. Participation requires developing a form of democracy that balances majority rule with sensitivity to minority interests.

5. There is a need to recognise and accept that participatory approaches requiring dialogue and negotiation are frequently and necessarily time-consuming, while administrative bureaucracies in many cases favour quick and measurable results, and economic interests demand clear and unambiguous decisions allowing development. Long, drawn-out procedures may be inconvenient for result-orientated administrations and test the patience of businesspeople, yet the Habermasian approach of communicative rationality and will to dialogue often requires time and patience – sometimes over many years – to be successful. This notwithstanding, the contestation of power through various forms of direct action cannot be excluded as a strategy that may be adopted by dissatisfied groups.

6. Finally, there is a need to recognise the role of customary institutions and the complexity of land rights if the cherished diversity of landscapes is to be fully understood and taken account of – thus returning to the original meaning of landscape as the shaping of land through laws and customary institutions.

References


Ingrid Sarløv Herlin: The interface with landscape ecology

The term ‘landscape ecology’ was introduced by the German geographer Carl Troll (1939), who advocated the need for a combination of geological and ecological approaches in studies of landscape. The theory of island biogeography (MacArthur & Wilson 1967) and the focus on ecological geography in the early 1970s have been important predecessors for the discipline (Farina 1997). The first significant expansion of landscape ecology took place during the late 1970s and early 1980s in, among other places, Czechoslovakia and the Netherlands. In 1982, the International Association for Landscape Ecology (IALE) was founded, a global organisation with branches in the different continents as well as individual countries.

Landscape ecology is concerned with understanding and analysing the temporal and spatial heterogeneity of landscape structure and its impact on organisms, including human-caused landscape changes. The subject has developed a range of concepts to describe the heterogeneity of landscapes such as patches, matrix, corridors, edges, networks, and landscape mosaics. Further key issues are meta-populations, landscape fragmentation, connectivity and connectedness, nodes, habitat supplementation, complementation, heterogeneity, size and shape of habitat patches, continuity, scale issues, and landscape classifications (Forman & Godron 1986; Forman 1995; Farina 1997; Fry 2003).

Common interests in interdisciplinary approaches

In general terms, the subject area of landscape ecology has developed from two roots: The first direction (mainly European) studies cultural landscapes with an ‘interdisciplinary’ or even ‘trans-disciplinary’ approach. This community of researchers comprehends different topics such as ecology, geography, landscape architecture, landscape planning, nature conservation, and social sciences. The other direction (mainly North American) has been oriented more towards studies of concepts and theories from general ecology theory, i.e. ‘spatial ecology’, focusing on the ecology of forested, suburban, desert, and agricultural areas. Common methods for such studies are the use of GIS and remote sensing techniques. Both directions are gathered under the umbrella of IALE, which defines landscape ecology as ‘the study of spatial variation in landscapes at a variety of scales. It includes the biophysical and societal causes and consequences of landscape heterogeneity. Above all, it is broadly interdisciplinary’ (Ahern 2007). IALE also states: ‘The conceptual and theoretical core of landscape ecology links natural sciences with related human disciplines.’ The core themes of landscape ecology are, according to IALE (Ahern 2007):

- the spatial pattern or structure of landscapes, ranging from wilderness to cities
- the relationship between pattern and process in landscapes
- the relationship of human activity to landscape pattern, process and change
- the effect of scale and disturbance on the landscape

These core themes of landscape ecology are relevant to the content and agenda of the European Landscape Convention, which covers ‘natural, rural, urban and peri-urban areas’, and which adopts a dynamic perspective on landscapes: ‘[l]andscapes have always changed and will continue to change, both through natural processes and through human action’ (Council of Europe 2000b, §42). The strong emphasis on the need for interdisciplinary and trans-disciplinary approaches to landscape studies is of common interest for both the field of landscape ecology and the European Landscape Convention. One may argue that landscape ecology in its early stage has been a field for academic studies rather than an applied field. Currently, however, there is an increasing emphasis on the need for application of landscape ecological findings in society and in the planning, management, design, and conservation of landscapes: ‘[t]o advance the field of landscape ecology new models of trans-disciplinary collaboration are needed that can better integrate academic researchers, professionals and stakeholders to address the global challenge for sustainability’, according to Ahern (2007). Hence, at least a great part of the landscape ecology community seems to be advancing towards the agenda of the European Landscape Convention, in accordance with one of its General Measures stated in Article 5: ‘to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the formulation and implementation of landscape policies’ (Council of Europe 2000a, Art. 5c).

Differences in the definition of landscape

A major distinction between landscape ecology and the European Landscape Convention may be the definition of the term ‘landscape’ (Table 1). In the main literature of landscape ecology the term landscape ‘is considered as a broad portion of the territory, homogenous for some characters such that it is possible to distinguish the type by the relationship between structural and functional elements’ (Farina 1997, 2). Hence ‘landscape’ is generally described by landscape ecologists as a tangible area of a certain given size or related to a certain scale. In landscape ecology a landscape is often defined from the viewpoint from different species including humans, and related to their behavioural ecology. In the European Landscape Convention the definition emphasizes landscape as a cultural (human) construction, for which each observer constructs his or her landscape from the material environment (Fairclough 2003).

Participatory landscape ecology

Public participation in landscape policies and planning are key issues in the European Landscape Convention as well as the Aarhus Convention from 1998. There is a growing recognition that ordinary people and not just experts should be involved in planning processes (Selman 2006). Currently ‘participatory landscape ecology’ or ‘communicative planning’, which involves and assembles local actors at a round table, are expanding issues. A study in Germany by Luz (2000) showed how participation by local actors formerly played little or no role in landscape ecology and planning. As part of a practically-oriented research project, measures to improve communication were applied in several communities and the effects measured over several years. In the study, participatory and communicative methods such as round tables, workshops, marketing of regional products, and information campaigns led to significant acceleration in the implementation of a plan. Luz (2000, 157) suggests that ‘landscape ecology can be holistic only if public awareness and participation play an equal role with the expert views of natural scientists and planners’. Further studies related to participatory landscape ecology are exploring tools that can be used to inform local participation such as scenario building and models. Colding (2007) has developed a model for ‘ecological land-use complementation’ for use in planning new urban areas, in the support of ‘response diversity’ among functional species groups and to be used in participatory management approaches. Tress & Tress (2003) made a study in Denmark that combined scenario technique, photorealistic visualisation and stakeholder participation to identify the interests of stakeholders in the future countries. Scenario visualisation by photorealistic design techniques proved to be a helpful tool for researchers in communicating the proposed landscape changes to stakeholders.

Conclusions

Several of the original ideas that have shaped landscape ecology are related to the agenda of the European Landscape Convention. They cover all types of landscapes and the ideas that landscape are process-driven and highly dynamic in space and time. The interface is expanding due to a stronger emphasis in landscape ecology on the need for more interdisciplinary and trans-disciplinary research.

Table 1. Definition of landscape in landscape ecology and the European Landscape Convention.

<table>
<thead>
<tr>
<th>Definition of landscape</th>
<th>Year</th>
<th>Source</th>
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<tr>
<td>A heterogeneous land area composed of a cluster of interacting ecosystems that is repeated in similar form throughout. Can vary in size down to a few kilometres in diameter.</td>
<td>1986</td>
<td>Landscape Ecology (Forman &amp; Godron)</td>
</tr>
<tr>
<td>‘An area, as perceived by people, whose character is the result of the actions and interaction of natural and/or human factors’</td>
<td>2000</td>
<td>The European Landscape Convention</td>
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trans-disciplinary approaches that include the development of further methods for public participation in landscape planning. The main difference between landscape ecology and the European Landscape Convention is in the definition of ‘landscape’, which for landscape ecologists is related to the perception and function of landscapes for different species, while the European Landscape Convention only mentions human perception (which will include the perception of a landscape ecologist, specialised in the study of a certain species). Landscape ecologists are needed to present evidence on the relation between landscape changes and the state of landscapes, and for the deterrence of irreversible processes in a sustainability perspective. This needs to be put into a social and emotional context that includes people’s relations to their everyday landscapes. One of the most important contributions of landscape ecologists for the implementation of the European Landscape Convention may be to develop new tools to facilitate communication between and among planners, decision-makers, and stakeholders that promote a sustainable development of landscapes.

Note
1 The origin and evolution of landscape ecology is elaborated in several textbooks, e.g. Naveh & Lieberman (1984), Sanderson & Harris (2000), Goigel Turner & Gardner (2001), Gergel & Goigel Turner (2002), and Burel & Baudry (2003).

References

Peter Howard: The interface with heritage

Landscape has long had a problematic relationship with heritage conservation. Landscape does not fit neatly into either the cultural or natural fields of heritage, and that division has remained remarkably persistent, not least due to divisions of study within universities. The division is enshrined also, in the UK and many other European countries, with the ministerial responsibilities at government level. In England built heritage comes under the aegis of English Heritage, while nature comes under Natural England (Sheail 1988).

The division is also clear within UNESCO’s World Heritage Convention of 1972, with its division between Natural Sites (for which the reviewing body is the International Union for the Conservation of Nature (IUCN)) and Cultural Sites, reviewed by the International Committee on Monuments and Sites (ICOMOS), although the need for mixed sites was also recognised. Later, in 1992, UNESCO came to recognise Cultural Landscapes as a further category, divided into four subcategories (Fowler 2000, 2003):

1) Designed landscapes – such as Lednice in Moravia, a great garden.
2) Organically evolved landscapes, further subdivided into:
   a) Reclted landscapes, where the remains of past landscapes are to be conserved, such as the mining landscape of Cornwall recently inscribed.
   b) Continuing landscapes, where the landscape is still continuous, such as the vineyard landscapes of the Rhineland.
3) Associative landscapes, where the land is held sacred, such as Uluru in Australia.

Many scholars, including the current author, have rather derided the World Heritage system; with landscapes in particular, the difficulty of designating the special (and thus automatically condemning the remainder) is ever present (Graham et al. 2000; Howard 2004). Other objections have been that only nation states have the right to nominate sites, with consequent politicking both within states and between states, and the inevitable creation of a world tourism gazetteer (Ashworth & Howard 1999). Some might doubt that the best way of conserving vulnerable sites is to double visitor numbers. However, one cannot gainsay the success of the World Heritage brand. In 2006 there were 335 designated sites (644 cultural, 162 natural, 24 mixed) in 138 countries (UNESCO 2006). Many countries seem keen to have as many such ‘bogus’ sites as possible. To understand the popularity it is useful, following Judith Williamson (1978), to consider Heritage as a referent system – and a very powerful one. To designate ‘Heritage’ either on a site, or on a product via advertising, is to confer both intellectual credibility and a sense of luxury and wealth, as well as ‘aesthetic significance’, ‘old world values’ and educational achievement. It is the perfect vehicle for the acquisition of cultural capital.

The World Heritage Convention transfers to an international stage a well-attested system of designation of particular landscapes as heritage. Landscape becomes one of the various fields which might be so designated; buildings, monuments, species, artefacts are others. To this extent, UNESCO is following a system of designating the special, which is well proven. The European Landscape Convention (ELC) goes much further, and into uncharted waters, by attempting to designate the entire continent. Landscape, as a whole, is put forward for serious consideration, while accepting that there are degrees of quality by acknowledging that individual landscapes may need enhancement, management or protection. This inclusivity has many parallels within the broader heritage movement, and several trends can be teased out that all point in a similar direction.

The first is towards the conservation of the ordinary rather than concentrating exclusively on the extraordinary and the grand, of the cottage garden as well as the great designed landscape, of the Birmingham back-to-backs now managed by the National Trust as well as the great country houses, and of the Trabant as well as the Rolls-Royce. In France this is known as the ‘petit patrimoine’.

There has been a concurrent trend towards the conservation of the whole district rather than the individual item. In British terms this might be the Conservation Area in addition to the Listed Buildings, or the conservation of an entire habitat rather than just nominating species. Exact figures depend on
the precise definition of a protected site, but at least one-third of England and Wales now lies within some sort of special heritage designation.

Other trends of major significance to the Convention are the moves to the local, to the private, and to intangible heritage. That ‘insiders’ have a different view from that of the expert, whose perspective is probably shaped by a particular academic discipline, has been well known through a number of geographical texts, of which Relph (1976) is perhaps the most important. Insiders do not necessarily have a geographical entity (stamp collectors, for example, are a group with inside knowledge and attitudes, but have no geographical identity) and there are several different types of ‘insiderness’. The local population is certainly one such group. Griffiths (1987) in Australia found that their heritage differs in two respects: they view heritage things differently, and they consider unexpected things to be heritage. Their attitude to the heritage building conserved in their community is quite different to the conservators’ view, and they are interested in conserving another range of things altogether. Locals visiting their parish church are less interested in the architecture than the names on the tombstones, or even the coffee rota. To many people in the city of Exeter (UK) the outworn maternity hospital is more significant, and certainly holds more memories, than the cathedral. Frequently locals are just as happy with commemoration as with conservation. Insider heritage is much more concerned with sites (lieux de memoire), with activities and with people than is national or outsider heritage (Nora 1989).

This insider heritage is closely related to private heritage, which has become another major trend. *Who Do You Think You Are?* is a British television programme where celebrities trace their genetic ancestry. It is immensely popular, and the archive offices in every town have been awash with family historians for some time now. The private heritage extends much further, however, and certainly includes celebrations and photograph albums. Secrets are an important element here, and knowledge of the ‘skeleton in the cupboard’ is a vital piece of identity that is destroyed by publicity. Some scholars now accept that not publishing such secrets is part of the contract with some respondent groups (Smith 2000).

Both insider and private heritage are much concerned with intangible heritage. Many are less concerned about the fate of the church as a building than about the fate of the liturgy. Players wishing to continue the cricket club are not assuaged by opening a museum of cricket. Languages, sports, celebrations, food, and drink are all significant parts of this intangible heritage, now itself recognised by UNESCO through the Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 (UNESCO 2006b).

Closely connected is the realisation that landscape, like other heritage, is not to be viewed merely as an aesthetic object (Berleant 1992). Landscape, in the words of the ELC, is ‘perceived by people’ and that perception is not merely visual. Olwig (2002) shows how the idea of landscape has largely been a top-down, expert, and aristocratic view, that of the rulers, whereas the German Landschaft derives from a much more pragmatic set of understandings of a local group of people, who are more likely to perceive the land with a spade than a palette. This also entails many more senses than the visual. Sound has been shown to be of critical importance (Carles et al. 1999), but smell and touch are also significant, and the French concept of terroir brings in the taste element as well. Burgundy is not only a district; it can be bought in a bottle.

In this view, clearly that of the Convention, landscape ceases to be merely one of the elements of heritage that might be conserved, such as nature, or buildings, but becomes the very stage on which all those other heritages (together with ‘time’ and ‘person’) becomes a very fine one. If academics, after studying landscape for many decades, have finally arrived at the popular epistemology of place, then perhaps the implementation of the Convention can be safely left in the hands of the people for whom it is intended.

C.E.M. Joad wrote in 1937, in fighting for landscape legislation: ‘the people’s claim upon the English countryside is paramount . . . the people are not as yet ready to take up their claim without destroying that to which the claim is laid . . . the English countryside must be kept inviolate as a trust until such time as they are ready’. Perhaps their time has come?

References


Two international agendas are affecting cultural landscapes: a liberalisation agenda institutionalised through the World Trade Organisation (WTO), and a sustainability agenda institutionalised through the United Nations (UN) Commission on Sustainable Development (CSD). Although the European Landscape Convention belongs to the sustainability agenda, the background to the Convention as it appears from the preamble has clear references to ‘world economy’ and the accelerated ‘transformation of landscapes’ (Council of Europe 2000). Based on ongoing research on changing local agricultural landscapes, this note discusses the two agendas in relation European agricultural landscapes. It further addresses some of the interfaces between the two agendas and the European Landscape Convention.

Market and market change have been a major driver for European agricultural landscapes for centuries and variations in market regulations are a major explanatory factor when it comes to variations in landscape patterns and landscape changes (Stanners & Bourdeau 1995). Market liberalisation within the European Union (EU) has been a top priority since the very beginning of the 1990s – first with the establishment of the open market and most recently with the decoupling of subsidies from production as part of the mid-term evaluation of the reform of the Common Agricultural Policy (CAP). The decoupling of CAP may also partly be explained by growing financial and political problems in maintaining a payment system promoting overproduction and causing directly or indirectly severe impacts on European agricultural landscapes (Pottier & Tilzey 2005). Such impacts include pollution, erosion, overuse of water resources, and the loss of natural habitats and valued cultural landscapes. Especially in northern Europe the CAP has resulted in the intensification of agricultural landscapes, with the reclamation of wetlands and intensified livestock farming as two common trends. In southern Europe the CAP has caused environmental damage associated with intensification, but on the other hand it has also maintained agriculture in regions which – under the conditions of an open market without farm subsidies – would otherwise have been abandoned. Subsidies have increasingly been under attack from both a liberalisation point of view and from environmentalists arguing for sustainable farming and for integrated environmental and economic policies.

The international liberalisation agenda has not only been concerned with agricultural policies and open market rules. Financial deregulation and accelerated flows of capital on a global scale are also part of this agenda, with enormous spatial consequences everywhere and at all scales – certainly for European landscapes. As a political agenda, the liberalisation agenda is extremely centralised with state governments (or the EU on behalf of most European Countries) and the WTO as the key actors, and almost without any level of influence between the nation states and individual companies and consumers. For the agricultural sector this means that the key actors are the states, the multifunctional companies within agro-business, the food industry, and the leading farmers’ unions. Policy decisions concerning the liberalisation agenda are not taken below the state level, and in the EU rarely below the EU level. This does not mean, however, that the transition towards a more deregulated agricultural production is not happening without resistance from a broad range of agents, including farmers’ unions (especially the ones representing smallholders and family farmers) and from environmental groups (Pottier & Tilzey 2005). One major result of the political struggles over market liberalisation is the whole debate concerning sustainable development, reflected in the emergence of a number of international conventions and a new conceptualisation of environmental policy. The land market, which is crucial to landscape change, is also included in the liberalisation agenda. In a longer term, liberalisation of the land market may cause severe conflicts between various ownership and user rights to local landscapes.

When the World Commission on Environment and Development published Our Common Future in 1987, it was written as a vision for a better and more just future for all people as well as a response to an emerging global economy with almost no consideration of the social and environmental impacts of economic development. The report was not the first document with these messages but it marked more than any other single event the start of an international agenda for sustainable development. Agenda 21 and the Rio Declaration on Environment and Development in 1992 are well known documents from this agenda with great impacts on politics and policies worldwide. Impacts have been direct through the introduction of a large number of Local Agenda 21 projects, ‘biodiversity action plans’ and numerous other policy measures. The sustainability agenda has in more general terms affected the general awareness of environmental issues through education and mass media and through the influence of a massive number of public officials, NGO staff, advisors, scientists and experts occupied with sustainable development. The ambiguity of the term ‘sustainability’ makes it difficult to talk about a straightforward policy agenda aiming at clear goals and even more difficult to assess general developments such as landscape change. O’Riordan (1998, 102–106) suggests seven ‘pointers’ to assess how serious the ‘sustainability transition’ is taken: the language used, policy integration, interdepartmental coordination, sustainability indicators, eco-taxation, compatibility of business and environment, and local Agenda 21. A true ‘sustainability science’ has been proposed as a consequence of a lacking interest among scientists to be involved in the social and political processes driving the sustainability agenda (Kates et al. 2001) and a conceptual model for combining biophysical and socio-economic constraints in a planning context has been proposed as a way forward (Potschin & Haines-Young 2006). Unlike the liberalisation agenda, decisions within the sustainability agenda are taken at all political-administrative levels from the UN to the local municipality so that the issues in question may, ideally, be dealt with at the most adequate scale. Another characteristic of the agenda is that the major driver in implementing these decisions has been the public domain – or ‘competent public authorities’ as it is emphasised in several places in the European Landscape Convention.

The two agendas meet in the local landscape and together they both play a key role in the ongoing changes of European agricultural landscapes – together with other global trends such as technological innovations and urbanisation in various forms. They do not, however, meet in a symmetrical – or balanced – way. The liberalisation agenda means that the decisions taken by the individual farmer are increasingly linked to international networks – food supply chains – and the economic success of the farmer will depend on how he or she is linked to well-functioning networks. A Danish pig farmer, for instance, receives the chemicals and part of his foodstuff from companies directly linked to the world market. He will very likely deliver his pigs to one of the two major slaughterhouses and through this he is instantly in contact with the global market for pig products. He may produce a significant part of his fodder on his farms and will be affecting the environment, with more or less negative consequences, and these are his relationships, as a producer, with the landscape. He does not, as a main rule, co-operate with neighbouring farmers. Except for arable fields, the landscape contributes little to his production. As the food supply chains become more global, the farmers will increasingly be part of what Castells (2000) has termed the ‘space of flows’ and this aspect of the farm is only to a limited degree affected by landscape policies. The owner or long-term leaser of a farm, on which most European farmers are producers, but he and his family live their lives in the agricultural landscape. They invest not only in their means of production, but also in their farm as a living place – a place to be handed over to their children or to be sold on an increasingly urbanised land market. In this role, the farmer may be closely attached to the local landscape, to his ‘space of place’ in Castells’ terminology, and in his relationships with this ‘space of place’ he may very likely be co-operating with his neighbours.

The two agendas, market liberalisation and sustainable development, are to a large extent affecting each their dimension of the landscape: on the one hand, the ‘space of flows’ and, on the other hand, the ‘space of place’. This conceptualisation of space helps to provide a better understanding of landscape patterns and the change processes affecting these (Swaffield & Primdahl 2006). Although the European Landscape Convention in its preamble is concerned with the economic dimension of landscape and the landscape effects of the changing global economy, the Convention does not deal with this in the provisions and measures. The Convention is exclusively concerned with the European landscape as a ‘space of place’. Although this is highly needed, the lack of linkage to market developments and to economic policies may show to be a major limitation on how influential the Convention will be in the future.

The European Landscape Convention may well mark the start of a new ‘landscape policy agenda’ but it does not – neither in its language nor in its concrete provisions and measures – contain many of these ‘pointers’ (O’Riordan 1998) of a transition towards more sustainable
European landscapes. However, it marks a start, and more integrated landscape policies will hopefully follow.

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Kenneth R. Olwig: The European Landscape Convention as ‘interface’

An interface is a place ‘at which independent systems meet and act upon or communicate with each other,’ to quote the theme from the September 2006 meetings of PECSRL, the Permanent Conference for the Study of the Rural Landscape, in Berlin. The postulation that the European Landscape Convention (ELC) provides just such an interface was the premise for a roundtable panel discussion held on 8 September at Hubertusstock, near Berlin, during the PECSRL meeting, in which the ELC was presented to interested landscape researchers. The point of departure for the roundtable was the premise that the ELC embodies contradictory as well synergistic aspects, and that the ELC provides a discursive interface where they can meet within the ELC’s framework.

The Convention as interface

The European Landscape Convention is not a fixed law, but rather a framework or discursive interface, for a continuous process of legal change, or, as the explanatory report to the ELC puts it:

An international Convention is a dynamic legal instrument, which evolves together with the subject matter of its provisions. An international legal instrument intended to deal with landscape values and interests should be able to keep pace with changes in those values and interests. (Council of Europe 2000b, II, 332)

The ELC came about under the auspices of the Council of Europe – not the European Council or the Council of the European Union. The Council of Europe is not, unlike the other two, a council under the European Union (EU). These EU councils have the function of a state in that they participate in the making and enforcing of legislation. The Council of Europe, on the other hand, represents not the power of a state, but the moral authority of Europe as represented by its members, and, as such, it does not make and enforce laws, it facilitates conventions.1

A convention is essentially an agreement, and it only becomes legally binding because the parties to the agreement agree to make it binding within their jurisdictions. Conventions thus, according to the Council of Europe, ‘are not statutory acts of the Organisation; they owe their legal existence simply to the expression of the will of those States that may become Parties thereto, as manifested inter alia by the signature and ratification of the treaty’ (Council of Europe n.d.). The parties to the agreement thus essentially agree to self-enforce its provisions, rather than subject themselves to the enforcement of an outside authority such as the EU. As the ELC states:

Each Party shall implement this Convention … according to its own division of powers, in conformity with its constitutional principles and administrative arrangements, and respecting the principle of subsidiarity, taking into account the European Charter of Local Self-government.

Without derogating from the provisions of this Convention, each Party shall harmonise the implementation of this Convention with its own policies. (Council of Europe 2000a, Ch. II, Art. 4)

This process of ‘harmonization’ is thus not intended to create a fixed body of law, but rather to facilitate an ongoing discursive interface by which law is kept up to date. In his roundtable presentation, Michael Jones contributes to the discourse the Convention seeks to stimulate by clarifying the challenging implications of the Convention for the legal status quo with regard to landscape. This is particularly because whereas landscape legislation ‘is generally concerned with the designation of particular areas and landscapes with specific qualities, the European Landscape Convention differs in that it recognizes in its preamble that the landscape is an important part of the quality of life of people in all areas – urban areas as well as countryside, degraded areas as well as areas of high quality, and everyday surroundings as well as areas recognised as of outstanding beauty.’ This, he points out, implies ‘a necessity for adjustments to exiting legislation in most signatory countries.’

The language of conventions tends to frame general goals, rather than make specific demands. This, in turn, means that the language of the Convention is open to differing interpretations and it is for this reason that it tends to act as a discursive interface facilitating the confrontation of differing interpretations in the work of the different signatory countries in putting the ELC into practice. It is therefore also important that the places where differences in interpretation may occur be made apparent.

Differing interpretations of the ELC

One ‘built-in’ source of differing interpretations of the ELC is to be found in the relationship between the Convention itself, and its Explanatory Report. Explanatory reports are prepared by a ‘Committee of Experts,’ under the authorization of the Council’s Committee of Ministers. These experts are instructed to elaborate on a given convention in the hope that this ‘might facilitate the application of the provisions of the respective treaties.’ Explanatory reports, however, ‘do not constitute instruments providing an authoritative interpretation’ of a treaty’s provisions (Council of Europe n.d.). The Explanatory Report should thus be read more as an interface within the Convention than as an authoritative interpretation of the text. The Convention itself is the outcome of the work of the representatives to the Council of Europe and its staff, which is to say that it is outcome of the work of people with a political, legal or diplomatic background, as informed by organizations and individuals affected by or concerned with the subject at hand, in this case landscape. A ‘Committee of Experts,’ on the other hand, prepares the Explanatory Report, and this means that there is a ‘built-in’ interface between people with a general concern with the subject of landscape and a group of external commentators defined as experts.

Ingrid Sarlov Herlin, in her contribution, provides an analysis of the differences between the concept of landscape as understood by people with expertise in landscape ecology and that presented in the ELC. Her paper thus makes a useful point of departure for understanding the interface between the expert point of view expressed in the Explanatory Report, and the perspective of the Convention proper. According to Sarlov Herlin, ‘In landscape ecology a landscape is often defined from the viewpoint of different species including humans, and related to their behavioural ecology. In the European Landscape Convention the definition emphasises landscape as a cultural (human) construction, for which each observer constructs his or her landscape from the material environment.’ From the perspective of the landscape ecologist, as with the authors of the Explanatory Report, the approach to bridging the interface between the expert and the public lies in educating the public to understand the perception of the expert, for whom the material environment is the stuff from which landscape is constructed. A complementary approach,
however, might be one in which the experts learned to learn from the landscape perceptions of the general polity, for whom the social and political landscape might be the primary stuff of landscape.

**Insider inhabitants versus outside experts**

Landscape, according to the Convention, is not an objectively given thing, but ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’ (Council of Europe 2000a, Ch. I, Art. 1a). Landscape is thus more than an area; it also expresses the perceptions of an area that is shared, valued and used by people. The ELC likewise states that it has been conceived as a response ‘to the public’s wish to enjoy high quality landscapes and to play an active part in the development of landscape’ (Council of Europe 2000a, Preamble). The Convention therefore requires signatory states to ‘recognise landscapes in low as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity’ (Council of Europe 2000a, Ch. II, Art 5a). For this reason, as the Explanatory Report notes: ‘Official landscape activities can no longer be allowed to be an exclusive field of study or action monopolized by specialist scientific and technical bodies’ (Council of Europe 2000b, II, §22).

‘Landscape management,’ according to the Convention must be ‘dynamic’ and ‘seek to improve landscape quality on the basis of the population’s expectations’ (Council of Europe 2000a, Ch. I, Art. 1e). The ELC’s ‘landscape quality objective’ likewise requires ‘the formulation by the competent public authorities of the aspirations of the public’ (Council of Europe 2000a, Ch. I, Art. 1c). One way that public authorities can become equipped to deal with ‘the diversity of … people’s shared cultural and natural heritage’ is through interdisciplinary education, and the Convention itself thus calls for ‘multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned’ (Council of Europe 2000a, Ch. II, Art. 6, §4b). Questions involving people’s cultural and natural heritage, as well as the foundation of their identity, would indeed seem to require a truly interdisciplinary approach engaging both the humanities and the social sciences.

The ‘Committee of Experts,’ however, with regard to these ‘multidisciplinary programmes,’ simply concludes that:

> The aim here is to improve the technical expertise of bodies with landscape responsibilities. Examples of such bodies are professional organisations concerned with regional planning, the management of the environment or heritage, agricultural land use, tourism, industry, construction work or infrastructure. (Council of Europe 2000b, Art III, 3b)

This statement illustrates what appears to be a contradictory interface between the Convention proper and its Explanatory Report, as formulated by the ‘Committee of Experts.’ This is nevertheless an illuminating example of the kinds of interpretive contradictions that must be confronted when implementing the ELC.

In his paper, Peter Howard pays particular attention to the oppositions between the ordinary people for whom landscape heritage is something experienced subjectively as ‘insiders’ through dwelling, and that of outside experts, who seek to evaluate landscape heritage on the basis of the objective criteria of a particular academic discipline, that will vary from expert to expert. Experts will thus tend to evaluate landscapes according to the factors that make them interesting in the context of their particular discipline, whereas the broad experience of insiders will generate a synthesis of values that can give even the most ordinary landscapes unique and important qualities. The ELC is thus significant, as Howard points out, because it encourages ‘the conservation of the ordinary rather than the extraordinary’ (Heidegger 1971; Olwig 2002, 2005). For this reason, as the Explanatory Report notes: ‘Official landscape activities can no longer be allowed to be an exclusive field of study or action monopolized by specialist scientific and technical bodies’ (Council of Europe 2000b, II, §22).

The difference between insider and outsider perspectives, to which Howard refers, also becomes apparent with relation to local global relations. Institutions interested in the preservation of landscapes of worldwide value will, naturally, measure landscapes on a global scale, a perspective that favors the expert’s mode of perception over that of the insider. This point is also brought out in Jorgen Primdahl’s contribution, which discusses how the agenda of globalization is producing the conditions that are threatening the heritage of ordinary local landscapes. It is this threat that has created the basis for the sustainability agenda promoted by the ELC. As Primdahl puts it: ‘The two agendas meet in the local landscape and together they both play a key role in the ongoing changes of European agricultural landscapes.’ This observation raises, in turn, the question of how planning and policy deal with the increasingly tight relationships between local landscape functions and distant decisions.

**Landscape as interface**

The core of landscape, in the original sense of the word, was the multitude of gatherings in which people discoursed on things in common, generating a res publica, or political landscape, in which there was general agreement about such things as a polity’s ‘shared cultural and natural heritage’ (Heidegger 1971; Olwig 2002, 2005). It is arguable the interface between such local and regional res publicae and their proximate material environment that plays a key role in shaping the material ‘landscape’ that is the focus of landscape ecology and other sciences. It is the interface and synergy between these landscapes that, in practice, shapes the landscape in which local and regional life takes place. The central issue that emerges from this roundtable, however, is not the challenge of creating a synergy between these different landscapes as represented within the ELC and its Explanatory Report. The real challenge is the disjunction between the local and regional on the one hand, and the global on the other. Meeting this challenge might thus be the most important issue posed by the ELC, precisely because this challenge is virtually left unstated.

**Note**

1 The Council of Europe now groups together 47 countries, including 22 countries from central and eastern Europe. The main component parts of the Council of Europe are: the Committee of Ministers, composed of the 47 Foreign ministers or their Strasbourg-based deputies (ambassadors/permanent representatives), which is the organization’s decision-making body; the Parliamentary Assembly, grouping 630 members (315 representatives and 315 substitutes) from the 46 national parliaments; the Congress of Local and Regional Authorities, composed of a Chamber of Local Authorities and a Chamber of Regions; and finally a secretariat numbering 1800 (Council of Europe 2006).

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