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Twenty years of Landscape Policy and Governance in Europe, and the Way Ahead

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Environmental History 15

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Cultivating Continuity of the European Landscape

New Challenges, Innovative Perspectives

Springer

Environmental History

Volume 15

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Mauro Agnoletti, Florence, Italy

The series intends to act as a link for ongoing researches concerning the historical interrelationships between man and the natural world, with special regard to the modern and contemporary ages. The main commitment should be to bring together different areas of expertise in both the natural and the social sciences to help them find a common language and a common perspective. Interdisciplinarity and transdisciplinarity are needed for more and better understanding of the environment and its history, with new epistemological frameworks and methodological practices. The links between human activities and flora, fauna, water, soil, are examples of the most debated topics in EH, while established discipline like forest history, agricultural history and urban history are also dealing with it. The human impacts on ecosystems and landscapes over time, the preservation of cultural heritage, studies of historical trajectories in pattern and processes, as well as applied research on historical use and management of landscapes and ecosystems, are also taken into account. Other important topics relate to the history of environmental ideas and movements, policies, laws, regulations, conservation, the history of immaterial heritage, such as traditional knowledge related to the environment.

Mauro Agnoletti · Saša Dobričič · Tessa Matteini · Juan Manuel Palerm
Editors

Cultivating Continuity of the European Landscape

New Challenges, Innovative Perspectives

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Chapter 21
Twenty years of Landscape Policy and Governance in Europe, and the Way Ahead



Claudia Cassatella

Abstract The European Landscape Convention (ELC), which came into effect in 2004, has been ratified by 40 countries since its signing in 2000. For the first time in history, all these countries with rich and diverse landscape cultures as well as different institutional frameworks agree on a legal definition of landscape and common goals for landscape policies. The implementation of the ELC has ushered in innovations in their legislation, governance and administrative processes, and spatial planning systems. A systematic comparison is lacking and, while landscape heritage protection has internationally accepted protocols, landscape planning has not. This paper proposes a framework for a comparative analysis and, based on the collection of contributions to this section, drafts some initial considerations. After more than twenty years of implementation of the ELC, the most challenging issues seem to be participation, conflict management and strategy making.

Keywords Landscape policies · Landscape governance · Juridical issues in implementing the ELC · Landscape planning · Landscape democracy and participation

21.1 A New Baseline for 40 Countries

The European Landscape Convention (ELC), which came into effect in 2004, has been ratified by 40 Countries since its signing in 2000. For the first time in history, all these countries with rich and diverse landscape cultures as well as different institutional frameworks agree on a legal definition of landscape and common goals for landscape policies. The implementation of the ELC has ushered in innovations in their legislation, governance and administrative processes, and spatial planning systems.

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To mention one example of the effects of the ELC, Italy, a country where landscape protection as a principle has been enshrined in Constitutional Law since 1948,[1] shifted its legislation focus from landscape protection to planning; introduced new forms of collaborative planning between State and regions and innovated administrative procedures for landscape interventions; and set up new educational programmes.[2] In addition, many bottom-up civil society initiatives, such as local landscape observatories, have arisen.[3]

Although this book is devoted to exploring future challenges for the ELC, the "Landscape Policy and Governance" Section also celebrates the progress made since it came into effect. The diversity of concepts, cultural backgrounds, academic traditions, and social practices related to landscape in Europe is well known and documented by the preparatory documents of the Convention (see Seguin 2017). Even the official English and French versions of the text refer to two different semiospheres when making use of the words landscape and *paysage*. Nevertheless, these words now have the same definition in law and have been translated into dozens of languages.

In some countries, "landscape" simply was not a legal matter before the ELC; in others, it was an issue only for conservationists or, very occasionally, an ordinary matter for spatial planners or landscape architects. Even today, the ministry tasked with the ELC reveals much of a country's diversity and traditions. In fact, landscape is a matter for a variety of Ministries, such as Culture, Agriculture, Land use, or others.[4] Interestingly, a search for the "landscape" concept in European countries' constitutional laws reveals that a few countries do not explicitly mention landscape (nor environment); a small number of them address both landscape and environment (separately or jointly); and the rest refer to the sustainable development concept (Cerrina Feroni 2019).

21.2 Towards a Comparative Perspective

A comparative perspective is always challenging and in the case of the ELC, an investigation of its implementation should take into account a wide array of policies (Civitarrese Matteucci, *infra*). Nevertheless, the Convention facilitates much easier understanding, comparison and, in the end, collaboration at international level. In

[1] "The Italian Republic protects the landscape and the historic and artistic heritage of the Nation", Italian Republic Constitution, 1948 (Article 9), translated by the author.

[2] In particular, in 2001 two new educational programs were introduced into the Italian university degrees' system: Landscape Architecture and Regional, Urban, Environmental, and Landscape Planning.

[3] The ferment induced by the ELC is well testified by the notable presence of Italian scholars in this book (and section) as well as in the literature and networks regarding the Convention.

[4] See the Information System on the Council of Europe Landscape Convention, https://www.coe.int/en/web/landscape/landscape-observatory. Last Access: July 2021.

fact, it would be possible to review legislation and regulation across European Countries through a shared international effort using themes identified in the ELC (definitions, general measures): the legal definition of landscape; implications for institutions and related competences at a national level; landscape protection systems and related categories of designation; the role of landscape planning in the spatial planning system, and established procedures for active participation.

Recognition of landscape in law can be taken for granted, as already mentioned. Nevertheless, the translation of the concept and the context where the concept is applied open interesting issues. In particular, the definition of landscape as an area "as perceived by people" may refer both to experiential perception and to conception. "In the Danish, Norwegian, and Swedish versions, "perceived" is translated to a word ("opfatte") that is closer in meaning to "conceived"" (Primdahl 2018: 1473). On the contrary, in my country, Italy, perception is sometimes understood as "visual or sensorial" instead of "social" by the many who have not read the Convention's explanatory texts. Moreover, the main Italian legislative text of ELC implementation (Italian Republic, Code of Cultural Heritage and Landscape, 2004 and subsequent amendments) introduces the notion of national identity which may be interpreted as the opposite of the plurality of "people's perceptions".

So we are far from a shared understanding and intention when implementing the ELC, but reaching homogeneity might not be so desirable. "It is clear that this linguistic and semantic diversity has not been, and is still not, a barrier to implementing the European Landscape Convention", according to Seguin, who analysed landscape in the languages of Europe, "[...] this definition provides an aid to communication and discussion, which all Europeans can adopt and use" (Seguin 2017: 222, 225).

The text of the ELC provides a baseline for dialogue as the annual "Council of Europe Meetings of the Workshops for the implementation of the Council of Europe Landscape Convention" demonstrates. What is still missing is a systematic study which goes beyond the cumulation of individual case studies on national policies.

A starting point might be a comparison of landscape preservation since it was the first public policy relating to landscape and, consequently, some countries have had a well-established preservation system for over a century. The result is a variety of designation categories which address cultural assets, natural features and environments, scenic resources, places of memory, and so on, not always labelled as "landscape" but related to the actual conceptualization of landscape in various ways. In addition, the action of international organizations and agencies, such as UNESCO, ICOMOS, IUCN, has contributed to the circulation of concepts such as "cultural/natural landscape", or "protected landscapes" with their related analytical frameworks, facilitating international dialogue and comparisons among conservation experts.

Nothing similar can be said about planning and management. Landscape is linked to a variety of separate or integrated sectoral and spatial policies and European spatial planning systems are too diverse. The diverse institutional frameworks obviously influence land regimes, spatial planning systems and territorial governance in terms of ownership rights, the role of the State, the distribution of powers, subsidiarity,

and participation. A distinction can be made, for instance, between planning systems derived from the Napoleonic Code, those based on common law, or those influenced by the Soviet period.[5] Not surprisingly, there are few comparative studies on landscape planning systems and measures.[6]

Let me use my country once again as a case study: when commenting on the implementation of ELC "landscape planning" policy, the majority of Italian scholars automatically refer to the Italian "landscape plan", a specific instrument designed by the State to match the ELC guidelines. But landscape planning, defined and intended as "strong-forward looking actions" (art. 1), can take many other forms: a sectoral plan or study, the integration of landscape concerns into ordinary measures, the assessment of interventions on landscape, or even financial measures (see the CM Rec 3/2008). Above all, landscape planning should include creation and future envisioning (which is far from the Italian approach, more focused on conservation). Interestingly, commenting on Denmark, a country belonging to a very different spatial planning system family, Primdahl (*infra*) complains about the same absence of strategy-making in its landscape planning practices.

Last but not least, a significant aspect for comparing ELC implementation is participation. From an institutional perspective, it would be interesting to see how and to what extent states respond to the call for "active" participation with ad hoc procedures. In Italy, for instance, landscape plans are subject to the same mandatory procedures of any spatial plan (meaning interested parties can submit comments in a given phase of the plans' approval process). In addition, Regional Landscape Observatories have been set up which have no specific mission by law but carry out a variety of activities.

21.3 Initial Evidence and Gaps

The present section presents the feedback to our call for papers (2020 UNISCAPE Conference, Florence, 16–17 October 2020). A dozen contributions have been collected which deliver evidence from many countries, from Portugal to Norway. Da Costa and Curtado boldly face the challenge of comparing different countries and autonomous regions (Andorra, Catalonia, Hungary, Ireland, Mallorca, Portugal, Switzerland, and The Netherlands). They point to the lack of monitoring systems and financial provisions as major weaknesses of national and regional policies. A group of authors present in-depth analysis of ELC implementation in each of their countries, offering expert assessments and descriptions of related policies and systems

[5] EU country families or models have been identified with specific reference to spatial planning systems and territorial governance by the ESPON TANGO, Territorial Approaches for New Governance (2013) project, and further investigated by ESPON COMPASS (2018).

[6] Sala et al. (2014) is one of the few studies to systematize landscape planning systems in different countries. In the collaborative framework of the EU ESPON Programme, Targeted analyses, see LP3LP—Landscape Policy for the 3 Countries Park and LIVELAND—Liveable Landscapes: a Key Value for Sustainable Territorial Development.

in Italy (Di Giovanni), Scotland (Govan), Portugal (Ramos and Freire), and Greece (Terkenli).

Interestingly, the authors from Italy (Di Giovanni, Laviscio) focus on landscape protection and landscape controls, revealing how the traditional apparatus (derived from heritage preservation policies) still influences discourse on the ELC. In this context, participation and education practices are presented (Cepollaro and Zanon, Marinelli et al.) or called for (Palazzo and D'Ascanio) as needed innovations. On the opposite side, democracy and participation, with particular attention to the local scale and community level, seem to be the main discourse in Northern Countries (Lagerqvist, Némethy and Nilsson; Vik). Conflicts between local and regional authorities as well as between authorities and the general public are documented in both contexts.

The idea of "commons" is also proposed as a key concept. In particular, Marinelli et al. provide data on public land in the EU, with specific reference to farmland and its management. Once again, "commons" doesn't have the same meaning in different legal systems (sometimes it is nearly untranslatable) and is still debated as a legal topic but apparently, it has brought new insights and inspiration.

Managing transformations and creating landscapes, or the role of projects, also find space in this collection of papers. The conceptual framework and process proposed by the ELC (assessing multiple values through active participation, integrating sectoral perspectives, capturing aspiration for the future, and managing change) offer a clear path for designing both large-scale policies (Torreggiani &C) as well as site-specific visions and territorial development strategies (Marinelli et al., Palazzo and D'Ascanio).

21.4 Conclusion

The present section dealt with landscape policy and governance from various perspectives: juridical issues, government and governance systems, planning and management practices.

All the contributors, despite the variety of topics, disciplines and geographical contexts, testify to a struggle to improve landscape democracy by calling into question spatial justice and governance issues such as relationships between authorities, government levels, the general public, local communities, interest groups. They reason on the limits and possibilities of improving transparency, participation and knowledge, pillars of good governance. The ELC is an initiative of the CoE Congress of Local and Regional Authorities, managed by the General Directorate of Democracy. Since its inception, democracy and participation have been key principles of the ELC (CoE 2018) and yet they remain the most challenging to implement. As a consequence, conflict management's theories and practices offer a promising field of research (Calderon and Butler 2020), far from the illusion of landscape holism as a guarantee for reaching mediation and consensus. The present collection of papers demonstrates that the ELC has contributed to creating a baseline and a common

language, has brought innovations into national frameworks and changed the rules with a rippling effect, challenging regional and local levels. Still, comparative studies are lacking, particularly on landscape planning systems and measures.

In conclusion, landscape policy and governance is a fundamental topic that needs international collaboration in order to be explored from both a comparative perspective and an interdisciplinary point of view. UNISCAPE is the network that can carry on this programme.

Abbreviations

CoE Council of Europe
ELC European Landscape Convention

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