

BASIC ASPECTS FOR THE IMPLEMENTATION OF THE EUROPEAN LANDSCAPE CONVENTION IN SPAIN*

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1. Landscape awareness

Though it may seem an obvious starting point, I would like to begin this presentation by providing a general overview of the Spanish society appreciation of landscape, according to the criteria established several years ago (1996) by Augustín Berque (use of the specific term, literary references, pictorial representations and creation of gardens). I believe that making such an initial affirmation is indispensable for two reasons. The rapid and profound changes taking place in many landscapes throughout Spain indeed seem to reflect a lack of awareness or even a disregard for these values. Despite such unfortunate circumstances however, we must not forget the innumerable traditional landscape management practices, nor the significant Spanish intellectual contributions to the formation of the rich and varied European landscaping culture.

As regards the quantitative and qualitative importance of recent changes in land use, and consequently Spanish landscapes, I will refer to the Observatorio de la Sostenibilidad (2006), particularly highlighting the meaningful information which appears in figure number 1.

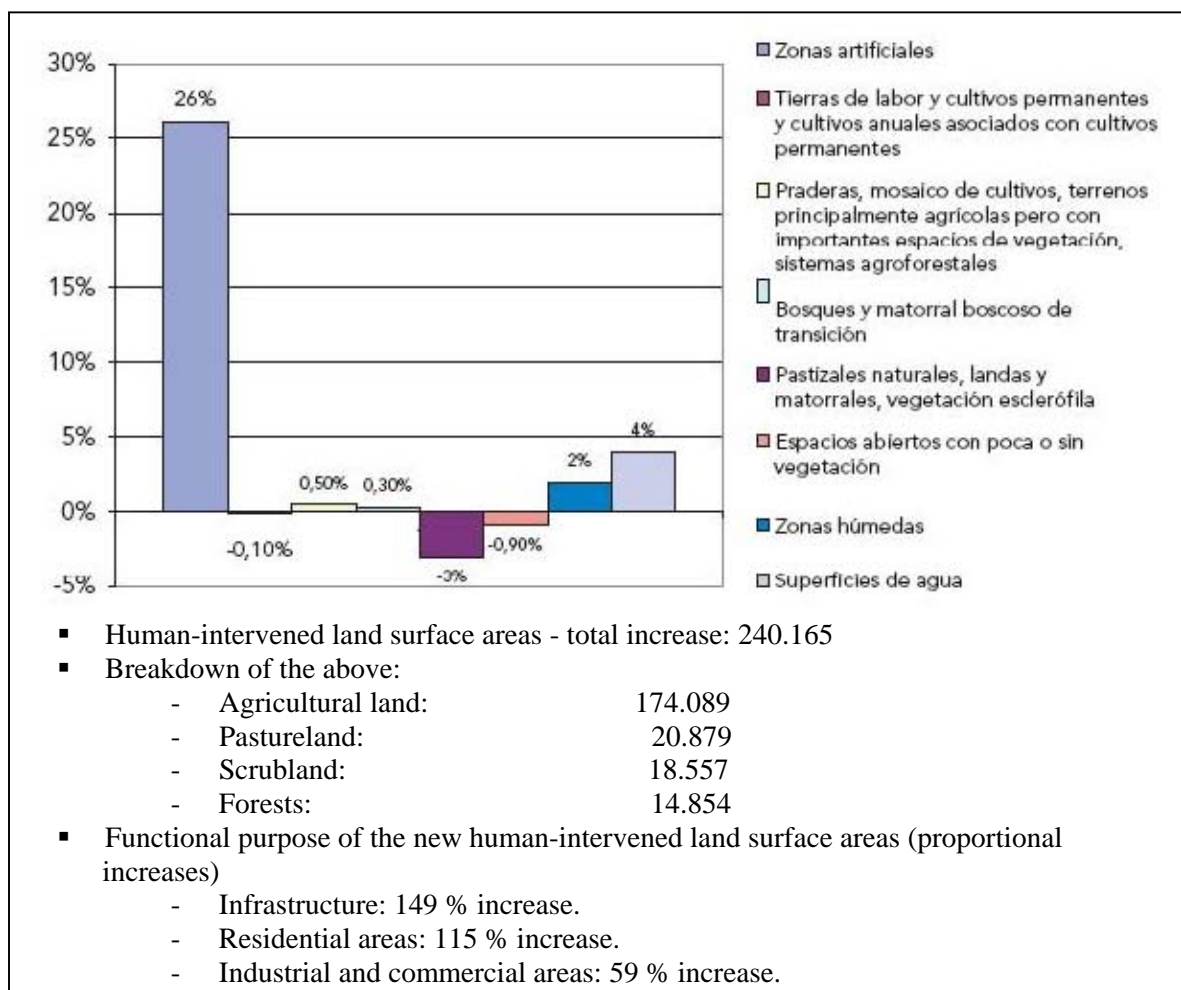
The word '*paisaje*' (landscape) in Spanish emerged in the 17th century, more or less at the same time that similar terms in other romance languages began to be used. According to Caro Baroja (1984) the usage of the term *paisaje* (landscape) in Spain was initially associated with Flemish painting, and it was equivalent to the terms *país* (instead of *paisaje*) and its derivative adjective *paisista* (instead of *paisajista*) were more frequently used. This tendency continued through the 18th century. The Castilian Spanish term is documented in 1708. (Maderuelo, 2005).

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At this point I would like to point out a few well-known examples of Spanish contributions regarding traditional landscape care and the appreciation of and importance given to landscaping in Europe.

Chapter 8 of the first *Dobris Report* (1995), written by the European Environmental Agency, establishes a landscape classification system of 30 different continental landscapes types, 13 of which are characterised mainly by natural features, while the remaining 17 types show clear signs of human intervention, two of which, as indicated in the original version of the report (in English), are Spanish designations: *huerta* (orchard region) and *dehesa* (low density oak woodland and pasture land). Obviously, larger scale typologies (Mata Olmo and Sanz Herraiz, 2003 and Gómez Mendoza, 1999) underscore further Spanish typological contributions to European landscape diversity.

Figure 1. Changes in land use in Spain between 1987 and 2000. Significance of human-intervened land surfaces (in hectares).



Source: Sustainability Monitoring Board - Spain

(Texts which correspond to the 8 boxes above in the colour legend to the left of the graph)

- 1) Human-intervened land
- 2) Worked land and permanent crops and annual crops associated with permanent crops.
- 3) Grasslands, patchwork crops, mainly agricultural lands interspersed with sizeable tracts of vegetation and agro-forestry systems.
- 4) Forests and forested scrubland in transition.
- 5) Natural pastureland, moors, and scrubland.
- 6) Open spaces with little or no vegetation.
- 7) Wetlands.
- 8) Water surfaces.

One particular example of traditional landscape care in Spain - which brings to mind various other similar cases - that I would like to mention here, is the aesthetic value of rural Andalusian habitats, so vividly described in philosopher Julián Marías's work entitled "La casa enjabelgada" (1965). In many Andalusian towns, just before their summer festivals, the houses are whitewashed, enhancing the aesthetic value of the towns, whether viewed from a distance or up close, strolling among the streets. The whitewashing contributes much to the festive atmosphere while at the same time rendering the summer climate more bearable (by increasing the exterior surfaces' albedo capacity). It also serves to strengthen the brittle, crumbly building materials (compacted earth, adobe) and performs a periodic domestic hygiene function (eliminating fungi and insects) through the antiseptic effect of the lime.

As for Spanish contributions to European landscape culture, apart from the familiar references to hispano-arabic gardens (Roldán Castro, 2004) which are indeed extraordinary green areas, and in certain cases (the gardens in the Granada's Alhambra and Seville's Alcázar) have been so for nearly a millennium, I would like to remark two less frequently cited examples from our Golden Century. First, the *El Escorial* palace's *Fresneda*, on which very detailed research was recently carried out (Cervera Vera, 2005) and Seville's *Alameda de*

Hércules, which has yet to receive the scientific attention it undoubtedly deserves. The prior, ordered by King Felipe II, was executed according to the formal English-garden landscaping criteria, nearly two centuries before the application of the concept in the Eastbury Palace gardens or in Stowe Park, designed by Charles Bridgeman (Fariello, 2000). The latter was conceived by Francisco Zapata y Cisneros - Count of Barajas and mayor of the City of Seville, also during the reign of Philip II – as a great public promenade to be laid out over an insalubrious swamp within the walled city (*Diccionario histórico*, 1993) long before the Luxembourg Gardens - frequently but erroneously considered to be the first public garden Europe - were opened to the residents of Paris.

As for public landscaped areas intended for everyday use, I would like to highlight some more recent examples which I also hold in high regard: (1) the panoramic overlook at *Es Colomer* on the island of Majorca, at the end of the scenic access road to the lighthouse at Formentor, designed at the beginning of the 20th century by Engineer Antonio Parietti Coll; (2) the 360° panoramic overlook at Cabra's *Virgen de la Sierra* hermitage celebrated by geographer Juan Caradell as the greatest panoramic viewing point or *tour d'horizon* in all of Andalusia, declared a national Site in 1929 (López Ontiveros, 2002); and (3) the simple but impressive marine cemetery at Finisterre in Galicia (Portela, 2001).

Lastly, Spanish *artistic* contributions to landscaping have by no means been minor. In this regard, I would like to call to mind the continuity of the landscape genre in paintings from Velázquez to Carmen Laffón (*Paisajes del Prado*, 1993) and the important literary contributions that link the basic feeling of human soul to landscape, a theme which is elucidated in the following verses by Luis Cernuda (1944):

*“Sight is the creator,
Through love, the world,
And it is love who perceives
Inside the dark man, the divine being.
Creature of light once alive
In those eyes that watch and understand”.*

Without a doubt, the sensitivity demonstrated throughout the centuries for these and other innumerable social actions or actions of the elite warrants greater consideration than that which is currently being given in the prevailing climate characterised by a loss of values and a defacing of landscapes.

2. Landscape regulation

This set of practices to which a landscape-conscious society must adhere came later into being upon the establishment of norms which regulate human activities and social conduct. Municipal ordinances, however, can be traced back even to the middle ages in both Muslim (Aljoxani, s. x) and Christian (Collantes de Terán, 1977) cities. In Spain, as well as in neighbouring European countries (Hildenbrand, 1993 y Prieur 1995), the concept of “landscape” first appeared in legislation designed to protect nature and the beauty of selected extraordinary places (1916, National Parks Law) and later (1933), indirectly (picturesque sites), through the first Law for the Protection, Conservation and Extension of Artistic/Historical Heritage (Rodríguez and Venegas, 1997).

Another important legal condition should be remarked is the early connection between landscape protection and defence and the local administration and local corporation law and jurisdiction (Basic Law of 1945 and Regulation of Organisation and Operation of 1952). Landscape “protection and defence” in these norms is considered to be a “key municipal activity” under the jurisdiction of mayors and heads of provincial councils.

In the third quarter of the century, concern for landscapes was manifested in different sector laws and decrees regarding woodlands and scrublands, mountain agriculture, infrastructure (motorways, dams and marinas), tourism and advertising. Three additional developments from this era also deserve special mention. First, there was an increased presence of landscape issues in legislation regarding nature conservation (owing to its relation to three of the four protected area types – reserves, national parks and natural sites – as set forth in Law 15/75). Another occurrence was the broadening of the concept of “landscape” in urban legislation which gave way to an initial natural and aesthetic evaluation characterised by an explicit and more detailed consideration of the scenic value

of landscapes, detailed in legal references to “open landscapes”, “ensemble perspectives” and the obligation not to limit the field of vision. Lastly, the highway regulations (Decree of 1962 regarding roadside advertising and the Decree of 1963 regarding planning in restricted areas) which establish rigorous criteria as regards the nature of advertising and its location (with positioning on natural elements prohibited), or as regards roadside vegetation, which must blend in with – and ideally enhance - the surrounding landscape (clearing of spaces among rows of trees with width determined according to average vehicle speed, avoiding the “sensation of being walled in”, hiding elements which are visually unpleasant). This type of regulation could even promote what is referred to in modern jargon as the creation of “new landscapes”, meaning that “the engineer’s aesthetic sensibilities will have the chance to prove themselves” in the design and execution of these roadside projects.

During the last quarter of the 20th century significant progress was made in landscape regulation. Paradoxically, however, this progress coincided with a period characterised by the most profound changes. Urban planning legislation became even more concerned with scenic/aesthetic issues (Planning Regulation, 1978): the adaptation of the Environmental Impact Assessment Board (Royal Decree 1302/86) call for consideration of the landscape vis-à-vis a long list of projects, and the Water Protection Law (1985) and Coastal Protection Law (1988) make strong references to the protection and “appropriate usage” of landscape. The main breakthrough, however, was made in nature conservation legislation (Law 4/89) which considers landscape protection to be among its “inspiring principles” and a “specific purpose” in the declaration of natural parks and monuments but, most importantly, because it firmly establishes the concept of “protected landscape” (art. 17).

This end-of-the-century period, however, was also marked by certain inadequacies, especially as regards pioneering efforts in the area of Cultural Heritage Legislation. The new regulation (Law 16/85) indeed shows significant improvement, in that it includes the notion of monuments’ “environments”, but still clearly avoids using the term “landscape”, indicating in the declaration that “as an Asset of Historical/Cultural Interest, its *relationship to the territory of*

which it forms part as well as the protection of the geographic features and cultural sites that constitute its surroundings must be taken into consideration” (art. 17, cursive text mine).

In this context of “bright spots/gloomy spots”, two negative circumstances must also be highlighted. First of all is the fact that despite legislative progress, insufficiencies in terms of application are evident upon examining landscapes. Furthermore, although the concept of “landscape” has come to flourish semantically (including - in addition to the initial, vaguely-defined, aesthetic references to places of natural beauty and picturesque sites themselves - their ecological and historical foundations and perceived scenic value), it continues to be limited to a protectionist understanding and is seen only in terms of its application to extraordinary or unique sites.

3. The future of landscape policy

The European Landscape Convention (from here on, ELC) represents a revolutionary development in understanding “landscape” in political terms (Priore, 2006), rendering it a territory-wide public asset, a right of the populations which behold them and for whose enjoyment it is necessary to nourish certain attitudes - not only attitudes of protection but also of management and regulation. Such an understanding of “landscape” is not found in basic Spanish legislation, although it has recently been incorporated into certain autonomous regions’ regulations, if only in two cases (Comunidad Valenciana in 2004 and Cataluña in 2005).

Spain signed the ELC at the Palazzo Vecchio in Florence, Italy, (20th of October, 2000) and is currently in the process of ratifying it. It is evident that this initial commitment should be applied to and fully developed throughout all of Spain.

The ELC was devised by the Congress of Local and Regional Authorities of Europe, well-known for its leanings towards politics lowest regional/local level (it appeals to local autonomous governments and to the principle of subsidiarity in its preamble and articles). It is also true, however, that the central government, which is signatory to international agreements, is responsible for

ensuring that the provisions of the agreement are applied throughout the national territory.

In Spain, according to the constitutional scheme for assigning jurisdiction/authority to the different levels of government, areas of authority which are not considered to be the exclusive domain of the central government can be assumed by regional autonomous governments if such authority is established in their statutes or solicited at a later date. The term “landscape” is not mentioned in the Constitution, although it does indeed appear in the congressional proceedings from the preparatory phases of the Constitution. It was later eliminated, however, favouring a more direct and simpler formulation of Article 45, which makes reference to the term “environment” (Hildenbrand, 1996, citing Pérez Luño, 1990.). It does indeed appear in four autonomous region statutes, those of Andalucía, Castilla-La Mancha, Ceuta y Melilla; and is gaining strength in the new recently approved statutes of the Comunidad Valenciana and Cataluña, while pending approval in Andalucía. Furthermore, as stated above, legislation in this area is beginning to take place on a regional level using ELC as a point of reference.

There are undoubtedly different possibilities for putting the ELC-established principles, objectives and criteria into practice in Spain, but I am of the opinion that a very clearly enumerated, and where possible, consensual legal instrument that assigns different areas of authority/jurisdiction to different levels of government would be very useful. If the central government ratifies the ELC, it will undoubtedly have to assume new responsibilities - requiring varying degrees of involvement – such as international representation, cross-border landscapes, basic legislation, and intervention in the management of certain areas...). The following points lend support to the notion of greater involvement:

- The guarantee that all citizens have a right to that which is clearly related to their well-being and quality of life.
- The development of principles and goals already included (if only partially) in current basic legislation (pertaining to the environment, heritage, land-use, rivers, lakes and dams, coastal areas, etc.)

- The application of the measures set forth in the ELC and the implied commitment to them once they are ratified.

The development and application of landscape protection, management and regulation by autonomous regional governments, island councils, provincial and municipal administrations can also draw from existing regulations (on both the central government and autonomous regional government levels) and in the existing public practices that have been in effect in Spain for nearly a quarter of a century or even longer in certain cases.

Regardless of how authority and jurisdiction are distributed among the different levels of government, the current convergence of different deeds and processes calls for the adoption of landscape protection and defence policy which is more clearly defined and articulated throughout all of Spain, mainly for the following reasons:

- The negative trend being observed in many Spanish landscapes, both in terms of land-use changes and outright neglect.
- The current state of urban policy and territory regulation, in which the inclusion of “landscapes” could signal a new opportunity for greater overall coherence in the national government.
- The current state organic legislation revision (regional autonomous government statutes) and basic legislation (local government, historical patrimony, land use, rural development...), as well as anticipated constitutional reforms.
- The ratification and application of the ELC which will serve as an impetus for finding new necessary solutions and is necessary to satisfy the requirements implied by the commitment.

The definition and implementation of landscape policy is not simply a whim of the elite. The ecological and cultural values of our landscapes can be greatly diminished - or even lost - and have negative repercussions on the quality of everyday life and different economic processes and activities. Such policy can

also be useful to strengthen and develop public conduct in certain spheres (e.g., maintenance of historic city-centres), while improving others (outlying areas of urban centres), and to improve administration of larger spaces (abandoned rural areas, desertified areas, eroded river banks...).

Nor should landscape policy be perceived as utopian. On the contrary, examples already being applied in certain neighbouring European countries show its viability and utility. Most importantly, however, we Spaniards, as a landscape-conscious society, must also recognise that this sort of policy is necessary if we are to attribute greater credence and efficacy to the new “environmental ethic that we need in order to survive” (Berque, 1996) and to continue being a coherent part of nature.

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