

The Right to Landscape: An Introduction

Shelley Egoz, Jala Makhzoumi and Gloria Pungetti

www.ashgate.com

www.ashgate.com

Background

In the course of its development, the idea of landscape has been embraced by many disciplines and used to frame scientific, political and professional discourses. *The Right to Landscape* is yet another framing, offering a particular discourse on landscape and human rights. The concept of the right to landscape explores in detail the role of landscape in working towards justice and human wellbeing. This is especially pertinent, we believe, for those who are engaged in research and actions that influence the form and function of the landscape. For us the editors, landscape architects Shelley Egoz and Jala Makhzoumi, and scholar of holistic landscape Gloria Pungetti, the prolific multidisciplinary body of literature on landscape forms the theoretical foundation and inspiration for the necessary visionary thinking needed to address planning, design and management of landscapes. As landscape architects whose passion, research interests and practice revolve around ethics and social justice related to the designed space, Shelley Egoz and Jala Makhzoumi sought the Cambridge Centre for Landscape and People (CCLP) that was founded by Gloria Pungetti as the ideal platform for this initiative that explores the interface of landscape and human rights.¹ CCLP's mission statement is to: "integrate the spiritual and cultural values of land and local communities into landscape and nature conservation and socio-economic needs into sustainable development; and to support biological and cultural diversity, as well as awareness and understanding of, and respect for, landscape and nature" (CCLP, 2010a). Within this mission the initiative of the Right to Landscape (RtL) "seeks to expand on the concept of human rights and to explore the right to landscape". RtL proposes the premise that "*Landscape*, as an umbrella concept of an integrated entity of physical environments, is imbued with meaning and comprises an underpinning component for ensuring wellbeing and dignity of communities and

individuals". The aim of the initiative is "to collectively define the concept of the right to landscape and to generate a body of knowledge that will support human rights" (CCLP, 2010b).

The RtL initiative was launched in December 2008, on the 60th anniversary of the Universal Declaration of Human Rights, with an international workshop collaboratively organised with CCLP and held in Jesus College, Cambridge, UK. The multidisciplinary workshop began the discourse and ideas that are explored in this book. The volume begins with discussions on the idea of the right to landscape. The following chapters include a range of international case studies that explore the interface of landscape and human rights from their respective academic and/or professional position. By presenting case studies that illustrate how landscape and human rights depend on and affect each other we aim to yield discourse that includes different perspectives, needs and realities, and disseminate ideas on the right to landscape. While these essays are not by all means an exhaustive collection on this topic or a representative international model, they form the first step within our vision for ongoing dialogue on the right to landscape. We hope to see this framework supporting and facilitating interdisciplinary research by adding to and contributing towards the development of policies that will sustain human rights and secure the wellbeing of people and the landscapes they inhabit.

Landscape and New Challenges to Human Rights

Twenty-first century threats to landscape have been acknowledged in particular relation to climate change (Erhard, 2010). Environmental conditions linked to the phenomenon and their impact on species and human habitats through desertification, extreme weather events causing flooding, as well as rising sea levels inflicting disasters, are a topic of concern in scientific and political international discourse. An alarm about the degradation of the physical environment and the need to take measure for its protection began before this contemporary widespread occupation with climate change.

During the past few decades several international organisations adopted various interpretations of landscape to describe their mission and philosophies. The International Association for Landscape Ecology (IALE) represents a scientific approach to landscape aiming "to develop landscape ecology as a scientific basis for analysis, planning and management of the landscapes of the world" (IALE, 1998). The United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee's definition, on the other hand, endeavours to overcome the perceived dichotomy between "cultural" and "natural" landscapes by "represent[ing] the combined work of nature and of man" (UNESCO, 2005: 83). Both the above examples address landscape as the physical result of process, whether natural or human driven. Underpinned by a quest for the wellbeing of all humans, one can argue that the above missions assert a universal right to a healthy environment and

legacies of heritage. Heritage indeed includes intangible attributes but the foci of such bodies have been on protection of the actual tangible dimension of particular landscapes deemed culturally or historically significant. Within official international organisations, the value of the ordinary landscape as an everyday human habitat was not recognised until the turn of this century when the Council of Europe introduced the European Landscape Convention (ELC).²

The ELC represents a significant development perhaps best captured in its definition of “landscape” as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors” (ELC Article 1a). Positioning the role of human *perception* is the critical dimension here, as Kenneth Olwig argues in this volume. Moving the realm of landscape from a scientific objective arena to one that is in flux is an acknowledgement of the complicated nature of the concept and inevitably raises questions of potential ideological tensions and the imperative of an association between landscape protection and matters of social justice. This is no coincidence keeping in mind the time when the Council of Europe was established – post World War II and the organisation’s primary concerns with maintaining democracy and human rights. Human rights discourse has since widely diffused in particular within the last few decades of globalisation where these matters have reached the developing world (Cowan et al., 2001). Cowan et al. have also argued that the model for human rights has become hegemonic and saw a need to explore tensions between local and global conceptualisations of rights. They recognised the emergence of new fields of political struggle “such as reproductive rights animal rights and ecological rights” (Ibid.: 1). Today, a decade later, the accelerated pressure on limited resources and competition that is bound to inflict further conflict necessitates a new way of framing human rights. Underpinned by a moral imperative for aspiring to social justice in a challenging physical and political environment we explore how *landscape* as an overarching concept can form a new context to address such contemporary challenges.

Landscape as a Framework for Addressing Human Rights

Launching the right to landscape discussion on human rights repositions an already extended interpretation of the term landscape in a new political arena. The word landscape has proven difficult to define (Williams, 1973; Meinig, 1976) and the variety of readings and uses of landscape attest to the elusive nature of this idiom (Makhzoumi and Pungetti, 1999). It has been generally agreed that the word bears different meanings to different people in different contexts. Nevertheless, in the past few decades the use of landscape as a theoretical instrument has become common in a multitude of disciplines and “has created the basis for a ‘reflexive’ conceptualization of landscape” (Olwig, 2000: 133). Landscape as the foci or as the envelope for theory and application

can thus be found from cultural geography to ecology and in a diversity of humanistic fields such as anthropology, environmental, cultural and visual studies, history, tourism, archaeology, heritage and the design professions, especially landscape architecture. Paradoxically, the vagueness and difficulty on an agreed definition has not become a limitation but offers opportunities for innovative thinking by adopting the expansive, holistic framework of landscape. It is precisely this elasticity that makes landscape a potent term to explore new theories that relate to the value of landscape. By extending the spatial social arena to embrace political ethical ones, we explore ways in which landscape could become a positive tool to promote social justice.

Social justice and landscape is not a new topic. Several scholars have examined landscape in that context. Denis Cosgrove (1984) introduced the social class perspective into the landscape discourse.³ James Duncan (1990) interpreted landscape as a cultural production correlated with political power. W.J.T. Mitchell (1994) too made the link between power and landscape. Don Mitchell (2000) advocated for critical geography through which he endeavours to stimulate action for cultural justice. At the same time Michael Jones' work was concerned with landscape, law and justice (Peil and Jones, 2005) and he continues to explore their significance in terms of the European Landscape Convention (Jones and Stenseke, 2011). Kenneth Olwig (2002 and 2009) writes prolifically on landscape ideology, law and nationalism – topics that are directly related to the subject of landscape and human rights. The work of anthropologist Barbara Bender has been pivotal in instigating the discussion on landscape and social justice in non-Western cultures (Bender, 1995; Bender and Winer, 2001). Addressing the political dimension of landscape, her work has inspired anthropologists and archaeologists to expand beyond tangible, spatial dimensions and explore landscape as a repository of culture in a specific place and time (Tilley, 2006).

Humans have shaped their surroundings, creating cultural landscapes, since the Neolithic revolution. Land has been cultivated to yield produce, woodlands cleared and managed whether for pastoral uses or fuel, environments formed for habitation and settings created for pleasure. Landscape therefore is simultaneously a *product* such as arable field, pasture land, settlement and garden, and, the act of *production* embedding intent, design and action. More so, it is a *conceptualisation* of both product and production. As the product of people – environment co-evolution, landscape is at once “a tangible *product*” of the act of humans' shaping their surroundings and “intangible *process*”, making sense of the world through shared meanings and values (Makhzoumi, 2009b: 319). Part nature part culture, landscape straddles both realms. Landscapes, as such, have implied tangible resources, which constitute the foundation of the world we inhabit, be they air, water, a mountain or a river, and equally intangible human attachment and cultural valuation of these resources.

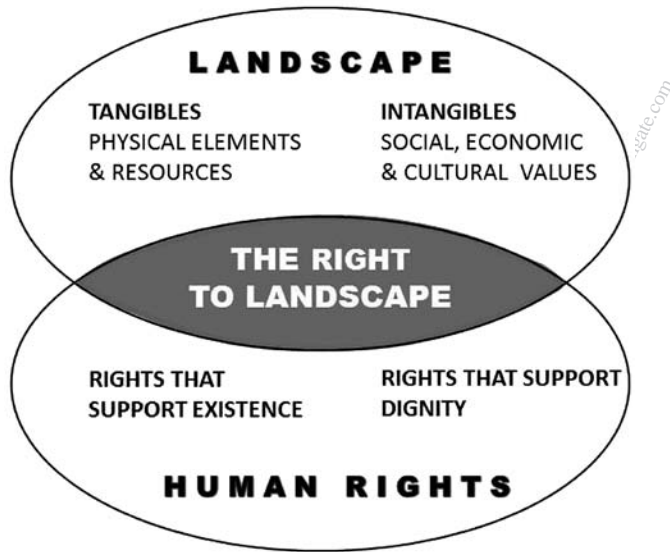
Landscape is also, as W.J.T. Mitchell (1994) has argued, a “medium”. While it is a tangible context, a physical place and environment, it can at the same

time be a representation of other entities, an intangible arena within which ideas are exchanged and powers enacted. Yet, we predominantly address landscape as polity (Olwig, 2002) rather than a pictorial representation.⁴ The underpinning of the idea of a right to landscape is our framing of landscape as more than a material object or objective environment. Landscape can be seen as a relationship between humans and their surroundings (Egoz, 2010). This relationship is shared by all human beings and as such can be understood as a universal existential bond that is part of the human experience (Tuan, 1974). The relationship is at once conceptual – a mental picture of the world that is culture and place specific, and physical – the action of shaping land and natural resources to fulfil human needs (Makhzoumi, 2010).

Perceptions are rooted in culture as much as they are in natural setting, changing from one place to another, evolving over time. Implying the ongoing complex and evolving relationship between humans and their surroundings, landscape becomes a medium for action and a political arena. Landscape is thus the locus where multiple physical elements such as water, food or shelter unite with their meanings (Pungetti, 1999).

Human rights, by definition are the rights stemming from a universal moral standard that transcends any national laws. Human rights discourse itself is not free of political tensions, in particular the problematic notion of universalism versus cultural relativism, which has drawn intellectual debate (see Bell et al., 2001; Cowan et al., 2001). Nevertheless, the establishment of the Universal Declaration of Human Rights (UDHR) in 1948 in the aftermath of World War II atrocities was an aspiration to guarantee both concrete needs for survival and the spiritual/emotional/psychological needs that are quintessential to the human experience. While landscape is place, nature and culture specific, the idea transcends nation-state boundaries and as such can be understood as a universal theoretical concept similar to the way in which human rights are perceived. By expanding on the concept of human rights in this context of landscape as the confluence of physical subsistence and psychological necessities we offer a new framework for addressing human rights. This original framework can hence generate alternative scenarios for constructing conflict-reduced approaches to landscape use and human wellbeing (see Makhzoumi, 2010). Linking both universalised concepts such as landscape and human rights is a point of departure for intellectual discussion, analysis and interpretation of situations where human rights are under threat.

This dynamic and layered understanding of landscape is the first step towards the intellectual interface between landscape and human rights. Accordingly, we conceive of the right to landscape as the place where the expansive definition of landscape, with its tangible and intangible dimensions, overlaps with the tangible needs for survival and the intangible, spiritual, emotional and psychological needs that are quintessential to the human experience as defined by the UDHR. The overlap between landscape and human rights, with the tangibles and intangibles related to both is represented in the diagram in Figure 1.1.



1.1 Conceptual diagram: The overlap between landscape and human rights

Book Structure

A variety of interdisciplinary perspectives of looking at the idea are presented in this volume. Each chapter may stand alone as it represents a particular account and its authors' reflections on the right to landscape. Although chapters are grouped into parts, there is no hierarchy in terms of the significance of the right to landscape in one context or the other. Indeed, the complexity of the concept means that themes addressed in most chapters would overlap. The grouping of the chapters into five parts is an attempt to provide structure for clarifying our argument for contesting landscape and human rights.

Part I includes the general concepts that establish the new discourse. Part II aims to convey the diverse nature of the subject hence the four case studies in this section cover and address various seemingly disparate examples. In Part III the case studies revolve around indigenous people. One of the particularities of an indigenous population's bond with its lived-in environment is that it exemplifies some of the core issues of our discussion. Part III therefore highlights the conceptual differences between a right to land as a tangible artefact that can be divided and traded gaining legal status, as opposed to landscape that embodies qualities that are difficult to quantify. Part IV presents examples that illustrate some of the dilemmas and contestation entrenched in landscape and claiming a right to landscape. The last section, Part V, covers the visionary aspects of the right to landscape concept revolving around the theme of recovery. A more detailed account and discussion of the ideas is offered below.

Part I: The Right to Landscape: Definitions and Concepts

Discussing the Universal Declaration of Human Rights in the face of resource scarcity is the way in which Stefanie Rixecker, political scientist and former Chair of the Governance Team of Amnesty International Aotearoa, New Zealand, engages with the question of the right to landscape. Rixecker provides a review of past structures that had recognised a relationship between the state of the environment and human rights. She notes that effects of climate change will afflict on wellbeing both in terms of threats to the basic physical components that underpin livelihood and the prospects of increased armed conflicts over scarce resources. Rixecker ascribes the failure of the 2009 Copenhagen summit to address an urgent moral obligation as well as the lack of resolutions to assume responsibility for the consequences of developed nations' actions, to an economic world view within what she terms as "old-style power politics". There is an inherent asymmetry of power that exists between the economic interests of large organisations and those individuals and communities who depend on natural resources for subsistence. The moral imperative that underpinned the UDHR has been to a certain extent lost within contemporary frameworks driven by economics. The redefining of specific rights in terms of a right to landscape has potential for reintroducing the global justice ethical dimension as well as a visionary, "out of the box" thinking that is necessary to tackle the complexity of such challenges. The right to landscape goes further than a right to the environment. This is illustrated through the example of the Pacific Islands of Tuvalu that are threatened by rising sea levels; she explains: "A 'human right to the environment' might only provide protection of Tuvaluans' right to a healthy physical environment, whereas a 'right to landscape' would entitle them to secure a home that is more meaningful and resonates with their cultural references and meanings, thereby ruling out or seriously minimising their relocation to an arid, completely foreign environment".

The potential that lies in the richness of the concept of landscape is highlighted by Maguelonne Déjeant-Pons from the Council of Europe, the body responsible for the European Landscape Convention (ELC). She reflects on the conceptual framework of the convention and its development into rights, emphasising that a legal recognition of landscape implies responsibilities as well as rights. Rights specific to environmental protection are recognised human rights related to threats to human health and the basic right of existence. The right to landscape is however a "right in development" that combines articulations of existing environmental and cultural rights but also adds new features to be considered, such as the right of active public involvement in decisions that influence landscape. One of the points that Déjeant-Pons makes is that landscape is a multisensory entity and that the right to landscape ought to address "visual, auditory,

olfactory, tactile, taste – and emotional perception which a population has of its environment”. Such suggestions demonstrate the possibilities embedded in the adoption of the right to landscape as an umbrella concept to contribute a more nuanced approach to human rights, one that can anchor intangible values in law.

Kenneth Olwig is, however, cautious about an indiscriminate use of the term landscape. He warns against the pitfalls entrenched in the word itself and argues that it is imperative to define “the right rights to the right landscape”. Landscape in Western culture has traditionally been dominated by a visual interpretation of its qualities and that in turn influenced a reading of entitlement to ownership of space in an unequal manner. This version leads to contemporary tensions stemming from ideological convictions on private property rights and the supremacy of the economic market value of land. An interpretation of the *land* in landscape as shaped by people, on the other hand, implies customary use rights and opens the discussion on the right to landscape.

It is this latter “right landscape” of polity and dwelling that Kenneth Olwig describes which Amy Strecker, a law researcher, relates to when she argues that the ELC suggests a conceptual link between landscape and human rights by its inclusion of all types of landscapes. Exploring the association of human rights with landscape Strecker’s axiom is that a right to landscape would have to be regarded a collective right. Like Stefanie Rixecker and Maguelonne Déjeant-Pons, Strecker reminds us that existing articles of, and related to, the Universal Declaration of Human Rights have already addressed some of the components that we could envision will be included in legislation on a right to landscape. Environmental rights and entitlements to economic, cultural and social freedoms are all implied in the idea of a right to landscape. The legal reality is, however, more complex and draws attention to the tensions between individuals’ rights and collective ones. The issues are further complicated when in line with Western liberal thought we think of human rights as a mechanism to protect the individual against unrestrained powers of the sovereign, i.e. the State, as represented by governments in contemporary realities. Public good however is in many instances represented by governments. Cases where landscape change or environmental protection measures have been brought to court arguing infringement on individuals’ property rights have highlighted this conflict. At the other end of the spectrum Strecker presents the example of the case of a motorway route in Ireland that runs through the landscape containing the Hill of Tara, Ireland’s most significant ancient cultural icon. Irish-born lawyer Vincent Salafia’s claim in court for protection of this landscape of cultural significance was not deemed worthy on the grounds that he has not been personally affected.

Strecker suggests that The European Landscape Convention, however, is a promising legal framework to reintroduce ideas of justice and democracy in this context. Strecker embraces the German sociologist and philosopher

Jürgen Habermas's critic of legal liberalism and "its underlying need to support the dynamic of modern political economy". Habermas calls for this to be replaced by, in Strecker's words, "reinvestment in a kind of communitarianism of Aristotelian 'public spaces'". The European Landscape Convention, says Amy Strecker, offers the literal meaning to such abstract ideas. Nevertheless, for a right to landscape to be asserted and heard in court, human rights' law would need to be expanded beyond the current underpinnings of the positioning of individual versus the State; the law would have to consider societal welfare and wellbeing that extend individuals' cases of infringement on property rights.

These four authors encapsulate the spirit of the discourse in this book. There is an underlying consensus that a right to landscape implies a need to depart from the prevailing economic paradigm and focus on human wellbeing related to equity and social justice. As Rixecker stresses, "The inherent dependence upon economics, premised upon the paradigm of perpetual growth, and set alongside a dependence upon old-style power politics of nation-state haggling amidst 'super-power,' 'colonial' and 'imperial' attitudes have fast become old tools for an old-world order".

Similarly, rather than seeing landscape production driven by economic forces as a given, Déjeant-Pons' account of the ELC represents the humanistic approach that underpins this document. This is encapsulated in the emphasis on people's perceptions and the importance of democratic processes for decision making regarding the lived-in landscapes. And finally, Kenneth Olwig spells it out clearly in his chapter by making the distinction between the definition of landscape as a detached visual entity or landscape as a place of living. The right to landscape will depend on the chosen definition, he says. The first shaping a discourse on individual property rights underpinned by Lockian philosophies and the latter – customary rights understood, writes Olwig "as use rights [that] are largely protected through social control in what has been termed the 'moral economy' (Thompson, 1993) – the word moral deriving from the Latin for custom, *moralis*".

Several of the case studies in the subsequent chapters reflect tensions between custom or landscape practices and legal interpretations. Part II portrays four different case studies which raise more questions and highlight the complexity and further nuances of the right to landscape concept. This section aims to establish the sense that there is room for discussion of the right to landscape in many contexts.

Part II: State, Community and Individual Rights

Michael Jones presents the case of Orkney and Shetland in the light of tensions between the property rights laws in those places and ideas of landscape as a collective asset. Jones, a historical geographer, describes the way in which historic traditions of Scandinavian udal law affect contemporary identities

of these Scottish islands' residents. Contested interpretations of history portray how adopted narratives can manipulate political and ideological control. Challenges to the monopoly of the state raise issues of human rights in terms of power relations. Jones comments that identity, at the end of the day, depends on "shared feelings of having a distinctive way of life and living in a distinctive landscape" rather than which land laws are embraced. This demonstrates that the right to self-determination in landscape is much broader than territorial issues.

A more acute situation is described by Gearóid Ó Cuinn in his account of the Golan Heights territories that have been annexed by the State of Israel. While many residents were displaced when the territory was taken over from Syria by the Israeli military in 1967, the Arab residents who remained there are subject to injustices and blatant discrimination. Ó Cuinn uses the Golan as a way to explore existing human rights mechanisms that ought to protect the vulnerable population against expropriations of land that inflict on livelihood. He presents the story of the apple orchard landscape as a symbol of local resistance and an attempt to defend against land confiscations. In terms of human rights' legislation, Ó Cuinn maintains that the idea of a right to landscape is yet to be developed in order to become an effective instrument that will guarantee a sustained relationship between people and their claimed spaces. At the same time, the example of the Golan, argues Ó Cuinn, demonstrates that "socio-economic rights are central to bringing landscape into the penumbra of international law".

Violation of human rights of a population that is under military occupation is a manifested expression of power imbalances. Our discussion on landscape and human rights nonetheless, extends the realms of the obvious political context where abuses are correlated with blatant oppression of weaker parties. The example comparing hunting landscapes in Portugal and Denmark offers another perspective to the discourse on landscape and human rights. It presents matters regarding inclusions and exclusions in one type of an evident landscape-related custom: hunting. The chapter is the result of interdisciplinary collaboration between anthropologist Júlia Carolino, countryside planner Jørgen Primdahl, landscape ecologist Teresa Pinto-Correia, and landscape manager Mikkel Bojesen. This cooperation in itself is exemplary of the diversity of perspectives converging in the topic of landscape and rights. Hunting landscapes embody a rich narrative – they are places of ecological diversity and wildlife habitats, economic value and settings for social interactions and cultural expression. Legal rights to hunt suggest power relations that in turn shape the hunting landscape. The comparative analysis of Denmark and Portugal offers an understanding of the unquestionable impact of legislation on landscape in each of those settings.

In a different context, landscape architect Susan Herrington writes about the impact of liability legislation on the designed play landscape infringing on children's right to healthy development. Herrington looks at the progression of the idea of children's rights, in particular a moral right to grow up healthy.

Public playgrounds are environments that foster opportunities for healthy psychological and physical development of a child. Herrington reviews the record of children's playgrounds in North America during a century, and expresses her concern for today's children's basic right to develop. A century after landscape architects introduced play equipment to public spaces, authorities are removing play equipment "deemed dangerous or too litigious" at an alarming scale. Prevailing cultures of parental anxiety in wealthy societies coupled with public agencies' fear of litigation limit these opportunities in the landscape. Herrington's challenging of the existing situation is a pertinent example of the type of contribution to children's wellbeing that can be achieved via the framing of this phenomenon within a right to landscape discourse.

The four chapters in this section highlight the diverse nature of the topic and the almost open-ended discussions that can take place. At the same time it also illustrates how the ethical question of the right to landscape, whether latent or blatant, is at the core of any attempt to understand landscape. In presenting this discussion, we argue that to consider landscape otherwise – as if it were an objective artefact – overlooks the proactive possibilities for social change that are embodied in this approach.

One arena where landscape is more commonly accepted to possess intangible qualities is that of indigenous people. Part III focuses mainly on indigenous people's intricate relationship with their environment.

Part III: Land, Landscape, Identity

In his discussion of the "right" to landscape, Kenneth Olwig emphasised the significance of the word "*land*" in *landscape* according to the way it is interpreted – whether it is land as in "property" or as in a place shaped by people. The case studies in this part address the profound meaning that engagement with landscape embodies. This is apparent in particular in indigenous people's relationship with their physical environment. The stories exemplify how landscape is read not only as a place moulded by the people but also as a concept that is quintessential to these people's identity.

Designer and landscape architect Gini Lee's account of re-making Australian landscapes through working closely with the aboriginal community illustrates how the prevailing Western model of design is irrelevant in such a context. Lee maintains that to do justice to communities and effect change it is necessary for the designer to negotiate with the people themselves and become familiar with concepts foreign to outsiders. One key concept that is challenging to non-indigenous professionals is that of *country*. Country is an incredibly evocative and powerful term that can explain the Aborigine culture's specific cosmology; it can perhaps be best described as the personification of landscape making it into a "real" relationship as we in the West would understand a bond between humans. To that extent appropriateness of landscape becomes

a measure for wellbeing. Lee proposes that for the discourse of rights to induce change it “needs to simultaneously embrace both symbolic meaning and enduring action upon the mediating ground”; she then asserts that “it’s a lot to ask of the landscape”. We, however, have suggested that the elasticity of the term landscape contains exactly these possibilities. An acknowledgment of the centrality of landscape to wellbeing stresses the merit of exploring the right to landscape in the context of human rights.

The need to think of landscape in a different light is reinforced in Jillian Walliss’ account of another Australian landscape, the iconic Uluru-Kata Tjuta National Park. The park, formerly known as Ayers Rock National Park, was handed back to the traditional owners, the Anangu people, in 1985. Walliss highlights the problematic nature of the result of the hand-back mirrored in a significant decline in the health and wellbeing of the people. She suggests that it is the conflation of the concepts of land and landscape by the policy makers that is the core of this predicament. The attempt to reconstruct the park into an Aboriginal cultural landscape for tourists reflects a simplistic and superficial understanding of landscape meaning. An interpretation centre that was believed would offer “meaningful cultural exchange” was based on Western models. Policy makers’ assumptions, however, ignored the notion that landscape meaning is too “thick” and multilayered to control; how people actually perceive landscape cannot be dictated from above. Walliss’ critique adds force to the idea that a right to landscape is not synonymous with land rights and it is necessary to think about landscape in deeper terms.

Landscape architect Diane Menzies and law academic Jacinta Ruru equally argue that a right to land is not the same as a right to landscape. For Māori, the indigenous people of Aotearoa New Zealand, “landscape is who they are and what shapes their identity”. The values of the *Tanga Te Whenua* – the people of the land – are profoundly laced with landscape. The Treaty of Waitangi, a treaty signed between the British Crown and Māori chiefs in 1840, is the founding document of Aotearoa New Zealand as a nation. Disputes over interpretations of the colonised people’s rights as expressed in this document are ongoing, but the Treaty and a current Resource Management Act provide a platform for Māori to litigate concerns over landscape. Recognition of this special relationship Māori have with landscape exemplifies a degree of enlightenment; nonetheless there are still limitations. While acknowledgment of the foundational role that landscape plays in Māori culture has in some cases yielded favourable court rulings, domestic legislation does not define protection of Māori special relationships to landscape as absolute rights and Māori needs are not always prioritised. Ruru and Menzies therefore see a need for the development of an international framework for a right to landscape in order to provide more avenues for Māori to claim their rights.

The major role that landscape plays for identity and “nativeness” is also the theme underpinning Shelley Egoz’s account of rootedness in the landscape. Through a comparison of the work of two artists, Israeli Yithak Danziger and Palestinian Hannah Farah-Kufr Bir’im, the essence of landscape as a personal

and national identity-builder is portrayed. Landscape, in both cases, is the major motif that mutually represents collective ideologies and personal yearnings. While Danziger used landscape to root himself in an abstract ideal, for Farah, whose father was uprooted from Kufr Bi'rim during the 1948 war, re-rooting occurs through landscape as the foundation and solid base that allows him to grow in a new direction. The point to be made is that landscape is fundamental to human existence, identity, dignity and wellbeing at various levels, thus it is argued that a human right to landscape is not a peripheral proposition.

The pervasiveness of landscape in the being of indigenous people in particular is what makes the indigenous perspective pivotal to the discussion on the right to landscape. While Kenneth Olwig argues in this volume that "the issue of the right rights to the right landscape is, however, much broader than the issue of native peoples, for in a certain sense we are all to some degree native peoples" the discourse on indigenous people and landscape forms nonetheless an introduction to the variety of contexts in which a right to landscape is relevant as well. It thus facilitates bringing this idea forward.

Part IV offers further aspects of contestation embodied in how landscape is perceived and acted upon. These case studies remind us that a concept of the right to landscape is challenging and open to more debate.

Part IV: Competing Landscape Narratives

Landscape architect and urbanist Gareth Doherty tackles issues of exclusion in Bahrain where the Shiite majority is suppressed. Bahrain is a pronounced case that represents a similar prevailing situation throughout the Gulf States. Doherty offers his own experience through vignettes of three landscape types: coastal, road and parks which are implicitly "exclusive". He then describes some of the counter practices by the suppressed Shiite majority to vent their frustrations and express their identity, albeit through the exercise of traditional practices: Graffiti and Ashura, the former a universal means for expression for the marginalised – whether economically because of ethnicity or religion and the latter a religious ritual. For Gareth Doherty the polyvocality of the Baharainian landscape exemplifies that landscape should not be seen as one monolithic entity; he thus challenges the proposition that one can apply a universal principle to any landscape.

Nonetheless, we argue here that a universal principle, similar to the notion of human rights, should not be confused with a "one size fits all" approach. The polyvocality of landscape is no excuse for revoking the proposition of a universal principle. As Kenneth Olwig suggests in this volume:

The *right* right to landscape is ... the right to a diversity of landscapes, not just to the landscape of property's uniform space, but also the use right to a common landscape shared by a variety of individuals and communities, human and natural.

Landscape is a powerful medium that can evoke and retain memory. Landscape can also become a mode of resistance, a form of “a defiant garden” as Kenneth Helphand (2006) has articulated the idea of garden as the epitome of human resilience. Landscape architect Ziva Kolodney and architect Rachel Kallus view landscape production as a channel through which rights can be claimed. They portray the dialectic tension between the narratives of the “small” and the “big” landscape by telling the story of two gardens in the downtown of the city of Haifa, Israel. The “big” one is an official design of a public space and the “small” – a spontaneous design and individual construction of one person’s garden. Both landscapes embody in different ways the memory of place: the Haifa homes from which Palestinians were displaced as the consequence of war and the establishment of the State of Israel in 1948. In a design critique of the contemporary cityscape Kolodney and Kallus claim that it is the “small” landscape of the personal garden that possesses the “ability to challenge hegemonic power and stand against official efforts to shape memory [which] implies a fundamental right to it”.

Whereas Kolodney and Kallus look at “the interplay between hegemonic and personal landscape production as a narrative of memory and amnesia”, dilemmas of a right to remember or forget are discussed by landscape architects Shannon Davis and Jacky Bowring in their account of memoryscapes. They focus on memorials to genocide in Cambodia and Rwanda. Such memoryscapes are crucial in representing one of humanity’s most repugnant atrocities and violation of human rights and the memorials’ mission is to act as warnings for “never again”. In both cases the sites of memorial contain shocking evidence that service political agendas and cater to the economics of Western tourism. At the same time, argue Davis and Bowring, “the rights of survivors may be best represented by very different landscape expression, one which does not see them constantly have to confront the tragic events of genocide, and perhaps one which even allows them to forget”.

The omnipresence of such difficult dilemmas on the right to landscape put across the urgency of the discussion in particular within the context of contemporary paradigms of neoliberalism that tend to push away the weaker parties in favour of economic interests. Jala Makhzoumi of Lebanon describes the struggle to uphold public right under neoliberalism and a State that fails to protect the right of the Lebanese public, reduce inequalities and sustain collective rights to resources and landscape. Conceived by international real estate holdings to benefit investors with little regard to the human, cultural and natural context, neoliberal driven large-scale development threatens Lebanon’s scenic countryside. In her chapter Makhzoumi explores the potential role of landscape in discursing public rights considering that the Arabic translation lacks the complexity and layered meaning of the English “landscape”. Accepting the validity of visual meaning of landscape as scenery is, she argues, nonetheless a potent medium for contesting public rights because scenery of mountains and sea are admired and valued by all and because they are integral to Lebanese national identity. While the author had

herself in the past advocated that the prevailing meaning of landscape as scenery limits the professional and academic potential of “landscape”, here she discovers that in fact landscape scenery is politically empowering and more likely to spearhead the discourse of public rights in Lebanon.

The potential of landscape to empower is further elaborated on in the final section of the book, where aspects of resilience, recovery and reconciliation set within the concept of landscape are presented.

Part V: Reconfigurations, Recoveries and Visions

We conclude this volume with four examples that illustrate the centrality of landscape to human vitality and its potential to facilitate recovery.

Anthropologist Munira Khayyat and architect Rabih Shibli describe the resilience of landscape and villagers in the war zone of Southern Lebanon. The nature of the 2006 war between the Israeli army and the Hizbulla guerrilla organisation can be described as “a war on the landscape”. In addition to over two decades of ongoing hostilities that had led to extreme abuses of the landscape such as soil erosion and desertification, to this war there was an extra dimension: the 3 million cluster bombs scattered over the landscape in the 24 hours before ceasefire, many of which remained unexploded. These concealed weapons are everywhere, turning the landscape into a place of death but at the same time, the landscape is also the locus of endurance: “a refuge and resource and a place of recurrent danger and death”. Despite the immense suffering and risk to their life the villagers demonstrate steadfastness by continuing to work the land. This tenacity is a statement of claiming their right to landscape. Khayyat and Shibli’s account has ramifications beyond offering descriptive information. Conceptualising the hardships of people in a war torn zone within the landscape context is significant as it holds opportunities to address reconstruction and recovery from a landscape perspective as has been shown by landscape architect Jala Makhzoumi in her design work (2010).

The potential of this mindset to offer the fresh thinking that is required to instigate change and contribute to wellbeing in extreme situations is also illustrated through landscape architect’s Denise Hoffman-Brandt’s visionary project “Relief Organism: A Proposal for Sustaining Human Rights through Spatial Practices in Refugee Settlement”. Her reconfiguration of refugee encampment in Kenya is a pertinent model of the type of innovative thinking needed to address human rights within a landscape context. Hoffman-Brandt analyses the current state of refugee camps in north-eastern Kenya that were “initiated as an emergency response yet often inhabited for indefinite time spans – [but] replace the violence of the home territory with dystopia”. She brings forward the concept of “Relief Organism” as an ecological planning alternative. Using the landscape and its ecology as infrastructure, Hoffman-Brandt highlights the opportunity for capacity building among the residents.

Her thinking is underpinned by a paradigm shift in the way in which relief and humanitarian aid are distributed: moving from a managerial perspective to context-specific design principles that generate an integrated system that supports subsistence, society and culture as a whole.

More visionary thinking about what landscape has to offer to human wellbeing is presented by Swiss architect and urbanist Anna Grichting. Grichting highlights the role that grassroots action through landscape can play towards reconciliation. She discusses the right to landscape as embodied in peace parks, or more specifically the potential of Boundariescapes in conflict areas to become the loci for sustainable reconciliation through ecological planning and grassroots' environmental activism. Her case study is the Greenline Buffer Zone of Cyprus where she suggests that: "the Right to Landscape can be invoked to legally recognise this landscape as unique collective territory, as a symbolic landscape to commemorate the victims and reconcile past division".

Grassroots activism is also the tool envisioned in the concluding chapter of this volume. Gloria Pungetti and landscape architect Thomas Oles illustrate the potential of the "Right to Landscape" concept to support people's wellbeing in another arena where human rights are threatened today: illegal actions against the environment. The chapter introduces the notion of "landscape crime", as distinct from the more general "environmental crime", to denote actions that not only damage natural systems, but also undermine more elusive, yet equally important, relationships between people and the places they inhabit. They offer examples of contemporary landscape crimes in a number of countries, and argue that the traditional knowledge embedded in cultural and sacred landscapes is one powerful way to mobilise local communities to combat such crimes through grassroots and political action.

Conclusion

The contributors to this volume explore a wide range of topics that include urban, spiritual, legal, environmental, political, and art related themes. The authors draw on their respective disciplines, be it landscape architecture, landscape ecology, architecture, anthropology, history, geography, law and political science. They employ their academic and professional experience to offer alternative intellectual premises for their arguments. The range and diversity of contributions therefore reflect the versatility of the right to landscape concept as a medium for discoursing human rights. This is partly the result of the complementarity that exists between landscape and human rights. The discourses of both concepts entail similar issues of competing demands over land and natural resources and equally tensions and contestation over identities and politics. More so it is landscape's "discursive elasticity that allows it to expand temporally, to include past, present and extend into the future; spatially, to embrace the continuity



1.2 Conceptual diagram: The comprehensive nature of the right to landscape

from local to region; and programmatically to include people and place” (Makhzoumi, 2010: 129).

The potential of landscape in progressing human rights lies in its conceptualisation as the integration of tangible spatio-physical elements and resources and intangible socio-economic and cultural values. Landscape therefore contextualises the universal by anchoring the concept of human rights in spatial and socio-cultural specificities, thus serving as an inclusive framework for negotiating the rights of local communities and the marginalised, just as it serves as a medium for securing physical and spiritual wellbeing. The diagram in Figure 1.2 illustrates this relationship.

All in all, this volume represents the seeds, some ideas, and just as many challenges. One such challenge is to identify assessment tools, guidelines and methodologies, which often lag behind as landscape researchers and professionals advance new concepts and unfold innovative interdisciplinary frontiers. Another challenge lies in avoiding professional territoriality by providing a platform for interdisciplinary collaboration. The universality of the right to landscape concept, however, is likely to serve as an umbrella equally for intellectual dialogue and practical resolutions to secure health, wellbeing and human dignity. The right to landscape, contesting landscape and human rights, we suggest, offers the new theoretical lens to confront the twenty-first-century challenges that impede on social justice.

Notes

- 1 For more on the editors' key work upon which the right to landscape initiative has built, see: Egoz, 2008; Egoz and Merhav, 2009; Egoz and Williams, 2010; Chmeitilly et al., 2009; Jongman and Pungetti, 2004; Makhzoumi and Pungetti, 1999; Makhzoumi, 2009a, 2009b, 2010 and 2012; Pungetti et al., 2012.
- 2 An understanding of the significance of the ordinary landscape began with the humanistic school of cultural geography post World War II (thinkers such as J.B. Jackson, Yi-Fu Tuan and Donald Meinig). One can ascribe this scholarly body of work as the theoretical precursor for the ELC's new approach to landscape.
- 3 Cosgrove viewed the landscape idea as a form of consciousness and presented this within a Marxist perspective that humans' social being determines their consciousness.
- 4 Although, the perception of landscape as scenery, should not be overlooked as it may too have a role in the claim for communities' rights to landscape as shown by Jala Makhzoumi in her chapter on neoliberal values in Lebanon in this volume.

References

- Bell, L.S., Nathan, A.J. and Peleg, I. (eds) (2001), *Negotiating Culture and Human Rights* (New York: Columbia University Press).
- Bender, B. (ed.) (1995), *Landscape Politics and Perspectives* (Oxford: Berg).
- Bender, B. and Winer, M. (eds) (2001), *Contested Landscapes, Movement, Exile and Place* (Oxford: Berg).
- CCLP, (2010a), <http://www.cclp.group.cam.ac.uk/cclp_goals.html> Accessed 22 November 2010.
- CCLP, (2010b), <<http://www.cclp.group.cam.ac.uk/RtL.html>> Accessed 22 November 2010.
- Chmeitilly, H., Talhouk, S. and Makhzoumi, J. (2009), "Landscape Approach to the Conservation of Floral Diversity in Mediterranean Urban Coastal Landscapes: Beirut Seafront". *International Journal of Environmental Studies* 66:2, 167–77.
- Cosgrove, D. (1984), *Social Formation and Symbolic landscape* (London: Croom Helm).
- Cowan J.K., Dembour M.B. and Wilson R.A. (eds) (2001), *Culture and Rights; Anthropological Perspectives* (Cambridge: Cambridge University Press).
- Duncan, J. (1990), *The City as Text: The Politics of Landscape Interpretation in the Kandyan Kingdom* (New York: Cambridge University Press).
- Egoz, S. (2008), "Deconstructing the Hegemony of Nationalist Narratives Through Landscape Architecture", *Landscape Research*, 33:10, 29–50.
- Egoz, S. (2010), "The European Landscape Convention: A Close View from a Distance" Key Address in Proceedings of The Council of Europe (CoE) 8th International Workshop for the Implementation of the European Landscape Convention. *European Spatial Planning and Landscape*, No. 93, 25–31 (Strasbourg: Council of Europe Publishing).

- Egoz, S. and Merhav, R. (2009), "Ruins, Archaeology and the Other in the Landscape, the case of Zippori National Park", Israel, *JoLA* 8, 56–69.
- Egoz, S. and Williams, T. (2010), "Co-existent Landscapes: Military Integration and Civilian Fragmentation" in Pearson, C., Coates, P. and Cole, P. (eds) *Militarized Landscapes, from Gettysburg to Salisbury Plain* (London: Continuum Books), 59–79.
- Erhard, M. (2010), Climate Change and Landscape in proceedings of The Council of Europe (CoE) 8th International Workshop for the implementation of the European Landscape Convention. *European Spatial Planning and Landscape*, No. 93, 35–7 (Strasbourg: Council of Europe Publishing).
- Helphand, K.I. (2006), *Defiant Gardens, Making Gardens in Wartime* (San Antonio: Trinity University Press).
- IALE, (1998), Bulletin 16, 1 <ftp://ftp.wsl.ch/pub/kienast/iale/bulletin16_1.pdf> Accessed 31 July 2010.
- Jones, M. and Stenseke, M. (eds) (2011), *The European Landscape Convention: Challenges of Participation* (Dordrecht: Springer).
- Jongman, R.H.G. and Pungetti, G. (eds) (2004), *Ecological Networks and Greenways: Concept, Design, Implementation* (Cambridge: Cambridge University Press).
- Makhzoumi, J. (2009a), "Landscape Architecture, Globalization and Post-War Recovery", *Landscape Review* 13:1, 3–17.
- Makhzoumi, J. (2009b), "Unfolding Landscape in a Lebanese Village: Rural Heritage in a Globalizing World", *International Journal of Heritage Studies* 15:4, 317–37.
- Makhzoumi, J. (2010), "Marginal Landscapes, Marginalized Rural Communities: Sustainable Postwar Recovery in Southern Lebanon" in H.A.I. Harithy (ed.) *Lessons in Postwar Reconstruction: Case Studies from Lebanon in the Aftermath of the 2006 War* (London: Routledge), 127–57.
- Makhzoumi, J. (2011), "Is Rural Heritage Relevant in an Urbanizing Mashreq? Exploring the Discourse of Landscape Heritage" in Lebanon in I. Maffi and R. Daher (eds) *Practices of Patrimonialization in the Arab World: Positioning the Material Past in Contemporary Societies* (London: I.B. Tauris) (in progress).
- Makhzoumi, J. and Pungetti, G. (1999), *Ecological Landscape Design and Planning: The Mediterranean Context* (London: E&FN Spon).
- Meinig, D. (ed.) (1976), *The Interpretation of Ordinary Landscapes: Geographical Essays*, (New York: Oxford University Press).
- Mitchell, D. (2000), *Cultural Geography: A Critical Introduction* (Oxford: Blackwell).
- Mitchell, W.J.T. (ed.) (1994), *Landscape and Power* (Chicago: The University of Chicago Press).
- Olwig, K.R. (2000), "Historical Aspects Multifunctionality in Landscapes: Opposing Views of Landscape" in Brant, J., Tress, B. and Tress, G. (eds) *Multifunctional Landscapes: Interdisciplinary Approaches to Landscape Research and Management* (Roskilde: Centre for Landscape Research), 133–46.
- Olwig, K.R. (2002), *Landscape, Nature and the Body Politic: From Britain's Renaissance to America's New World* (Madison: The University of Wisconsin Press).
- Olwig, K.R. (2007), "The Practice of Landscape 'Conventions' and the Just Landscape: The Case of the European Landscape Convention", *Landscape Research* 32:5, 579–94.

Olwig, K.R. and Mitchell, D. (eds) (2009), *Justice, Power and the Political Landscape* (Oxon: Routledge).

Peil, T. and Jones, M. (eds) (2005), *Landscape, Law and Justice* (Oslo: Novus forlag/ Institute for Comparative Research in Human Culture).

Pungetti, G., Oviedo, G. and Hooke, D. (eds) (2012), *Sacred Species and Sites* (Cambridge: Cambridge University Press) (in press).

Pungetti, G. (1999), "A Holistic Approach to Landscape Research in the Mediterranean" in J. Makhzoumi and G. Pungetti *Ecological Landscape Design and Planning: The Mediterranean Context* (London: E&FN Spon), 34–43.

Tilley, C. (2006), "Introduction: Identity, Place, Landscape and Heritage", *Journal of Material Culture* 11, No. 1/2, 7–32.

Tuan, Yi-Fu (1974), *Topophilia: A Study of Environmental Perception, Attitudes and Values* (New Jersey: Prentice Hall).

UNESCO, (2005), *Operational Guidelines for the Implementation of the World Heritage Convention*. UNESCO World Heritage Centre. Paris, 83.

Williams, R. (1973), *The Country and the City* (London: The Hogarth Press).