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PRELIMINARY STUDY ON THE TECHNICAL AND LEGAL ASPECTS RELATING TO THE DESIRABILITY OF A NEW INTERNATIONAL STANDARD-SETTING INSTRUMENT ON LANDSCAPE

SUMMARY

Following the Resolution by the 47th World Congress of the International Federation of Landscape Architects (IFLA) in 2010 and its "Proposal to further enhance the recognition and conservation of landscapes globally (Global Landscape Convention)", the Director-General organized a small international "Expert Meeting on the feasibility of an International Landscape Convention" at UNESCO Headquarters on 25 and 26 October 2010. On the basis of the deliberations of the expert meeting, and in accordance with Article 3 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Director-General submits to the Executive Board a preliminary study on the advisability of adopting a new international standard-setting instrument on landscape, so as to enable the Executive Board, at its 186th session, to provide its observations and decisions thereon and to decide whether this matter should be included in the provisional agenda for the 36th session of the General Conference.

Any financial and administrative implications related to the present document will be borne in the framework of document 36 C/5 Approved and complemented by additional extrabudgetary resources as appropriate.

Action expected of the Executive Board: proposed decision in paragraph 27.

I. INTRODUCTION

1. During the last decades of the 20th century new dynamics and large-scale processes of economic, social and cultural change have generated new challenges in landscape protection, management and development. Appropriate instruments at a global level are needed to address many of the challenges faced by landscape environments which contribute to the enrichment of cultural identities. The continuing destruction of landscapes and the lack of adequate policies and guidance create irreversible damages.

2. While some aspects of landscape have been integrated in charters and declarations adopted by non-governmental organizations or in conventions adopted under the auspices of regional organizations, not a single global instrument expressly devoted to landscape exists at present. There appears to be a compelling need for a universal standard-setting instrument, indicating principles and norms on the management and enhancement of landscape in a consistent and coherent manner. A new normative instrument would both complement and reinforce the existing conventions, recommendations and charters and strengthen UNESCO's role as the United Nations lead agency in the field of culture, and the principle organization dealing with landscape issues at a global scale.

3. Following the resolution by the International Federation of Landscape Architects in 2010 (Annex), the Director-General organized an international "Expert Meeting on the feasibility of an International Landscape Convention" at UNESCO Headquarters on 25 and 26 October 2010. On the basis of the deliberations of the expert meeting, the present preliminary study was prepared. It examines the technical and legal aspects of the advisability of an international standard-setting instrument on landscape, so as to enable the Executive Board, at its 186th session, to provide its observations and decisions thereon and to decide whether this matter should be included in the provisional agenda for the 36th session of the General Conference.

II. THE EXISTING UNESCO LEGAL FRAMEWORK AND ANTECEDENT ACTIVITIES IN THE FIELD OF LANDSCAPE

4. UNESCO has adopted a number of legal instruments, including conventions, recommendations and declarations, which set forth the principles and norms concerning landscape. These are in particular:

- Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites (1962);
- Convention concerning the Protection of World Cultural and Natural Heritage (1972) (hereafter "the World Heritage Convention");
- Recommendation concerning the protection, at National Level, of the Cultural and Natural Heritage (1972).

5. The Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, adopted by the General Conference of UNESCO in December 1962, emphasized the scientific and aesthetic importance of cultural and natural landscapes and sites. It underlined the principle that landscape forms a heritage with a key influence on the life of communities. The recommendation considered landscape conservation a matter of public policy. At the time, landscape was often seen as static and, thus, expected to be conserved and restored as if it were a monument, to which a "special protection should be accorded" (Article 5).

6. Other bodies have adopted the following legal instruments, conventions, declarations and charters which cover parts of landscapes or specific areas:

- 1982 ICOMOS-IFLA International Charter for Historic Gardens (Florence Charter);
- 1987 ICOMOS Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter);
- 2000 European Landscape Convention;
- 2005 Xi'an Declaration on the conservation of the Setting of Heritage Structures, Sites and Areas (ICOMOS);
- 2005 Declaration on the conservation of Historic Urban Landscapes (15th General Assembly of States Parties to the World Heritage Convention, 2005).

7. Other United Nations agencies and bodies have adopted the following instruments in the environmental and biodiversity fields which may be relevant for landscape issues, but do not deal with landscapes as such:

- 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat (hereafter "Ramsar Convention on Wetlands");
- 1992 Convention on Biological Diversity;
- 2001 International Treaty on Plant Genetic Resources for Food and Agriculture.

8. Neither of these conventions nor any of the existing charters and declarations cover landscape protection, enhancement or development globally.

III. NEW CHALLENGES

9. New international challenges have emerged. They frequently cross national and regional boundaries, and require a global response to enable societies to be more sustainable, resilient and adaptive.

10. **Growing global change** can result in environmental and social degradation, threatening sustainability, biological and cultural diversity, ecological services and the socio-economic wellbeing of local populations and the landscapes on which they depend. Climate change, the depletion of natural resources, deforestation and tensions between globalization and local development are already creating problems in food production and the purchase of land and water. Efforts to ensure the economic viability of many forms of agriculture often result in threats to food and water supplies, security and health. The lack of protection of water supplies and community lands leads to demographic shifts. Migration and changing patterns of mobility and habitation are transforming many territories, contributing to the long-term loss of critical traditional and local knowledge that underpins the relationship between landscape, health, social patterns, economy and the quality of life. All of these factors have serious implications for future generations.

11. **Unsustainable economic development:** A fragmented and piecemeal approach to spatial planning and land-use change can lead to unsustainable and unsafe development, affecting urban growth, transportation infrastructure, large-scale energy and mining, development for tourism, agriculture, and reforestation. Ill-advised industrialization, urbanization, water management and infrastructure development, in conjunction with a lack of planning and assessment of their potential impacts and effects can be life threatening as demonstrated by the increasing number of natural disasters worldwide. In addition, the ecological, social and economic costs incurred are

considerable. A more integrated and strategic approach to the physical, cultural and social environment, and particularly the use of land and resources can improve the overall quality of life of communities. Establishing the landscape as a tool for planning sustainable development will help unlock greater value for people and the economy, in both present and future, creating sustainable and equitable environments for living and working.

12. **Valuing the quality of life:** There is a tangible recognition that the physical, cultural and social condition of our environment has a profound effect on the quality of life and is a key component of robust economic growth. Attractive quality environments have a positive effect on people's morale, confidence and self-worth, whereas dreary, unkempt, dysfunctional places can make people feel unvalued and resentful. A new approach will help capture and support the extraordinary but fragile renaissance that is taking place in many parts of the world, as more societies, governments and investors are beginning to appreciate the true value and complexity of the landscape.

13. **Governance:** Several substantive institutional and financial challenges arise as a result of the global economic crises and the increasing complexity of governance. There is a lack of capacity for area-orientated collaboration on a scale necessary for addressing major, regional or local spatial issues with potential significant economic and social costs and benefits. Responsibility for the landscape is often disaggregated into constituent parts and across several departments (such as economics, planning, transport, recreation, agriculture, heritage and conservation). An integrated approach would require new ways of working between institutions, sectors and across government departments. By considering the landscape as the base layer against which future decisions about development processes are made, community and civil societies, landowners, land managers and developers are increasingly recognizing the considerable financial benefit to be gained through enduring, resilient interventions and healthy communities. This framework would provide a mechanism to facilitate government and community participation across and between local, regional and national levels to engage and deliver robust socio-economic spatial development.

IV. THE NEED FOR A NEW STANDARD-SETTING INSTRUMENT

Background activities

14. UNESCO was the first United Nations agency to deal with landscape at a global scale through its 1962 Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, which complemented other measures for the protection of nature. The 1972 Convention concerning the Protection of World Cultural and Natural Heritage and the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage covered both types of heritage, but not landscape per se. However, the World Heritage Committee at its 16th session (1992) adopted "cultural landscape categories" which were integrated in the Operational Guidelines for the Implementation of the World Heritage Convention (Decision XIII, 2.2). In this way, UNESCO gained valuable experiences with the identification, protection and management of cultural landscapes of outstanding universal value.

15. UNESCO has also adopted legal instruments in the field of culture, which in some cases relate to landscape issues. The 2003 Convention on the Safeguarding of the Intangible Cultural Heritage, includes as one of its domains "knowledge and practices concerning nature and the universe". A few of the World Heritage cultural landscapes protected under the 1972 World Heritage Convention are also included in the urgent safeguarding list of the 2003 Convention such as the "Traditions and practices associated to the Kayas in the sacred forests of the Mijikenda" (Kenya). Cooperation between UNESCO's conventions in the field of culture and the Convention on Biological Diversity (1992) has been enhanced, including through the recent Declaration on Bio-cultural diversity" (Montreal, June 2010).

16. Regarding the field of nature protection ecological research and sustainable development, in addition to the 1972 World Heritage Convention, the UNESCO Man and the Biosphere (MAB) Programme, which was created in 1971, acquired experience with large scale designated Biosphere Reserves, at the ecosystem and landscape level. Biosphere Reserves focus on local community involvement and sustainable development. UNESCO is also represented in the working group of the six international conventions related to biodiversity: the Convention on Biological Diversity (1992), the Convention on Conservation of Migratory Species (1975), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1975), the International Treaty on Plant Genetic Resources for Food and Agriculture (2004), the Ramsar Convention on Wetlands (1971) and the World Heritage Convention (1972). The Organization also maintains close working links with the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD), (1994). Some of these relate to specific aspects of landscape, such as the sustainable use of plant genetic resources for food and agriculture, sustainable management of drylands, and wetland landscapes.

17. Further experiences were gained at the regional level through the adoption of charters as well as the European Landscape Convention (2000). UNESCO cooperated with the Council of Europe and participated in workshops such as those organized on the occasion of the 10th anniversary of the European Landscape Convention (Florence, Italy 2010).

Rationale, objectives, and basic principles of a new instrument

18. The expert meeting (UNESCO Headquarters, October 2010) reviewed standard-setting instruments concerning biodiversity, agriculture and land-related conservation: the participants noted that there is no universal convention dealing with a holistic approach to landscape, but only a number of separate declarations, recommendations and treaties that address specific elements of landscape; the expert meeting concluded that there is an urgent need for international collaboration and joint efforts to spatial and territorial development due to the increasing intensity and frequency of global threats not only to landscapes but human life across national boundaries.

19. An international instrument could act as a catalyst for an approach based on guiding principles for sustainable development. It could also encourage intergovernmental, transnational, public-private cooperation through specific tools which could be developed and shared in its practical implementation. Furthermore, such an instrument would raise aspirations; and could support the trend emerging from communities and organizations around the world regarding greater concern for the health and sustainability of their landscapes.

20. The objectives of the proposed new standard-setting instrument are developing and strengthening common networks for research, sharing good practices through international exchanges of knowledge, and understanding and documenting landscape diversity at a global level. It would offer an integrated approach and a comprehensive and holistic system of tools that enable societies to be more sustainable, resilient, and adaptive. Tools can be international, regional, national and local; measures to protect, enhance and manage must be flexible and be adapted to each situation. This convention would recognize new integrated, interdisciplinary and cross-sectoral approaches as well as traditional customary management systems. It would also reinforce other conventions and existing legal instruments related to landscapes. Moreover, it could encourage an integrated approach to cultural and biological diversity and promotes sustainable development and quality of life.

21. The basic principles underlying the proposed new standard-setting instrument would be:

- Landscapes reflect the diversity of cultures, and are fragile ecosystems that constitute the basis of human life, and inspire the people that inherit and inhabit them.

- Landscapes are a determining factor for cultural identity, formation and consolidation. They are a shared resource for all human beings including past, present and future generations who deserve a right to landscape and share responsibility for its care.
- Landscapes have a fragile and changing nature, and continue to evolve over time.
- Interconnectivity across territories and regions makes it important to encourage collective regional and transboundary approaches and cooperation among nations in joint programming and intergovernmental and cross-sector collaboration.
- It is important to recognize and support the relationship between the quality of life and the quality of the environment in which people live and work.

Nature and scope of the proposed new standard-setting instrument

22. The proposed new standard-setting instrument should be a convention, legally binding and universal in nature and to allow for flexibility and recognition of regional agreements and national adaptation.

23. For the purpose of the proposed convention, landscape could be defined as an area on the earth's surface which is the result of natural and human factors and their interaction over time, both tangible and intangible. Perceived by people, landscape therefore reflects the diversity of cultures.

24. Such a convention would allow for flexibility in the local, national and regional approaches and annexes could be prepared to reflect the specific situation in different regions.

V. PROPOSED WORKING METHOD AND TIMETABLE

25. In accordance with the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Executive Board is invited to provide its comments to the General Conference at its 36th session (2011). The Executive Board is thus called upon to decide whether or not to recommend to the General Conference at its 36th session that a new standard-setting instrument in the form of an International Landscape Convention should be prepared and that the General Conference should instruct the Director-General to prepare a report setting forth the position with regard to the problem to be regulated and to the scope of the regulation action proposed, accompanied by a draft text of the proposed Convention, for possible adoption at its 37th session (2013), in accordance with the aforementioned Rules of Procedure.

26. Should the Executive Board decide to include the question in the provisional agenda of the General Conference at its 36th session, the Director-General will, in accordance with the aforementioned Rules of Procedure, communicate to Member States a copy of the preliminary study and the Executive Board's observations and decisions thereon at least 70 days before the opening of the 36th session of the General Conference.

VI. CONCLUSIONS

27. Based on the present preliminary study, the Director-General considers that the best way of protecting and enhancing landscapes globally would be to continue the activities already carried out by the Organization through the 1962 Recommendation on the Beauty and Character of Landscapes and Sites and the 1972 World Heritage Convention concerning cultural landscapes of outstanding universal value, while proceeding with the preparation of a new standard-setting instrument on landscape. Bearing the above considerations in mind, the Executive Board may wish to adopt a decision as follows:

The Executive Board,

1. Considering the resolution adopted by the International Federation of Landscape Architects (IFLA) at its 47th World Congress (Suzhou, China, 2010) calling upon the Director-General of UNESCO to review the feasibility of a new standard-setting instrument, a “world landscape convention”,
2. Having examined the preliminary study on the technical and legal aspects of a new standard-setting instrument on landscape (186 EX/21),
3. Decides to include the examination of this matter in the provisional agenda of the 36th session of the General Conference under the heading “International regulation of landscapes by means of a new standard-setting instrument”;
4. Invites the Director-General to submit to the General Conference the above-mentioned preliminary study together with the relevant observations of the Executive Board;
5. Recommends that the General Conference take a decision to continue action aimed at advancing the international regulation of landscapes by means of a new standard-setting instrument.

ANNEX

RESOLUTION

IFLA 47TH WORLD CONGRESS, SUZHOU, CHINA FROM 28-30 MAY 2010

Proposal to further enhance the recognition and conservation of landscapes globally
(Global Landscape Convention)

The 47th IFLA World Congress representing the landscape architectural profession globally:

Noting that landscape is globally subject to rapidly changing environmental, social and economic conditions,

Considering that the protection, conservation, creation, regeneration and management of landscapes at the national, regional and local level requires considerable resources and support,

Recalling that IFLA represents the landscape architectural profession globally, providing leadership and networks supporting the development of the profession and its effective participation in the realization of memorable, equitable and sustainable environments,

Considering that the existing international conventions, recommendations and resolutions concerning landscape and heritage demonstrate the importance for all the peoples of the world, of the enhancement, safeguarding and conservation of landscapes globally,

Bearing in mind that, in view of the importance of landscapes worldwide for the survival of humanity, it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective framework on a permanent basis and in accordance with international professional standards,

Noting major efforts by agencies of the United Nations, the Council of Europe as well as increasing demand by civil society, associations and NGOs on the enhancement of landscapes and landscape settings and taking into account the leadership provided by UNESCO on the conservation of cultural landscapes and the preparation of a historic urban landscape recommendation,

Calls upon UNESCO's Director General to review the feasibility of a new standard-setting instrument, a "world landscape convention" taking into account provisions of the following instruments, recommendations and charters:

- 1962 UNESCO Recommendation on the Beauty and Character of Landscapes and Sites;
- 1964 International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter);
- 1968 UNESCO Recommendation concerning the Preservation of Cultural Property endangered by Public or Private works;
- 1972 UNESCO World Heritage Convention;
- 1976 UNESCO Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas;
- 1982 ICOMOS-IFLA International Charter for Historic Gardens (Florence Charter);

- 1987 ICOMOS Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter);
- 1996 HABITAT II Conference and Agenda 21 (Istanbul, Turkey);
- 2000 European Landscape Convention;
- 2005 Xi'an Declaration on the conservation of the setting of heritage structures, sites and areas (ICOMOS);
- 2005 Vienna Declaration on Historic Urban Landscapes and Declaration on the Conservation of Historic Urban Landscapes (2005 General Assembly of States Parties to the World Heritage Convention);

Emphasizes its readiness to cooperate with UNESCO in this initiative;

Requests the President of IFLA to report back to the 48th World Council Meeting in Zurich, Switzerland in 2011.