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The role of the region in the European Landscape Convention

Kara E. Dempsey^a and Stephanie M. Wilbrand^b

ABSTRACT

The role of the region in the European Landscape Convention. *Regional Studies*. In the year 2000, the Council of Europe approved the European Landscape Convention, the first international treaty exclusively dedicated to the protection, management and planning of landscape. This supranational agreement is signed at the national level, but encourages the principle of subsidiarity for the implementation at the regional or local level. However, the current structure of the treaty lacks strong incentives or sanctions for effective implementation at the regional level. Through a case study of Catalonia, this article demonstrates the value of regional actors in the multi-scalar treaty and argues for increased regional agency within the European Landscape Convention.

KEYWORDS

region; scale; Europe; Catalonia; landscape; subsidiarity

摘要

区域在欧洲地景公约中的角色。区域研究。2000年，欧洲委员会通过了欧洲地景公约，该公约是第一个专门致力于地景保育、管理与规划的国际协议。此一超国家协定是在国家的层级进行签署，但却鼓励补助区域或地方层级执行之原则。但该协议的当前结构，缺乏在区域层级有效推行的强大吸引力或支持。本文透过加泰罗尼亚的案例研究，显示区域行动者在多重层级协议中的价值，并倡议在欧洲地景协议中增加区域的能动性。

关键词

区域; 尺度; 欧洲; 加泰罗尼亚; 地景; 补助

RESUMEN

Le rôle de la région dans la Convention européenne du paysage. *Regional Studies*. En l'an 2000, le Conseil de l'Europe a ratifié la Convention européenne du paysage, le premier traité international consacré exclusivement à la protection, à la gestion et à l'aménagement du paysage. Cet accord supranational est signé au niveau national, mais encourage le principe de subsidiarité en faveur de sa mise en oeuvre sur le plan régional ou à l'échelle locale. Cependant, la structure actuelle du traité manque d'importantes incitations ou sanctions pour sa mise en oeuvre efficace sur le plan régional. À partir d'une étude de cas de la Catalogne, ce présent article démontre la valeur des acteurs régionaux dans le traité multi-niveaux et milite en faveur de plus d'entremise régionale au sein de la Convention européenne du paysage.

MOTS-CLÉS

région; échelle; Europe; Catalogne; paysage; subsidiarité

ZUSAMMENFASSUNG

Die Rolle der Region im Europäischen Landschaftsübereinkommen. *Regional Studies*. Im Jahr 2000 verabschiedete der Europarat das Europäische Landschaftsübereinkommen, das als erster internationaler Vertrag ausschließlich dem Schutz, der Pflege und der Planung der Landschaft gewidmet ist. Dieses supranationale Abkommen wird auf nationaler Ebene unterzeichnet, fördert aber zur Umsetzung auf regionaler oder kommunaler Ebene das Prinzip der Subsidiarität. Allerdings fehlt es in der derzeitigen Struktur des Vertrags an starken Anreizen oder Sanktionen für eine wirksame

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Umsetzung auf regionaler Ebene. Mithilfe einer Fallstudie aus Katalonien wird in diesem Beitrag der Nutzen von regionalen Akteuren für den multiskalaren Vertrag aufgezeigt und für einen erhöhten regionalen Handlungsspielraum innerhalb des Europäischen Landschaftsübereinkommens plädiert.

SCHLÜSSELWÖRTER

Region; Maßstab; Europa; Katalonien; Landschaft; Subsidiarität

RÉSUMÉ

El papel de la región en el Convenio Europeo del Paisaje. *Regional Studies*. En el año 2000, el Consejo de Europa aprobó el Convenio Europeo del Paisaje, siendo el primer tratado internacional exclusivamente dedicado a la protección, gestión y planificación del paisaje. Aunque este acuerdo supranacional está firmado a escala nacional, también estimula el principio de subsidiariedad para su aplicación a nivel regional o local. Sin embargo, la estructura actual del tratado carece de incentivos o sanciones fuertes para aplicarlo eficazmente a nivel regional. Mediante un estudio de caso de Cataluña, en este artículo demostramos el valor de los actores regionales en el tratado multiescalar y abogamos por un aumento de la capacidad de acción regional en el Convenio Europeo del Paisaje.

PALABRAS CLAVES

región; escala; Europa; Cataluña; paisaje; subsidiariedad

JEL N5, N54, N94, Q24

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INTRODUCTION

The role that landscape plays in European life is complex and multifaceted as it is both part of its physical environment and a fundamental part of the formation and consolidation of territorial identities. In a rapidly globalizing world, local identities rooted in a local landscape still exist throughout Europe. Catalanian nationalism, which is tied to the regional language, culture and landscape, is one such example. Focus on the European landscape is also part of a progressive increase in environmental awareness over the last 20 years, as industry and development have transformed the physiognomy of thousands of hectares in a very short period of time. Many within Europe believe they need to protect, manage and preserve the landscape that remains.

On 20 October 2000 in Florence, Italy, the Council of Europe (CoE) offered its members the opportunity to sign the European Landscape Convention (ELC). Representing the world's first international agreement dedicated to landscape protection, planning and management (Council of Europe (CoE), 2000a), the ELC considers landscape 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors' (Article 1) and 'applies to the entire territory of the Parties and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes' (CoE, 2000b, Chapter 1, Article 2). Recognizing the changing nature of human and environmental interactions, particularly in the face of climate change, the ELC intends that through cooperation of its member states it will 'manage future changes in a way which recognizes the great diversity and the quality of the landscapes that we inherit and which seeks to preserve, or

even enhance, that diversity and quality instead of allowing them to decline' (§42).

Despite the fact that the ELC began in 2000, debates regarding how members can successfully implement the convention continue. While the CoE acknowledges the necessity of its member states' cooperation for the successful realization of the ELC, regions are often tasked with the implementation of ELC policies. As one of the authors of the ELC explained in an interview, the general public should be included in ELC management decisions as well as implementation and the region is an effective level to facilitate this involvement.¹ Understanding the role of the region in the ELC is essential (Olwig, 2007). As part of a European-wide resurgence, regions are increasingly involved in contemporary European politics and economy (Paasi, 2009) and an investigation of regions provides an analytical lens with which to examine the processes of European integration and governance, especially with regards to the ELC. In the spirit of European integration that emphasizes democracy and empowerment of its citizens, regions provide an avenue through which European-wide treaties and institutions are more closely connected to its citizens. Using Catalonia as a case study, the article addresses the question of what role regions play in the implementation of the ELC.

The data for this analysis were obtained employing two methods: content analysis of articles and interviews. A content analysis of over 1000 articles and documents (in English, Spanish, German, French and Catalan) pertaining to the ELC, its history, implementation and subsequent European ELC legal documents or reports contributed to this investigation. These articles were obtained through a series of electronic and manual searches conducted in several university and state libraries focusing on articles that discuss the ELC and European landscape policy and

management. The authors employed Charmaz's (2006) grounded theory method with the aim of comprehending the ELC's foundations as well as cooperative strategies and challenges of implementing it across regional, national and supranational scales. This was complemented by data obtained during 30 in-depth structured interviews (Charmaz, 2006) with key experts and politicians who contributed to the creation or implementation of the ELC in Europe. The interviews (conducted in Catalan, English, French and German based on the respondent's preference) were based on a set of research questions, but respondents were invited to include additional observations or opinions.

THE ELC: A MULTI-SCALAR TREATY

Much has been written about the ELC and its implementation, particularly on the local/public, national and supranational level (e.g., Déjeant-Pons, 2006; Jones, 2007; Nogué and Wilbrand, 2010; Wilbrand, 2014; Zoido Naranjo, 2009). For example, Déjeant-Pons (2006) provides an analysis of the creation of the ELC, while Jones, Howard, Olwig, Primdahl, and Herlin's (2007) examination of the ELC focuses on its inclusive definition of landscape and discusses its various interfaces with European law and legal framework. Other investigations have explored how signatory states of the ELC established procedures for local participation and more recent works such as Jones and Stenseke's (2011) provide a broad presentation of the ongoing research in landscape protection, planning and management in various European countries by focusing on the current state and some of the challenges of implementation across a variety of scales (for other examples, see Nogué, Puigbert, & Bretcha, 2009; Nogué, Puigbert, Sala, & Bretcha, 2010).

Through an analysis of regional contributions to the implementation of the ELC and the deepening of European integration across various scales, this article's focus on the region contributes to discussions about the ELC as well as debates pertaining to scale. There is a wealth of academic literature focusing on scale, which within the discourse is often conceptualized as a social construction instead of a fixed entity (e.g., Herod, 2009). Herod's (2011) investigation of scale demonstrates the diverse, complex and, at times, problematic understandings of scale. Through historic and contemporary case studies, he discusses various concepts of scale, scale-making and how they are deployed in order to understand better how scale shapes our world. The fluid, often contested, multidimensional connections and interactions that exist between the global and the local within the politics of scale have long been a focus of economic and political geographic inquiry (e.g., Swyngedouw, 1997; Gibson-Graham, 2002; Brenner, Jessop, Jones, & Macleod, 2003). And while many acknowledge the value of the region within investigations of scale, explicit examination of the role of region was not historically the focus of great academic attention (Paasi, 2004).

While the processes of globalization are rescaling our lives, identities, economies and political systems in numerous multifaceted and often conflicting ways (Herod, 2009), some have suggested abandoning scale in academic discourse (e.g., Marston, Jones, & Woodward, 2005). In contrast, this article emphasizes scale as a productive analytical tool because, 'scale is a lens through which to think about and act upon change' (Jonas, 2006, p. 404) that results from globalization and shifting territorial relations. Understanding changing scalar relations and governance is fundamentally important, especially with regards to European integration where there is a subsequent rescaling of space and increasing shift of national governance downwards to regions and territories as well as upwards to supranational actors such as the European Union (EU) (Agnew, 2001; Brenner *et al.*, 2003). In this case, the EU has contributed to a reorganization of numerous entities including political economies across various scales that result in new opportunities for power and participation (Swyngedouw, 2005), governance (Borzel, 2002), and what Scott (2005, p. 432) calls 'positive multilevel interaction'. Facilitated by technological advances and bolstered by EU support, regions are increasingly motivated to capitalize on new scalar opportunities (Rowe, 2011).

Particularly since the 1980s, many regions initiated ties with the EU and organizations at the supranational scale as a way to protect their interests and those of their citizens, even against national governments (Keating & Jones, 1985). Despite potential tensions between these scalar actors, it is important to note that not all regions or entrepreneurial cities are inherently positioned against the state (Dempsey, 2016). Instead, the new territorialization of political hierarchies in Europe resulted in a diversification of multilevel forms of European governance (Keating & Wilson, 2009) where regions are increasingly able to network beyond their regional boundaries and serve as key actors that can effectively implement supranational treaties at the regional or local level. Additionally, the more economically and politically powerful regions, especially those with their own lobbying agents in Brussels such as Catalonia and the Basque Country (Rowe, 2011), can be positioned in a way through which they are able to influence national policy-making (Borzel, 2002) and increase their ability to compete across multiple scales within the international market.

Capitalizing on these new possibilities, many regions and cities employ dynamic forms of mobilization (Hooghe, 1995) that extend beyond a place-based concept of region in order to form new multi-scalar economic and cultural networks, complex governance systems and, in relation to the environment and landscape, multi-scalar networks that are forged by various environmental organization within Europe and beyond. In this changing economic and geopolitical backdrop, regions provide a way to understand the rescaling and transformation of space that results from globalization and European integration (Jessop, Brenner, & Jones, 2008). As regions increasingly serve as key connections between supranational organizations, the

national government and the public, regions' involvement with the EU and CoE grows significantly as does their visibility as international 'Euro-savvy entrepreneurs' competing with corporate lobbies, national governments and social interest groups (Rowe, 2011).

Recent investigations of regions and 'new regionalism' reveal that, indeed, regions play a substantial role in contemporary Europe. As Paasi (2009, p. 121) argues,

Regions have been particularly significant in the EU where both the making of the Union itself and the 'Europe of Regions' are concrete manifestations of the re-scaling of state spaces and the assignment of new meaning to territory the European Union.

As regards the ELC, which emphasizes citizen involvement in its implementation process, regional mobilization also provides the public with an avenue through which it can participate in landscape matters. As Joan Nogué, advisor to the Catalanian Generalitat and Director of the Landscape Observatory of Catalonia, argued in an interview, regions have the necessary capability and infrastructure to work with the public, seek their opinions and encourage involvement in the implementation of the ELC in a way that the state cannot.² In order to examine the role of the region in the implementation of the ELC, this investigation examines this multi-scalar convention across three scales: the supranational, national and regional.

THE ELC AT THE SUPRANATIONAL LEVEL

The CoE was created in May 1949 in the spirit of rebuilding post-war Europe. Its 10 founding states believed the mission of the CoE should be the protection of democracy, human rights and law. Today, this intergovernmental organization is comprised of 47 member states with over 800 million citizens. By emphasizing cooperation and democracy, the CoE strives to promote European culture and identity, education and knowledge about the environment through sustainable, long-term planning and spatial development that includes the landscape, because they believe it is a fundamental part of Europeans' well-being (CoE, 2000a, preamble).

While there were many charters that inspired the ELC, such as the 1993 Mediterranean Landscape Charter, its origins can be traced back to the first conference of European Environment Ministers in June 1991. This discussion led to the creation and implementation of a series of pan-European environmental strategies that emphasized the need for increased cooperation regarding European environmental policies, recognition of the environment in policy-making, and greater public participation in the process. This was followed in May 1995 by the publication of Europe's first document that referred exclusively to environmental issues, *Europe's Environment: The Dobris Assessment* (Stanners & Bourdeau, 1995), which included a detailed analysis of the status and prospects of the European environment and a specific chapter dedicated exclusively to landscape matters in Europe.

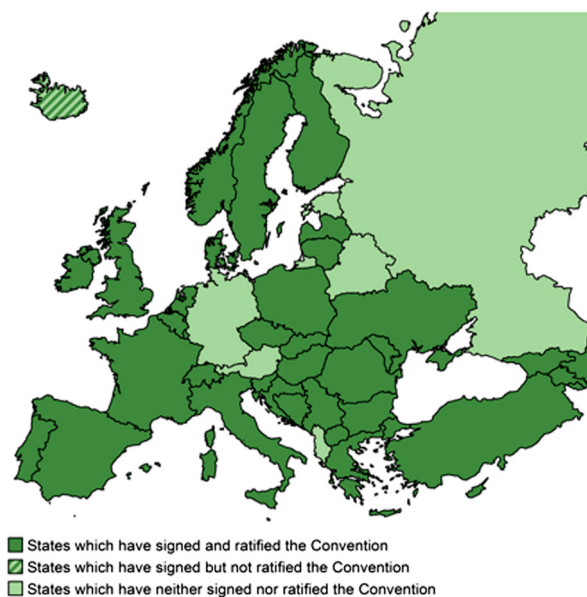


Figure 1. Parties to the European Landscape Convention as of 15 September 2015.

Source: RECEP-ENELC 2015. Map: R. Hale, Appalachian State University.

Following its publication, numerous international, national and regional organizations (e.g., Bureau for the Pan-European Biological and Landscape Diversity Strategy) were then asked to consult on the writing of the ELC. After a series of subsequent hearings on the ELC, its official text was approved on 19 July 2000 and was then open for signature to its member states on 20 October 2000. Once 10 CoE countries agreed to ratify the treaty, the ELC and its broad definition of landscape that included land within participants' borders³ and an emphasis on sustainable development, officially commenced in March 2004. While there are various and often contested ways through which attention to landscape has been conceptualized and directed (e.g., Hannah, 2013), the ELC provides a new definition of landscape that is partly conceptually rooted in the original substantive meaning of 'landscape' based on local and regional interests (Olwig, 2007).

Today, 38 of the CoE's 47 members have ratified the ELC (Figure 1).

While states sign and ratify the ELC voluntarily, each participating member is obligated to follow four general measures and five specific measures that recognize the value and diversity of landscape as well as the need to incorporate the public, local and regional authorities into landscape protection and management efforts (Table 1). The CoE's Committee of Experts supervises the implementation of the ELC and organizes workshops to evaluate members' progress. Its exclusive focus on landscape, including that which may be considered 'ordinary', is deemed unique throughout the world and can serve as an effective complement to other important supranational organizations such as UNESCO's Convention on Protection of the World Cultural and Natural Heritage, which focus on lands of considerable value at the global scale

Table 1. The European Landscape Convention's (ELC) general and specific measures

General ELC measures ^a	Specific ELC measure ^b
'a. [t]o recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;'	A. Awareness-raising: among civil society, private organisations and public authorities of the value of landscapes and their role.
'b. [t]o establish and implement landscape policies aimed at landscape protection, management and planning [...]';	B. Training and Education: for landscape appraisal and operations; training programmes for public or private organizations; courses about landscape protection, management and planning.
'c. [t]o establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies [...]';	C. Identification and assessment of landscape: through knowledge exchange and scientific methodology.
'd. [t]o integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.'	D. Landscape quality objectives: define objectives for identified and assessed landscape after public consultation. E. Implementation: introducing instruments aimed at protecting, managing and/or planning the landscape.

Sources: ^aCouncil of Europe (2000a), article 5. These general measures are quoted directly from the originals.

^bCouncil of Europe (2000a), article 6. These specific measures are taken from the originals but are shortened for ease.

(Déjeant-Pons, 2006). The innovations of the ELC have led to the adoption of new methodologies for its member states. Implementing the ELC means ensuring three strategic points: to establish European cooperation across various scales in order to raise awareness and educate, to foster multidisciplinary cooperation, and to engage and encourage the public to participate in the process of decision-making.

This encourages institutions and research groups involved in the ELC to promote the adoption of the ELC, relying on the cooperation of a multi-scalar framework that spans a variety of borders, data-sharing programmes, international policies and common landscape programmes. The ELC also encourages its member states, through shared governance, procedurally to integrate the participation of the public, schools and universities as well as the local and regional governments in their efforts to examine and evaluate the landscape and any changes that occur overtime. In an effort to bring the supranational European democratic processes to its citizens, the Congress of Local and Regional Authority of Council of Europe (CLRAE) was established in 1994 within the CoE as a pan-European political assembly that promotes local and regional governance. Indeed, the CLRAE was important contributing force behind the formulation of the ELC as a result of their advocacy for a convention to protect cultural and natural landscapes in Europe (Olwig, 2007). As a result, regions increasingly play a key role in the implementation of this multi-scalar convention. In this spirit, the ELC established a Landscape Award that recognizes the remarkable contributions of local and regional governments for effective execution of ELC measures (CoE, 2009, section 2, pp. 209–222, 273–280). As regional engagement in the EU and CoE grows, one of the ELC's most important organizations is the European Network of Local and Regional Authorities for the

Implementation of the ELC, or RECEP-ENELC. This international, non-governmental association gives scientific, technical, political and administrative support to regions, municipalities and other decentralized authorities with their efforts to implement ELC principles.⁴

The CoE recognizes that implementation of the ELC may be difficult because it lacks 'strong economic incentives and sanctions' (CoE, 2012, p. 18) and relies heavily on European cooperation at the state level, yet implementation often at the local or regional level. This multi-scalar governance reveals a network of different geographic scales that form a 'complex set of overlapping and nested systems of governance involving European, national, regional, and local actors, groups and networks' (Loughlin, 2001, p. 20) that are part of an emerging trend in Europe where the national government's powers are increasingly 'hollowed out' by corresponding or competing forces at the supranational and devolved regional scale (Zoido Narajo, 2009).

IMPLEMENTATION OF THE ELC AT THE NATIONAL LEVEL IN SPAIN

In the case of Spain, a decentralized constitutional monarchy, the central government's authority is shared through devolution of power with its 17 official autonomous regions known as 'autonomous communities', which were formed as a result of Spain's 1978 Constitution that recognized the right of self-rule to its nationalities and regions (Nunez, 1997) in contrast to Francisco Franco's centralized authoritarian dictatorship. However, jurisdiction of the landscape and environment has changed over time. During this dictatorship (1939–75), environmental matters were consolidated within the Ministry of Public Works and Transportation and not considered centrally important. Franco's regime focused instead on foreign and domestic

politics, finance and investment, and infrastructural development. After Spain began transitioning to democracy in 1975, this ministry was restructured to become the Secretary of Territorial Planning and Environment and was responsible for landscape matters.

It was not until 1996 when environmental matters eventually became part of its own Ministry of the Environment, Public Works and Agriculture under conservative People's Party (PP) administration. While environmental matters were housed within this ministry, its emphasis was on infrastructural growth and not environmental management or protection. This changed when Spain entered the European Community in 1986 and had to follow specific environmental measures established by the aforementioned Dobris Assessment and the first conference of European environment ministers.

In 2008, under Socialist (PSOE) president José Luis Zapatero, the Spanish government was again restructured and environmental matters were included in the Ministry of Environment, Rural and Marine Affairs, which allowed a greater focus on the environment. However, since 2011, under Mariano Rajoy's (PP) current administration, it is currently part of the Ministry of Agriculture, Food and Environment. This ministry, which is the representative body for monitoring the ELC, has three strategic commitments: the protection and conservation of natural resources; the conservation and protection of biodiversity, natural heritage and rural areas; and for some policies regarding food, water, coastal areas, agricultural areas and climate change. Thus, while Spain signed the ELC in 2000, there was some uncertainty regarding which of the ministries had the authority to implement the measures. Without specific delegation of assignments or funding for the ELC, its implementation stalled at the national level for years.

These aforementioned transitions are also cause for some concern due to the potential ramifications of additional alterations to Spanish ministries should subsequent administrations decide to adapt official institutions and regulations regarding the landscape.

Spain's current political structure reflects the European principle of subsidiarity, including a devolved political structure that delegates certain formal legal responsibilities and political/financial resources to its regional autonomous communities in varying degrees. According to the Spanish Constitution regarding jurisdiction across the various political scales within the country, regional governments have the ability to appropriate an authority that has not been deemed exclusively as a power of the national government if it is included in the regional autonomous community's government statute. Although the word 'landscape' was included in congressional proceedings that occurred prior to the signing of the Spanish Constitution in 1978, it was later replaced in Article 45 by the word 'environment' (Pérez Luño, 1990). However, 'landscape' is included in Andalucía, Castilla-La Mancha, Ceuta and Melilla's statutes and is under negotiation in Catalonia and Valencia (Mata Olmo & Tarroja, 2006). Landscape is taken into account in a very limited number of laws and legal norms

in Spain such as legislation on protected areas, urban planning and cultural heritage, for example Royal Decree 1803 on national parks (Spanish Ministry of Environment, 1999). The landscape is often included under the treaties and programmes designed specifically to 'protect' a landscape, which is a narrower conception of landscape management and planning than that required by the ELC, which implies a major change in the way policy makers frame laws and regulations. As a result, from 2000 until the ratification of the ELC, the Ministry of Environment (through the former Department of Conservation), the Ministry of Culture working in conjunction with various institutions and advisors, the Ministry of Foreign Affairs and Cooperation, and many of the Spanish autonomous communities worked tirelessly to develop a new legal framework for Spain devoted to the ELC's vision of landscape and landscape management.

Many of the autonomous communities' governments and institutions that were involved in the development work of the ELC provided valuable insight on regional planning, environmental management, cultural heritage and urban planning for their specific region. Some such as Catalonia's regional government, the Generalitat of Catalonia, pledged to implement the ELC shortly after Spain signed the ELC. Interestingly, Catalonia's Generalitat and other regional governments' active role in this process and their efforts to encourage Spain to ratify the ELC became a unique opportunity for the central government to unlock some pre-existing diplomatic problems and work collaboratively with the regions. However, after Spain signed the ELC in 2000, Catalonia and other autonomous communities began proactively implementing the ELC that year, while Spain delayed ratifying it despite Catalanian lobbying efforts. The national government finally agreed to ratify the treaty in November 2007 (e.g., Zoido Naranjo, 2009).

With regards to the implementation of the ELC, the national government's role in the diverse mosaic of political organizations and landscape policies in Spain is difficult to define. The country's unique political structure and delegation of devolved power to its autonomous regions demands our attention, particularly as an example of a state that implements the 'Europe of Regions' initiative. Its strong regional governments have played a key role in the creation and realization of many of Spain's climate adaption and environmental policies (Keskitalo, 2010).

IMPLEMENTATION OF THE ELC AT THE REGIONAL LEVEL: CATALONIA

As a supranational treaty that is ratified at the national level, ELC measures are implemented by a variety of governance systems based on each member states' own legislative structure, which do not always recommend the same course of action as other members of the CoE. While contractual ratification occurs at the national level, the ELC incorporates the European principle of subsidiarity and suggests that implementation may be most effective at the regional or local level (Zoido Naranjo, 2009). While

region is a contested and vague categorical unit commonly associated with the sub-state level, Jones and Paasi (2013) examine other forms including cross-border regions and supra-state institutional arrangements. In various forms, regions serve as important assemblages of power and networks throughout Europe; even those that are less materially defined or fixed in geographic space continue to play a key role in European relations (Jones & Macleod, 2004).

As a result of the recalibration and diversification of scalar relations in Europe, national governments are not the only actors to implement European policies and domestic affairs. For example, two months after Spain signed the ELC, Catalonia, a leader in European landscape management began implementing the ELC guidelines. Like Catalonia, some of the other Spanish regional governments (i.e., autonomous communities) have included the ELC's landscape conceptualization and guidelines in their regional territorial plans in the last twenty years (Elorrieta & Sanchez-Aguilera, 2011).

Despite Catalonia's realization of ELC measures, its success is tenuous due to the region's reliance on national funding, which was severely reduced as a result of the 2010 austerity measures (Weisbrot and Montecino, 2010). While regions can receive scientific, technical and political support from RECEP-ENELC to help implement the ELC within their territory, it is not comprehensive. Additionally, Catalonia's unofficial status as a participant of the ELC leaves it vulnerable to national mandates that could alter environmental policies or political structure(s) that were established to implement the ELC in the region beginning in 2000.

The political regulatory system that oversees environmental and landscape management in Spain needs to be well organized and adaptive. However, years of dramatic political transitions from dictatorship to democracy delayed Spain's ability to establish an infrastructure that can effectively implement the ELC measures. The fact that Catalonia's environmental institutions are different than those at the national level suggests that any new changes at the national level could potentially threaten accomplished regional systems. If Spain implemented a 'top-down' approach to the ELC, concerns include whether or not regions risk having their institutions restructured by a 'one-size-fits-all' singular national implementation policy.

A national strategy for the implementation of the ELC may not be the most successful policy for a country with the immense variety of environmental diversity that is found within Spain's borders. Because the implementation of the ELC is a shared responsibility for the national government and the administration of autonomous regions and municipalities, Spain has the ability to capitalize on the landscape policies and instruments that already exist in the regions. While the national government has not established specific methodology to implement and apply the ELC in Spain, regional centres can provide a diverse mosaic of solutions and implementation policies that are specific to their region (Mata Olmo & Tarroja, 2006) and therefore could be considered the most effective scale at which to implement the ELC policies. But the paradox of the ELC is that while the regional or local level is

considered best for implementation of the measures, regions are generally not able to sign the ELC or granted sufficient funding for the ELC, thus their ability to implement this convention is severely limited. In the case of Belgium, autonomous regions control their cultural matters, which include their landscape, and some have identified the need to create new typologies at the federal level with regards to the ELC (Van Eetvelde and Antrop, 2011).

DISCUSSION: THE VALUE OF REGIONAL IMPLEMENTATION OF THE ELC IN CATALONIA, SPAIN

Spain's current devolved political structure delegates certain legal responsibilities and political/financial resources to its regional autonomous communities in varying degrees. Facilitated by new technological advances and bolstered by the EU's efforts to promote its regions, regional governments are increasingly motivated to capitalize on the multi-level nature of European governance (Keating & Wilson, 2009). This reflects a trend in which a national government's decision-making power is increasingly shared with supranational forces like the EU and devolved downwards to the level of the region or municipality. For many EU regions, new networks continue to emerge between the EU and various other regions within it. With regards to regions' role in the ELC, a supranational convention that emphasizes the involvement of its citizens, the region can serve as an effective avenue for the public to participate in European landscape matters.

However, while the ELC is signed voluntarily by participating member states, it lacks great economic incentives or sanctions for its members. While the CoE Committee of Ministers adopted guidelines for the implementation of the ELC in 2008, they are not mandatory. Unlike the Netherlands, Sweden, Finland, Denmark and Germany, Spain is not considered a leader in environmental policy (Borzel, 2002) and may require new regulatory structures to implement the ELC policies (Keskitalo, 2010). Defining the role of the state in ELC implementation in Spain is difficult because most of the autonomous regions already have functioning landscape policies that integrate ELC principles and public participation. While Spain needs to develop tools and policies supported by legislation to help oversee and coordinate its policies, its regions understand the specific demands and adaptability of their local environments and can act faster than the Spanish government. Many Spanish regions have also contributed to land management, environment and urban planning efforts, thereby participating in ELC implementation.

Some regions such as Catalonia have been recognized for their extraordinary work as leaders in the field as Catalanian landscape policy is a remarkable example of regional adaptation, dedication and perseverance of ELC implementation. In contrast, with the exception of the Royal Decree 1803 (Spanish Ministry of Environment 1999), the Spanish government lacks specific laws regarding landscape and the general landscape policy in Spain is aimed only at the protection of landscape instead of the ELC's broader philosophy of

landscape management and planning. In December of 2000, the Catalanian Generalitat voted unanimously for adherence to the ELC (CoE, 2000b). Thus, even if the region was unable to officially sign the ELC, Catalonia pledged to implement it years before their national government ratified the convention.

Since its declaration to adhere to the ELC in 2000, the Generalitat has been implementing the ELC's measures. In 2002, it approved the Urban Law of Catalonia, which provided a greater awareness of landscape issues in the region and focuses on sustainable development inspired by the Rio Conference and the Aalborg Charter. Landscape became a focal point within regional governmental policies in 2003 when the Socialist Catalanian party's (PSC) Pasqual Maragall was elected president. The PSC, with the pro-independence Republican Left Party of Catalonia (ERC) and the leftist-environmental Initiative for Catalonia-Greens (ICV), formed a leftist coalition government and passed a Catalanian landscape bill into law. The government reorganized the Generalitat to promote landscape and environmental awareness, gaining support from political leaders who focused on environmental issues and planning such as geographers Oriol Nel.lo, who served as Secretary for Spatial Planning in the Generalitat from 2003–2011, or Joan Ganyet, a long-term member of the Catalanian Parliament. With this support, the Generalitat was able to outline one of the first Spanish regional landscape laws, the Catalanian Landscape Law 8/2005, which was specifically written to embody the landscape philosophy of the ELC and fulfil the first general measure (Table 1), 'recognizing landscape in the law' (Government of Catalonia, 2006). This law offers a new policy based on the principles of sustainability and improving landscape quality. It also promotes full integration of concern for the landscape into spatial planning and territorial development in order to implement policies aimed for landscape 'protection, management and planning', requirements for the second general measure, in accordance with the ELC's definition of landscape (Government of Catalonia, 2006).

In order to implement the aforementioned second measure and address the third general measure, which requires 'establishing procedures' for the involvement of the public, 'local and regional authorities in landscape policies', the Generalitat created specific ministers and committees to regulate landscape policies in Catalonia and founded the Landscape Observatory of Catalonia (LOC) in November 2004. The LOC was established expressly to serve as an advisory board for their government on issues of protection, management and sustainability of its landscape, including the coordination of the implementation of the ELC principles (Government of Catalonia, 2006). Since its formation, the LOC has successfully managed and executed the ELC in Catalonia. In contrast, it took the Spanish government seven years to ratify the ELC and is slow to provide national guidelines, regulations or instruments for implementation of the ELC (e.g., Nogué & Wilbrand, 2010). In order to fulfil the fourth general measure, which requires 'integrating landscape into regional and town planning' and various policies impacting the landscape, the Catalanian 2005 Landscape

Law also implements Landscape Catalogues and Charters designed by the LOC. These provide specific information and guidelines for landscape planning, management and assessment, and are integrated into regional and town planning (Government of Catalonia, 2006; for a description of how catalogues and charters were created, see Sabaté, 2009).

Since approval of their 2005 Landscape Law, Catalonia has followed the general measures outlined by the ELC, and many supporters argue that Catalonia has also successfully implemented the specific measures (Nel.lo, 2012). The first and second specific measures, which focus on raising awareness of the 'value of landscape' as well as 'training and education' respectively, is fulfilled through several avenues including courses and public-participation opportunities in landscape management and protection offered by the LOC (e.g., 'Landscape and Education' courses were offered at the LOC, universities and community centres to increase public involvement and landscape knowledge (Nogué *et al.*, 2010). Some Catalanian activist groups have also implemented the first specific measure. For example, concern over rapid environmental degradation as a result of urban sprawl prompted the Generalitat and Catalanian nationalist organizations to advocate for the protection of their landscape and their 'territorialized culture' (Nogué & Wilbrand, 2010, p. 639). Additionally, as Jones and Paasi (2013) suggest, the revival of regions relates to politics; with regards to Spanish regionalism they find that ethno-cultural, territorial politics can often be a key driving force. Numerous Catalanian activist groups or '*plataformes*' emphasize scalar and territorial tensions as they were created to oppose various proposed Spanish governmental interventions on the Catalanian landscape (Alfama & Coll/Planas, 2007).

These '*plataformes*', along with the increased political autonomy as an official Spanish autonomous region since 1981, resulted in a greater environmental awareness within Catalonia that linked regional identity and the local landscape. For example, Terres de L'Ebro formed a '*plataforma*' in reaction to the Spanish national hydrological plan that intended to increase the amount of water that is redirected from the Ebro River, Catalonia's most important water source, to support new development along the Mediterranean Coast. After an effective protest campaign that gained support from the Catalanian public and Generalitat, the Spanish government did not pursue this plan. In order to fulfil the second specific measure, the LOC acts as a coordinator for all the Catalanian landscape policies, including projects that focus on training and education with the general public and universities in the region. For example, it coordinated training courses for researchers based on 2006 ELC Protocol of Implementation for the collection of landscape data that resulted in reports including the aforementioned Catalanian Landscape Catalogues and Charters (Nogué *et al.*, 2010).

The LOC also coordinated fulfilment of the third specific measure, 'identification of landscape assessment', and cooperated with local district councils, schools, political parties, stakeholders (e.g., landscape planning organizations, environmental associations and farmers), landscape experts and the public to collect data that was used for the assessment of the Catalanian landscape. Landscape data

was obtained during 2004–09 through various avenues including telephone and Internet surveys created by the LOC, organized discussion groups and workshops, public forums, consultations and reports. When this information was compiled and analyzed, it resulted in the identification of 135 unique ‘landscape units’ throughout Catalonia and corresponding landscape management plans (Nogué *et al.*, 2010; Sabate, 2009).

The LOC also organized a series of workshops on the ELC that focused on obtaining and defining Catalanian ‘landscape quality objectives’, the ELC’s fourth specific measure, in order to better comprehend perception and goals for the quality of the region’s landscape. This information helped formulate the 2010 Catalanian Landscape Guidelines and inform the aforementioned Catalanian Landscape Catalogues (Observatori del Paisatge, 2015). Once the data and analysis was complete, Catalonia enacted the final specific measure, ‘implementation’ of landscape plans, by publishing their findings and implementing instruments that facilitate the specific regional principles. In order to support the implementation of these principles, the Generalitat provides financial support via ‘Funds for the Protection, Management and Planning of Landscape’ (Government of Catalonia, 2006).

Despite such successes, there are concerns within the region regarding state funding for the ELC. For example, Spain’s 2010 austerity measures cut state funding for education, public health and the environment, reducing the budget by €15.3 billion, while increasing taxes by €17.9 billion (Center for Economic and Policy Research, 2010) subsequently hindering Catalonia’s ability to implement the ELC. Additional concerns include the fact that the ELC is not a EU-enforced policy. While the EU is actively involved in European water governance such as the Water Framework Directive and new Floods Directive, its involvement in adaptation policies for climate change is limited (Keskitalo, 2010) and it is only indirectly associated with the ELC. While water management is an imperative issue in Europe, particularly in the southern Mediterranean nations, the European landscape is perhaps at risk of being overlooked by those focusing on water-only management policies, particularly in challenging economic times such as those that Spain currently faces. While regions are a key driving force for the execution of the ELC, the fact that only national member states can ratify this multi-scalar convention is of great concern, especially for many within Catalonia (Paul and Queralt, 2009).

CONCLUSIONS: WHAT IS THE FUTURE OF REGIONAL IMPLEMENTATION OF THE ELC?

By using the case of Catalonia to investigate the role of the region in the ELC through a scalar analysis, this article highlights how the region, especially those that have some legislative powers within Europe, is potentially the most effective actor to implement this European wide convention. As new engagement avenues arise for regions in the strategic interplay of political and scalar processes

within Europe, regions are increasingly becoming interlocutors and implementing agents for many European supranational policies. Their involvement also deepens European integration and encourages the decision-making processes to be more democratic as regions bridge supranational institutions to its citizens. Catalonia, which is widely regarded as a leader in European environmental policies and ELC research – complete with its own LOC developed in response to the ELC, it is better equipped to implement the ELC than its national government. As previously stated, it took Spain seven years to ratify the ELC, while regions such as Catalonia and Valencia successfully passed specific landscape laws and regulations inspired by the convention within that time.

Despite Catalanian success regarding ELC policy implementation, there are some factors that could negatively influence their ability to be an effective actor in the future. Without legally binding regulations or penalties for violating the ELC, regions are vulnerable to national policy changes that could impinge on pre-existing regional environmental policies. If Spanish policies change making it more challenging for Catalonia to follow the ELC guidelines, the Generalitat may not receive assistance from the CoE. Even if Spain should enforce national policies in an effort to comply with ELC objectives, their nationwide regulations may be too broad or even conflict with specific Catalanian regulations and efforts made by the LOC are designed for the particular needs of the Catalanian landscape. Thus despite its success as a leading ELC advisor for other regions and localities within Europe, without any political power to enforce it, Catalonia remains susceptible to policy alterations imposed at the Spanish national level without recourse. As a result regions, particularly those like Catalonia with regional governments and representation in Brussels, should be considered key actors for the ELC and need to be granted greater agency in order to successfully fulfil their role in the implementation of the convention’s objectives. Intrusting national governments with a supranational incentive and expecting much of the work to be executed at the regional level is infeasible if regions do not receive sufficient funding from the CoE, so they must be granted greater agency in the ELC to ensure its successful implementation.

By limiting membership to the national level, the top-down approach is hindering European regions with regards to the ELC. Even with a precedent of European regions networking beyond their regional boundaries to capitalize on advantageous opportunities (Jones, 1998), without strong economic incentives or sanctions to encourage states to enforce implementation, regions’ ability to successfully execute the ELC is significantly in jeopardy. Thus while the CoE purports that the optimal level to implement the ELC is that of the region, insufficient funding and political support for implementation of ELC places an unrealistic burden on the regions of Europe.

With regards to the ELC at the supranational scale, while the ELC is a pan-European initiative it lacks the power to enforce it within its membership. Since the

ELC was opened for signature, there have been discussions within the CoE to invite the EU to sign the ELC in order to gain membership and support throughout all EU countries (CoE, 2001, sessions 1, 2 and 5, p. 614). While the EU could become more involved in implementation of the ELC, currently it is not a EU-enforced policy and further implementation may be challenging. As Andersen and Liefferink (1997) argue, EU-scale agendas are much more complicated to create and enforce, particularly as a result of the great variety of national governments, political agendas, cultures and societies, thus the EU's involvement in environmental issues varies.

Ideally, the EU should become directly involved with the ELC in order to guarantee its viability and offer funding for infrastructure, investments and general oversight. The presence of this influential European political structure behind the ELC could also encourage member states such as Germany, who did not sign the ELC, to pledge support for this convention. The EU also has experience empowering its regions and therefore is a natural fit for ELC implementation. Landscape is not only resource that must be properly managed in this rapidly developing and changing world; it is a central part of everyone's quality of life. The ELC, the first international treaty that focuses specifically on landscape, offers a clear, multi-scalar approach to sustainable use and planning for the European landscape and emphasizes the role of the regional and local actors. Greater support and agency must be provided in order to facilitate regional efforts to implement the ELC objectives that were first offered to the CoE's members in October 2000.

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NOTES

1. Personal communication with Riccardo Priore, 17 January, 2009.
2. Personal communication, 9 November 2010.
3. Signatories have the ability to make reservations concerning the territorial application of the ELC.
4. See the RECEP-ENELC website (available at: <http://www.recep-enelc.net/>) (accessed on September 8, 2013).

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