

The background of the slide is a photograph of a misty, mountainous landscape. In the center, there is a prominent, dark rock formation that looks like a natural arch or a large rock outcrop. The surrounding hills are covered in dense green forest, and the overall atmosphere is hazy and atmospheric.

*What does 'right to landscape'
mean?*

*An analysis through the concept
of commons*

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Commons/ common good/ CPRs: definitions

Common good: sociological/philosophical meaning

- it is a good belonging to the community and endowed with a political appeal (Olwig 2003).
- landscape as a CG - ELC and UNESCO Florentine Declaration - implies a shift from landscape as a *view* to landscape as a *value*.

Commons: historical meaning, opposed to *enclosures* (private fields 1840)

- they were not entirely free
- they were based on common use rights
- they were institutions (land-scape/land-ship): symbols of practical citizenship

Common pool resources: CPR is “a natural or man-made resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits to its use” (Ostrom 1990: 30).

Commons: rivalry and excludability

Rivalry: A good is rivalrous if one person consuming it ‘uses it up’, meaning that someone else cannot consume it (Ostrom 2010; Sgard 2010; Helfrich 2013).

- The concept of subtractability (Ostrom 2009)

Excludability: a good is excludable if you can prevent somebody from using it.

	Rivalry	Non-rivalry
Excludability	Private goods e.g. agricultural land use, forestry, private residential buildings	Club/Toll goods e.g. garden plots, public gardens with restricted access, golf courses
Non-excludability	Common Pool Resources (CPR) e.g. rivers and lakes, remnants of unspoilt landscape	Public goods e.g. aesthetic appeal of landscape

- G. Hardin *The tragedy of commons* (1968)



- E. Ostrom *Governing the commons: the evolution of institution for collective action* (1990)



- *Contemporary theories*: contesting capitalism/private property as the only solution to CPRs exhaustion – **HR and landscape**

G. Hardin (1968):

- Malthus' theory - *tragedy of commons*
- Men pursue their logical and rational interest in a society which believes in the freedom of commons
- Homo homini lupus/dog eats dog (Hardin 1968: 31)
- Control of overpopulation: commons are possible only under condition of low-population density
- Biopolitical/conservative/eugenic context (Locher 2012)

E. Ostrom (1990):

- She questions Olson's theory; Hardin's theory and prisoner's dilemma game
- cooperation* as a key factor in management of CPRs
- Role of the individual/mankind
- She speaks about CPRs
- Empirical studies: local property and CPRs can be successfully managed by local users
- Neither State intervention, nor open access resources
- Consensus/decision* making: CPRs are governed by an institution

Ostrom's philosophy:

- The appropriators are considered as part of an autonomous institution, working and deliberating on them, and *not merely a group of individuals seeking for profit* (participation-community)
- O. overcomes both the philosophy of individual property rights (liberal theory) and the philosophy of the Leviathan, that is the power of the State (Hobbes)

CPRs and management:

- Community
- Self-organization
- Self-governance
- Citizens create institutions
- Knowledge of a given situation and self-organization of a restricted community

Contemporary theories on commons

- Contesting capitalism and liberal theory of the State
- Democratic access to CPRs (everyone has the right to access to air, water, natural resources)
- Private property cannot be the only solution
- Commons are a model for global justice (Harvey; Caffentzis, De Angelis)

Basis of commons:

- Trust
- Reciprocity
- Shared commitment

Issues:

- Exhaustion of natural resources
- Safeguarding of natural and cultural heritage
- Rethinking urban transformation/
- Public and democratic space

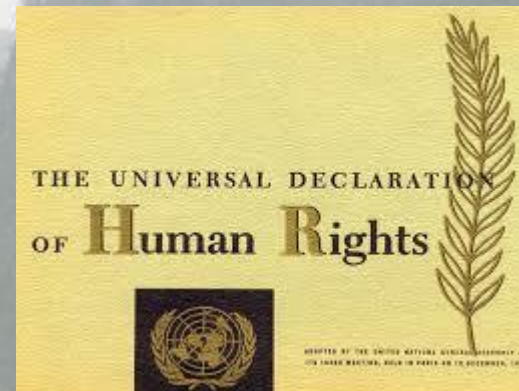
Human right - commons - landscape

- **Human rights:** are rights that humans have in common by the fact of being human, they are neither created nor can be abrogated by any government. They are supported by several institutions (such as the *UN Universal Declaration of Human right* in 1948) and they include cultural, economic, political, religious rights.
- The term *landscape* is never mentioned.
- Art. 22 and 24: a possible connection between HR and landscape
- Landscape and HR share: universality / violation of HR-landscape affects the whole population

Human rights – landscape - environment

Art. 22: everyone as a member of society has the right to social security, and is entitled to realization [...] of the economic, social and *cultural* rights indispensable for his dignity and the free development of his personality.

Art. 25: everyone as a member of society has the right to a standard of living adequate for health and *well-being* of himself and his family.



Antecedents

European Landscape Convention (2000):
landscape contributes to human well-being and consolidation of European diversity. “The quality and diversity of the European landscape constitutes a *common resource*” (Preamble).



UNESCO Convention (2012):
“landscape is a *common good*,
the right to landscape is a
human necessity”.

Human rights and landscape

Which landscape?

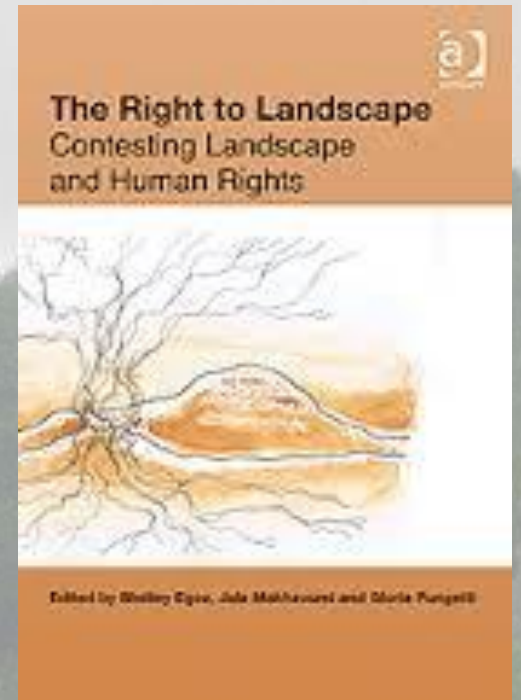
- Everyday landscapes (ELC)
- Not only conflicts zones
- Everyday landscape which are threatened or damaged

Right to landscape?

- Possibility to live in a healthy environment, in a culturally rich and historical landscape

Has landscape rights per se?

- 1) A right to landscape as a right to a perceived landscape (how people perceive landscape)
- 2) Landscape as a right per se: landscape considered as a complex ecological milieu
- 3) A right to landscape as a framework for addressing human rights



The right to a perceived landscape

ELC – “landscape is an area perceived by people, whose character is the result of the action of interaction of natural and/or human factors”

- Landscape: *land* (geometrical, spatial approach, property rights, individual rights, territorial rights) plus *scape* (perception, community rights, common laws)
- Right rights to the right landscape (Olwig 2013: 48)
- Subjective and moral right

Landscape as a right per se

Ecological domain: reconceptualization of human rights in the context of climate change

-use of Universal declaration of HR as a platform for future rights

-environmental ethics

-art. 25 of UN Declaration

-not only right to environment

- “the right to landscape is a new emerging right” (Egoz 2009)

Landscape as a framework for addressing HR

Universal safeguard of landscape

- the right to landscape is more complex because it is comprehensive of the environment, of cultural references and meanings.
- landscape could become an important tool to promote social justice (Egoz, Makhzoumi, Pungetti 2013: 4)
- a healthy landscape promotes social cooperation and sharing of resources
- both human rights and landscape are important for survival and for the spiritual, emotional and psychological needs of human beings.
- landscape as a medium for political arena (or a political value)*

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