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**INTERNATIONAL FEDERATION OF LANDSCAPE ARCHITECTS EUROPE**

**PROFESSIONAL RECOGNITION**

Position Paper  
Brussels, May 2020

**Executive Summary**

At the meeting of the General Assembly of The International Federation of Landscape Architects Europe, held in Antalya, Turkey, in November 2019, it was agreed that IFLA EU should work alongside the member National Associations, to encourage States, members and signatories to the European Landscape Convention and the European Convention on Human Rights to adopt laws to specifically recognise the profession of Landscape Architects and unconditioned use of the proper professional title – Landscape Architect. Authority was given to IFLA Europe’s Council of Europe Working Group to pursue this matter.

From the great art of garden design, landscape architecture has evolved from its early beginnings in the 20<sup>th</sup> century as chiefly a design profession to one which now encompasses a wide variety of needs, including regional planning, nature conservation, green routes, woodland management and scientific interest, as well as responding to the rapidly-changing challenges within the urban environment. Indeed, the art, science, planning and management related to the environment are vitally important for humankind and, worldwide, landscape architecture now represents a profession that contributes greatly to modern society. *Landscape must become a mainstream political concern since it plays such an important role in the well-being of people, their quality of life, and their future. Well-conceived policies will help to combat climate change and poor air quality.*<sup>1</sup>

Nevertheless, landscape architecture itself is still a profession that is insufficiently recognised in some countries, and yet landscape is internationally recognised as a most valuable asset of the world in which we live. Landscape is the medium in which human life unfolds, it is the medium in which all man-made activities take place and where nature functions, although, as we appreciate, not always in perfect harmony. We argue that out-dated or inadequate laws still exist in some countries that operate only in the interest of a particular professional sectoral group, are demonstrably discriminatory, do not act in the public interest, and are contrary to the aims and objectives of both the European Landscape Convention and the European Convention on Human Rights.

Investment in landscape, in all its forms, helps ensure harmonious and socially cohesive societies in which cultural and economic development can flourish. The manner in which many communities live, work and play relates directly to their local landscape. The approach to landscape management is crucial to people’s livelihoods, responding to socio-economic needs as well as addressing ecological issues, confronting the realities of climate change and preventing unsustainable exploitation, responding adequately to growing urbanisation, industrialisation and pollution, and ensuring innovation, sustainability and quality of life.

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## 1 INTRODUCTION

### European Convention on Human Rights

This is the only Convention that all member states are signatories to. It was one of the primary factors contributing to the creation of the Council of Europe and is a *sine qua non* for membership of the Council of Europe.

**Article 14** of the European Convention on Human Rights stipulates that

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

Discrimination occurs when people or groups are treated less favourably than another person, or group, in a similar situation and this treatment cannot be objectively and reasonably justified. Discrimination can also occur if people or groups are disadvantaged by being treated the same as another person, or group, when the circumstances are different.

The courts have ruled that the human rights protection from discrimination includes indirect discrimination. This occurs when a rule or policy, supposedly applying to everyone equally, actually works to the disadvantage of a person or one or more groups

The member States' basic obligation is to **"secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention"** (which includes, for those States Party to the various Protocols, the obligation to secure the rights and freedoms defined in those Protocols).

"Everyone" is very broad; non-nationals of the State concerned are covered as well as nationals; as the rights are not only for citizens; legal persons (e.g. companies, NGOs and incorporated associations) are covered as well as natural ones (e.g. individuals and groups of people). Groups of people, in this context, would be defined as a professional group as recognised by the International Labour Office and UNESCO and as a recognised 'regulated profession' under the European Union.

"Within their jurisdiction" usually means the same as "within the State's territory", but, importantly, it is not limited to that territory.

**Article 14** does not give a free-standing right. It can only be used in conjunction with other rights given by the Convention (or Protocols, if ratified). It may, however, be breached when read with that other right even if the other right on its own is not breached. NB **Protocol No. 12, providing for a general prohibition of discrimination**, gives a free-standing right in the same terms as **Article 14**, which should make it more widely applicable, but it is not yet ratified by many States

List of grounds for discrimination are not exhaustive: the words "such as" and "or other status" flag up that the list is only illustrative. The Court has recognised, for example, conscientious objection, disability, illegitimacy and sexual orientation as prohibited grounds of discrimination, and may add more.



"Objective and reasonable justification": The Court, through its case law, has introduced this concept similarly to the permitted exceptions in the second paragraphs of **Articles 8 to 11**: that is the burden is on the State to prove the justification, which must also be proportionately applied.

The following terms have a particular meaning in the context of the Convention:

**Unqualified rights** are rights which cannot be balanced against the needs of other individuals or against any general public interest. They may be subject to specific exceptions, e.g. the right not to be deprived of liberty, Article 5; or to none at all, when they are called absolute rights, e.g. freedom from torture, Article 3;

**Qualified rights** are rights which may be interfered with in order to protect the rights of another or the wider public interest, e.g. the right to private and family life, Article 8;

**Negative obligations** place a duty on State authorities to refrain from acting in a way that unjustifiably interferes with Convention rights. Most of the Convention rights are framed in this way;

**Positive obligations** place a duty on State authorities to take active steps in order to safeguard Convention rights. In most cases these are not stated explicitly in the text but have been implied into it by the European Court of Human Rights.

What is discrimination? It is treating people in analogous situations differently, or people in different situations alike, without objective and reasonable justification. So, not all differential treatment is discrimination. We would seek to prove on this case that it is.

**Indirect discrimination** is where a generally applicable law or policy has a disproportionately adverse effect on members of a particular group, even if there is no discriminatory intent.

We believe that the existence of archaic, out-dated or inadequate laws and the way that these are interpreted in some European States, members of the Council of Europe, concerning the diverse treatment of architects and landscape architects, is discriminatory and contrary to the aims and objectives of the Convention on Human Rights.

## **Council of Europe – European Landscape Convention**

Part 1 (General Principles) of Recommendation CM/Rec(2008)3 of the Committee of Ministers on the guidelines for the implementation of the European Landscape Convention states the following:

### **1.1 A**      *Consider territory as a whole*

The convention applies to the entire territory and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that may be considered outstanding as well as everyday and downgraded landscapes.

### **1.1 B**      *Recognise the fundamental role of knowledge*

The identification, description and assessment of landscapes constitute the preliminary phase of any landscape policy. This involves the analysis of morphological, archaeological, historical, cultural and natural characteristics and their interrelationships, as well as an analysis of changes. The perception of landscape by the public should also be analysed from the viewpoint of both its historical development and its recent significance.



## 1.1 / *Develop mutual assistance and exchange of information*

Information exchange, the circulation of theoretical, methodological and empirical ideas between landscape specialists, and learning from these experiences, are of fundamental importance in ensuring the social and territorial relevance of the European Landscape Convention and in achieving its objectives.

The Architects' Council Europe (ACE) represents over 500 000 architects. It is recognised that it is a very powerful and influential body. By contrast, IFLA Europe represents less than 20 000 landscape architects in Europe practising in a very wide range of activities. About half of these are concentrated in two states, the United Kingdom and Germany. However, in several European states, regardless of the European Landscape Convention having been ratified, the practice of landscape architecture is still difficult when restrictive practices continue to exist. This situation becomes more complicated when laws require an architect's signature. It would be preferable to adopt and encourage multidisciplinary practice where a more thorough and comprehensive expertise can be applied to development projects.

At the 21st Meeting of the Workshops for the implementation of the European Landscape Convention, "Landscape and education", held in Tropea, Italy, in October 2018, it was reported that many national associations are constituted in a "chamber" system, for example in Bulgaria, the Czech Republic, Germany, Italy, Hungary, the Netherlands and Slovakia. However, in Spain, as an example, where there are fewer than 300 landscape architects, the profession is not recognised, it is unregulated and has no statutory reserved functions. In this context, it is particularly concerning that state work relating to landscape is given to other professionals, with no expertise in the field, rather than employing the professional expertise that already exists.

But why should this be? Who profits from this and who is thus disadvantaged? These are important questions and it would be easy to speculate, but what is equally fundamentally important to recognise is that this is a time of great change, as cities rapidly transform. Entrenched, outmoded attitudes and laws can only serve to hinder important progress and seriously disadvantage society. One of the huge dangers is that in a period of rapid change, which is particularly affecting the urban and peri-urban environment, the expertise demonstrated by architects and engineers in the field of landscape architecture would be severely lacking, leading to poor decision making, unnecessarily expensive projects, difficult and expensive future maintenance. This does not serve the best interests of society.

In simple terms, a poorly designed development project, an ill-conceived landscape or the situation where finance is ignorantly diverted away from capital landscape works, will impact hugely on society in many ways. Such failures do not simply diminish legitimately deserved social benefits to urban communities but also create either much higher long-term management costs or abandoned landscapes. A partially, or wholly, abandoned landscape is a common consequence of non-sustainable high management costs and such dereliction, as has been well demonstrated in several detailed studies, contributes to ill-health, drug abuse, criminality and depression, thus reinforcing ideas of exclusion, poverty, poor education and social division.

The complexity of European landscapes, coupled with human interactions and interrelationships, has created a study area of considerable breadth and depth. As a consequence, the study of landscape architecture necessitates the drawing on and integration of concepts and approaches from both the creative arts and natural sciences, as well as from many aspects of cultural development, environmental sustainability and technology, and including both modern and traditional skills. Nevertheless, there still persists a belief in certain quarters that landscape architecture is a "cosmetic" that can be applied to buildings much like a fashion accessory. Nothing could be further from the truth.



In its totality, landscape architecture has less to do with design and more to do with the creation and management of complex inorganic and organic structures that pervade all aspects of life in both the urban and rural context. The more integrated these structures are, linking rural, peri-urban and urban areas, the more successful they are, as well as being more useful and sustainable. In this respect, there is an urgent need, especially in the context of developing cities, for a holistic, nature/culture-centred approach to the environment and for a humanistic view of the way that the places in which we live, work and play function, both in the present and the future. Indeed, unlike buildings, landscape is alive and dynamic, and the legacy that is left behind cannot be simply destroyed without causing significant damage. It is precisely why landscape and development policies need to be centred on sustainable, affordable solutions which respect nature and the environment, as well as address the needs of mankind.

## 2 RECOGNITION OF THE PROFESSION – COUNCIL OF EUROPE

On the occasion of the Conference of the Council of Europe European Landscape Convention in May 2019 a declaration was made which encourages the State Parties to the European Landscape Convention:

- **to formally recognise the profession of landscape architects at national and international level;**
- **to support a multidisciplinary approach to landscape, through co-operation of all relevant professions in all phases of the planning process;**
- **to increase the diversity of disciplines in the training of landscape professionals, particularly regarding science, management and planning.**

### Current situation of the recognition of the profession by some European States

The situation regarding professional recognition of landscape architects in Europe is, to say the least, complex.

The publication “The title landscape architect in Europe” (Holden and Tricaud 2008)<sup>2</sup> stated that:

...in general, in north western Europe, [the profession] is well established and recognised *de facto* by the public and private sector. In some states, for instance Germany and Holland, the title is protected while in Scandinavia and the United Kingdom anyone can use the title but in fact the profession is well recognised. In Russia the usual title is ‘Green Engineer’ and [the term] landscape architect has a lesser currency.

In the last decade, however, while there have been some improvements, there have also been some disappointments. For example, the title landscape architect is now properly protected in several states, but in others, the use of the internationally recognised term **landscape architect** is still not allowed. In France, to distinguish the profession from gardeners, the title conceptual gardeners (*paysagiste concepteur*) has been adopted. France is the only French speaking country that does not use the term **architecte paysagiste**. Unfortunately, while some might be satisfied with this colourful title, it is one that will have little or no meaning for the rest of the world. In this context, the word conceptual relates more to design and completely ignores the planning, science and landscape management roles in which landscape architects are increasingly engaged.

While some states, through their professional training system, maintain that landscape architects can only really be designers, more recently another state now maintains that landscape architects cannot be

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<sup>2</sup> Holden R. and Tricaud P-M (2008), “The title landscape architect in Europe”, IFLA Newsletter # 75 by International Federation of Landscape Architects.



designers in the urban field, simply because of their science-based training and only architects can perform work in detailed spatial planning and urban plans. This type of legislation discriminates against important multi-disciplinary approaches that should include architects, landscape architects, spatial planners and the like, places one profession in an especially privileged position while denying the public access to areas of vitally important expertise.

It should be possible to adopt a more balanced approach, promoting recognition at governmental level for a strong multidisciplinary approach, in order to meet important contemporary problems.

### 3 BACKGROUND HISTORY

#### 1900 – 1939

This period represents the initial development of professional bodies representing the emerging profession of Landscape Architects in many European countries and non-European countries. Many of these bodies introduced structures and controls for the education and practice of the profession. A close relationship was subsequently built up between the professional bodies and education establishments which at that time were mostly associated with universities.

#### 1948 The International Federation of Landscape Architects (IFLA)

In 1948 the International Federation of Landscape Architects (IFLA) was founded in Cambridge, England, with Sir Geoffrey Jellicoe as its first President. It represented 15 states from Europe and North America. Later, in 1978, the IFLA's headquarters were established in Versailles, France. The present headquarters of IFLA are in France. IFLA currently represents 76 member professional associations from Africa, the Americas, Europe, Middle East and Asia Pacific.

#### 1965 – 2012 Recognition of the profession by the United Nations Education, Scientific and Cultural Organisation (UNESCO)

In 1965, IFLA was first admitted to "Category C" of the United Nations Education, Scientific and Cultural Organisation (UNESCO).<sup>3</sup> In 1970 IFLA advanced to "Category B". Finally, in 1987, after many years of discussion with UNESCO and after intensive collaboration, especially with the Division of Cultural Heritage, IFLA was admitted to "Category A", thus achieving an important landmark for the profession. In July 2012 the IFLA/UNESCO Charter was agreed for landscape architecture education. It expressed the wish to:

- improve the quality of life for communities and all the inhabitants and users;
- recognise and nurture cultural diversity and biodiversity;
- add social and cultural value to sites and outdoor public spaces;
- promote an approach to landscape planning and design interventions which enhances social sustainability, cultural and aesthetic needs, and the physical requirements of people;
- employ an ecological approach to land use planning, design and landscape generation that ensures sustainable development of the built environment through the appropriate integration of biological, land, water and atmospheric systems;

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<sup>3</sup> UNESCO Categories: Category A: consultative and associate relationship (major effective contribution to UNESCO's work, expanding activities in common, promoting international co-ordination); Category B: information and consultative relationship; Category C: mutual information relationship.



- recognise the role of public realm landscape as a place for social and cultural expression interchange and make these accessible to all individuals and communities;
- promote equity through work with disadvantaged groups or communities and the development of solutions that are affordable and accessible to the broad population.

This charter has helped establish the professional scope of landscape architects and the objectives of their training. These include the interdisciplinary nature of landscape architecture, which encompasses the humanities, natural and social sciences, technology and the creative arts, without forgetting the context of public, social and environmental policies, which help to establish an ethical framework for professional decision making.

## 1968 Recognition of the profession by the International Labour Organisation (ILO)

In some states, the profession is still very closely associated with the study of architecture. Paradoxically though, as is the case in France, Italy and Spain, architects still dispute the use of the title of landscape architect. However, 50 years ago, in 1968, the profession of landscape architect, having by then already existed in Europe for 50 or so years and a hundred years elsewhere, was officially recognised by the International Labour Organisation (ILO) in Geneva in a chapter entitled “Architects and Town Planners”. In the most recent edition of ISCO 08, the International Standard Classification of Occupations published by the ILO (2012), landscape architects are classed in group 2162, next to Building Architects in group 2161. On 29 August 1987, the International Federation of Landscape Architects (IFLA) was admitted by UNESCO as a non-governmental organisation (NGO) with an official working relationship with UNESCO.

## 1989 The European Foundation for Landscape Architecture (EFLA) and the European Region of the International Federation of Landscape Architects (IFLA Europe)

In the same year, 1987, the European Commission decided that sectoral directives in distinct professions were no longer viable; the process of achieving them had been too lengthy and hugely inefficient. This resulted in Directive 89/48/EEC being issued on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration. The national professional associations representing the 12 member states of the European Economic Community at that time recognised the immediate need to come together more formally, to harmonise both professional training and practice in the field of landscape architecture. The result was the establishment of the European Foundation for Landscape Architecture (EFLA) in 1989.

Other organisations rapidly formed around EFLA, including affiliated professional bodies representing landscape architects from European states that are not members of the European Union, as well as other organisations, bringing together both students and schools. The European Council of Landscape Architecture Schools (ECLAS) was convened by the Berlin Technical University in 1989. In the same year, the European Landscape Architecture Students’ Association (ELASA) was formed, the principal objective of which was “to increase the possibilities for collaboration and exchange between students of landscape architecture throughout Europe, by means of improving the circulation of information and ideas”.

One of the principal objectives of EFLA was to establish a common base for the mainstream professional training of landscape architects and to support this with a network of recognised schools throughout Europe. This was assisted by a Schools Recognition Panel which was established to both help with the development of schools of landscape architecture and to regulate their performance and adherence to the standards set by EFLA.

Finally, at the beginning of the 2000s, the world international body, the International Federation of Landscape Architects (IFLA), underwent several important structural changes and EFLA became the



European Region of the International Federation of Landscape Architects (IFLA Europe). This succeeding organisation effectively inherited the statutes, regulations and legal status of EFLA as a non-profit making organisation registered under Belgian law. IFLA Europe comprises 34 national representative organisations. As a non-governmental organisation, it not only aims to defend the landscape architecture profession, recognising excellence in professional training courses and promoting the best practice operations in all member states, but also strives to influence and enhance the quality of the landscape. This is now the body which represents the profession across Europe. The membership of this body, which includes member states of the European Union, now more closely reflects the current membership of the Council of Europe. IFLA Europe is included as an observer to the Council of Europe's Steering Committee for Culture, Heritage and Landscape (CDCPP) and the Council of Europe Conferences on the European Landscape Convention. IFLA Europe has a commitment to close collaboration with the Council of Europe, in pursuit of the aims and objectives of the European Landscape Convention.

In recent years, IFLA Europe has contributed to this process by providing documents on several topics: Landscape Democracy (Oslo Resolution 2014); Cultural Landscapes (Lisbon Resolution 2015); Urban Landscapes (Brussels Resolution 2016); Migration (Bucharest Resolution 2017), Climate Challenges (London Resolution 2018) and Landscapes as Shared Memories (Antalya Resolution 2019). The objective is to encourage a dialogue not only at European level but also between professionals and citizens alike, to promote actions in favour of landscape.

Professional associations with membership of IFLA Europe exist in the following 34 states; Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

## **2018 Charter - International Federation of Landscape Architects (IFLA Europe)**

A charter was agreed and adopted by IFLA Europe's General Assembly at its meeting in London on 9 September 2018. This charter not only brings together in a single document the details of the organisation and the governance of the body, but also the core requirements for professional training, including reference to the School Recognition Panel, public and private practice, the responsibilities of liberal professionals, intellectual property, professional independence and probity, and also states the organisation's close reference to the objectives of the **European Landscape Convention**.

Importantly, it defines a landscape architect as "a professionally qualified person recognised by an IFLA registered professional association (or otherwise, as regulated by national law) operating in the field of landscape architecture".

Landscape architecture is defined as "the profession that applies aesthetic and scientific principles to the analysis, planning and management of both natural and built environments" (as it is also defined by the European Landscape Convention).

We believe that formally recognising this professionally qualified person would be a joint responsibility of national governments, the Council of Europe and the European Commission, working in conjunction with the national associations of landscape architects.

However, in this last respect, as the Charter states, there is also a responsibility for national professional associations to play their part in this process by becoming, if necessary, self-regulatory bodies, involved in professional training and practice, controlling, monitoring and sanctioning, where necessary, the activities of their members, in order to ensure probity, quality of service and consumer protection for the benefit of the public and the clients they serve.





## 5 CONCLUDING STATEMENT

The profession of landscape architect is recognised worldwide by UNESCO, by the International Labour Office, and by many European countries, but there remains a reluctance in some countries in Europe to recognise the profession, or to accept the use of its proper professional title. This is to be largely due to the existence of archaic, or out-dated, or inadequate legislation, or as a result of lobbying by groups of architects to restrict the work of those they consider to be potential professional rivals. However, there is no rivalry. Landscape architecture is a separate, properly constituted, independent profession. It may be that architects consider that they are capable of undertaking the work of landscape architects but this, as is often demonstrated by their lack of expertise, is simply not the case, and is certainly not in the public interest.

Protecting the use of the title 'Architect' in that it is specifically designed to favour 'Building Architects' to their professional and commercial advantage and to the professional and commercial disadvantage of Landscape Architects, is unjustified. Associated discrimination includes laws that licence, or restrict the signing of drawings, only to architects. Even where projects do not necessarily require the expertise of an architect, an architect, sometimes has to be employed to provide this signature. This is neither efficient nor economic as it creates unnecessary complications and delays as well as increased financial obligations on both the public and private sectors.

We argue that such practices are not in the public interest, that they operate only in the interest of a particular professional sectoral group, are demonstrably discriminatory, and are contrary to the aims and objectives of the European Convention on Human Rights and the European Landscape Convention.

Michael OLDHAM,  
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