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## The Norwegian reform of protected areas management: A grand experiment with delegation of authority?

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**Abstract:** In 2009, the Norwegian Storting (Parliament) decided to embark on a reform of the governance of protected areas. The reform establishes more than 40 local management boards with extensive decision-making authority over much of Norway's protected areas. The boards have management authority over clusters of national parks, protected landscapes, and nature reserves. The reform was initiated in a situation of considerable conflict regarding protected areas, and where the environment to be protected was deemed threatened in over one third of the cases. This article examines the implementation of the reform and discusses the implications for the balance between local user interests and long-term environmental interests, finding that the reform is likely to reduce conflict levels and increase the weight given to local user interests. Policy measures are suggested for strengthening long-term environmental interests and issues for further research identified.

**Keywords:** protected areas; local governance; management; national parks; delegation of authority; environmental interests; user interests

### 1. Introduction

Delegation of authority for environmental decision-making from centralised state control to local and community-based control has been established in many countries. One basic challenge is how to strike a balance between long-term environmental interests and local interests in the use of environmental resources. Based on a case study of the 2009 reform of governance of protected areas in Norway, this article examines the delegation of authority to local management boards established for managing clusters of protected areas.

The Norwegian reform covers large protected areas, including national parks, protected landscapes and nature reserves. This article examines the implications for the balance between local user interests and long-term environmental interests, as well as how the reform may influence efforts to improve the physical management of protected areas.

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The reform seeks to strengthen local involvement in protected areas through the establishment of local, politically appointed management boards with significant decision-making authority. It could be described as an experiment with delegating decision-making authority, representing a shift from centralised state control to local and community-based control in conservation policy.

We proceed in section 2 with a brief review of analytical perspectives on the devolution of authority as a strategy in nature conservation policy. Section 3 provides an overview of the context of the Norwegian reform. In section 4, we examine and analyse the Norwegian reform. We discuss possible implications of the reform in section 5, and conclude, in section 6, by assessing policy responses and reflecting upon challenges for future research.

## **2. Local management of protected areas: Key concepts and approaches**

According to the World Conservation Union (IUCN), “the classic form of governance for protected areas has been and continues to be decision-making by the state for all aspects of acquisition, establishment and management of areas designated as formal protected areas” (IUCN 2011: 75). However, over the last two decades, global trends in the management of protected areas have tended towards increased participation of local stakeholders and a wider range of participatory techniques (Dearden, Bennett and Johnston, 2005). Public–private partnerships, decentralisation of management authority, and network-based management have received considerable attention in the natural resource literature as new strategies in the management of protected areas (e.g. Hamin 2001; Lane 2001; Conley and Moote 2003; Laven et al. 2010). Such initiatives relate to voluntarily conserved areas as well as protected areas corresponding to IUCN protection categories V and VI (IUCN 2011: 4, 16–17 and 76 ff.).

Several studies have concluded that effective and legitimate management of protected areas requires collaboration with local people and stakeholders (e.g. Agrawal and Ribot 1999, Lane 2001, Ribot 2008). These studies typically underscore the multiple roles that protected areas may now play in society and the need to be sensitive to social and institutional dynamics in order to achieve long-term protection objectives (Laven et al. 2010: 197). Managers of protected areas are increasingly using participatory arrangements – or “co-management” – to integrate ecological, cultural and community perspectives (see Lane 2001, Ribot 2008, Laven et al. 2010). Co-management is based on the active involvement of local resource users and other stakeholders in the management of resources or protected areas. Such partial devolution of authority from centralised state control to community-based control or co-management is also supported by international conservation organisations, international aid organisations, and other NGOs (Singleton 2000). The IUCN, for example, has issued guidelines that recommend the inclusion of local stakeholders in decision-making and in management of protected areas. But the IUCN stops short of recommending that actual decision-making power be transferred to such stakeholders (IUCN 2011: 45–46 and 89–90).

The trend towards decentralisation of management authority in protected areas is consistent with a more general shift from government to governance in environmental policy. Hierarchical top–down governance approaches are increasingly complemented by shared public and private authority, collaborative partnerships, and network-based modes of governing involving a range of stakeholders. Under such participatory arrangements, local resource users, environmentalists and social groups directly engage in politics, while the state assumes a new role, steering at a distance and facilitating collaboration rather than commanding change (see Mol, Lauber and Liefferink 2000; Jordan, Wurzel and Zito 2003).

Strengthening local involvement in the governance of protected areas raises questions about the willingness and ability of local communities to prioritise conservation issues over economic and rural development. A common assumption from public policy implementation studies is that the extent to which national policy goals are implemented depends upon the *type and content of policy* (Kjellberg and Reitan 1995; Hill and Hupe 2002). Policy fields with a high degree of conflict require a greater degree of national control (Hovik and Reitan 2004). We may thus expect that with higher conflict levels over policy design and implementation, more centralised control will be needed to ensure compliance with international and national goals and standards. Since there frequently are conflicts related to the designation and management of protected areas, delegation of management authority for such areas could result in failure to achieve national and international conservation objectives. Evidence suggests that successful co-management requires a role for the state that goes considerably beyond facilitating cooperation between local parties and steering at a distance (see Singleton 2000; Sandström, Hovik and Falleth 2008).

Advocates of local governance models find support in the literature on the management of common pool resources (CPRs). According to Ostrom (1990: 42–45), all efforts to organise collective action must address a common set of challenges – including coping with free-riding, solving commitment problems, arranging for the supply of new institutions, and monitoring compliance with rules. From empirical observation of various cases, Ostrom (1990, 1998) maintains that a set of design principles characterise robust CPR institutions which have managed to meet those challenges. According to Hovik and colleagues (2010), these principles are relevant to the management of protected areas in Norway, as substantial areas with CPR characteristics have been protected. However, Ostrom’s design principles derive from studies of commons like fisheries, pastures and community forests, not protected areas. As Berge (2006: 68) notes, “modern protected areas are not created or visited primarily because of their common pool type resources”. The goods to be safeguarded through protected areas are more often public goods (non-excludable and non-rival) than they are of a common pool type (non-excludable and rival). Assessments of protected areas management must therefore take account of national and international protection objectives, including the protection of mankind’s common heritage.

Rather than assessing the Norwegian management reform in terms of certain design principles, here we employ an inductive approach. We begin by examining the *selection of protected areas* for local management reform (section 4.1) – the types of protected areas subject to reform (national parks, protected areas, nature reserves, and other areas) and the extent of the reform.

Second, we examine the *extent of delegated authority* in the 2009 reform (section 4.2), and, third, *controls on the exercise of delegated authority* (section 4.3). These examinations are critical for understanding how the reform affects the distribution of authority between the central and local levels. Delegating management authority can be expected to have consequences for management decisions because of the tension between national conservation objectives and priorities of local authorities. Nature conservation policy in Norway has traditionally been top–down oriented, dominated at the central level by biologists (Emmelin and Kleven 1999; Falleth and Hovik 2009: 223). Because nature conservation is weakly professionalised and institutionalised in the municipalities, local-level policy-making has been dominated by politicians (Hovik and Reitan 2004), and decisions on nature conservation are often based on political priorities rather than scientific and professional considerations. These

differences between environmental policy-making at the central and local levels constitute a major challenge to nature conservation in Norway (Falleth and Hovik 2009).

Fourth, we examine the *selection of members of local management boards* (section 4.4). The composition of local management boards can be expected to influence the balancing of relevant interests in management decisions, the extent to which protected areas fulfil their long term objectives, as well as the relationship between protected areas and management of surrounding areas. Conflicting interests between conservationists and user groups at the local level reflect the classic conflict between conservation and use (Hovik, Sandström and Zachrisson 2010). It is unlikely that all user groups and stakeholders – including environmental, social and economic groups – will be equally empowered through the reform. It is also unlikely that local management boards will be as attuned to national and international conservation objectives as are state protection agencies. Closer examination of the local management boards is thus essential for understanding whose interests and objectives are most likely to be served through the reform.

Fifth, we investigate the *appointment and location of protected area managers* (section 4.5). The skills and physical location of such staff are highly relevant for which concerns and interests the local management boards are most likely to heed. According to administrative theory, organisational structures characterised by positions, rules, procedures, and recruitment patterns are important conditions for linking actors to decisions (Egeberg 1994, 1999; Hovik and Reitan 2004: 689). Also the physical location of agencies, departments and management authorities influences attention and decisions, and may effectively channel attention and link problems to policy solutions (see Egeberg 1999). Policy-makers use this design element to ensure that some institutions have an independent role and that other institutions are more easily controlled by political authorities.

Our study is based on an empirical examination of the implementation of the management reform in Norway so far. Although this is a quite far-reaching reform, no such study has been conducted previously, and little systematised information is available from public authorities. We have relied on information published by researchers and public authorities, examination of press releases, and analyses of documents provided by public authorities on request. From this we have created a database (on file with authors) showing all protected areas under the reform and local management boards established to date. We have used this database to analyse the types of protected areas covered by the reform and the kinds of interests and constituencies represented on the local management boards.

### **3. The context of the Norwegian reform**

Protected areas in Norway are established on the basis of the 2009 Nature Diversity Act,<sup>1</sup> which operates with the traditional categories of protected areas, with main emphasis on national parks, protected landscapes and nature reserves. The Act establishes a framework for protected areas, including specifics regarding the purposes of protected areas in general and the individual categories of protected areas, a few general rules on permitted and prohibited actions, and decision-making as to the governance of such areas.

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<sup>1</sup> Act no. 100, 2009. English translation available at: <http://www.regjeringen.no/en/doc/Laws/Acts/nature-diversity-act.html>.

In 2006, the Office of the Auditor General examined the management of Norway's protected areas, and noted that the share of protected areas involving threatened environments had increased from 18% in 1995 to 30% by 2006. Little had been achieved in terms of protecting threatened areas from further deterioration, and in cases of violations of regulations, which had occurred in 55% of the threatened areas, only a few cases had been brought to the attention of the police (18% of the areas). The Auditor General singled out the failure to plan the management of protected areas as a main reason for this poor performance (Riksrevisjonen 2005–2006: 11 and 15–16). Two years later, an assessment by the Norwegian Directorate for Nature Management (DN) put the share of protected areas involving threatened environments as high as 38% (Ministry of the Environment 2009–2010: 219–220). This development has coincided with a heightened focus on commercial activities in protected areas, initiated through the government's revised budget in 2003 (Rønning and Fedreheim 2009: 10–11).<sup>2</sup>

Norway has since the 1980s aimed at strengthening local involvement in the management of protected areas (Jansen 1991). In 1998 the government invited municipalities to take charge of the management of small protected areas ("the 1998 reform"). Subsequently, following up on an initiative from the Storting (the Norwegian Parliament) (Innst. O. nr. 64, 1995–96), the government tested four trial schemes between 2001 and 2008 for alternative management models for larger protected areas. Among the concerns identified by independent research reports, summarized by Falleth and Hovik (2008: 8-10), we note:

- "Many local boards ... tend, to give precedence to landowners, resource users and tourist businesses to a much higher degree than is usual for protected areas"
- There are "[r]epeated violations of the regulations and [a] steady accumulation of dispensations"
- "Local boards are reticent about giv[ing] affected organisations and groups a role in conservation management. ... It is particularly worrying to see how far local minority interests are neglected. Local management arrangements have not galvanised support of local politicians, associations and organisations for nature conservation"
- "Local boards exceed their powers with little fear of reprisal from central government."

The DN shared most of the concerns expressed in this report. In addition, it questioned whether delegating management authority to local administrations was the best means for achieving greater local interest and sense of ownership in the management of protected areas (DN 2008: 20).

Despite these concerns, the government decided to embark on a far-reaching reform ("the 2009 reform") providing for local governance of an extensive range of large protected areas (Ministry of the Environment 2009–2010: 218–226). This decision was taken as a budgetary decision, which had important implications for how it was prepared, and which may explain the limited public debate. The Directorate proposed the following measures to be taken to mitigate weaknesses identified through the assessments of trial schemes as well as through its own experiences with local management of small protected areas (DN 2008: 2):

- a) employing professional managers to be responsible for day-to-day follow-up of protected areas;
- b) establishing boards with broad participation to provide advice

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<sup>2</sup> See St.prp. nr. 65 (2002–2003) Tilleggsbevilgninger og omprioriteringer i statsbudsjettet medregnet folketrygden 2003, at 140–153.

c) a significant increase in administrative and economic resources.

This reform should be considered in light of how Norway relates to international regimes for protected areas. The 2009 Nature Diversity Act was extensively influenced by international rules and policies, including the IUCN guidelines for protected areas (see Ot.prp. nr. 52 (2008–2009): 190–191). As of the end of 2010, Norway had protected approximately 16% of its terrestrial area,<sup>3</sup> while close to 18% of the EU's terrestrial area was protected through the NATURA 2000 network (European Commission 2010: 3). Norway does not participate in NATURA 2000, but aims at a management regime comparable to that of the EU (Ot.prp. nr. 52 (2008–2009): 49).

In recent years, Norway has pursued a policy of internationalisation of its protected areas. Currently, it has seven sites on the UNESCO World Heritage list, of which only one is listed as a natural heritage site.<sup>4</sup> Norway has proposed six new sites for the list, one as natural heritage and three as combined natural and cultural heritage sites. Norway has so far listed 37 sites covering 84 protected areas as Wetlands of International Importance under the Ramsar Convention.<sup>5</sup> In 2005, Norway listed six cold water coral reefs in the OSPAR Network of Marine Protected Areas.<sup>6</sup> However, Norway's participation in the Emerald Network of the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) and the Biosphere Reserves under the UNESCO Man and Biosphere Programme has produced meagre results: not one of the protected areas in Norway has been included in these initiatives. In sum, except for its participation in the Ramsar Convention, Norway has been slow in pursuing internationalisation of protected areas. Moreover, our examination of decisions establishing protected areas shows that international rules and guidelines are at best indirectly reflected in such decisions.<sup>7</sup>

## **4. Analysis of the Norwegian reform**

At the time of writing (October 2011), 29 local management boards have been established to manage 107 protected areas, mostly based on national parks and large areas of protected landscapes. Fifteen more boards will be established in the near future. In addition, approximately 200 small protected areas are currently managed by municipalities based on the 1998 reform (DN 2008: 10). The 1998 arrangements will continue unless revoked as part of the current reform. The protected areas subject to the reforms can be regarded as “co-management (shared governance)” according to the current IUCN typology of protected area governance types (IUCN 2011: 78 and 89–91). We now turn to the five aspects of the 2009 reform outlined in section 2 above.

### ***4.1 Selection of protected areas***

The selection of protected areas for local management reforms has been based mainly on open-ended invitations to municipalities. The government initiated the 1998 reform by issuing

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<sup>3</sup> See <http://www.miljostatus.no/Tema/Naturmangfold/Vernet-natur/#A>.

<sup>4</sup> The West Norwegian Fjords – Geirangerfjord and Nærøysfjord (see <http://whc.unesco.org/en/list>). In addition, Vegaøyen – the Vega Archipelago, listed as a Cultural Heritage Site, contains significant environmental elements and its management is largely based on a protected area.

<sup>5</sup> See <http://www.ramsar.org/>.

<sup>6</sup> See <http://www.ospar.org/>.

<sup>7</sup> Norwegian decisions establishing protected areas can be found at <[www.lovdatab.no/for/lf/index-verne.html](http://www.lovdatab.no/for/lf/index-verne.html)> (in Norwegian only).

a general invitation to all Norway's 435 municipalities to take over responsibility for managing nature reserves, protected landscapes and other small protected areas. Some 70 municipalities accepted and were given responsibility for managing protected areas of their choice (Ministry of the Environment 2009–2010: 219). The result was that less than 20% of the municipalities got responsibility for managing approximately 8% of the protected areas covering an insignificant geographical area. Individual municipalities were given the authority to manage the protected areas or the parts of protected areas falling within their jurisdiction. The municipalities were granted considerable authority concerning the management of protected areas, but they showed limited interest in taking on these responsibilities – seemingly because the reform concerned small protected areas, most of which were subject to strict protection regimes, and there was no provision for the transfer of significant additional resources to the municipalities.

The Storting's request to the government to commence trial schemes mentioned three clusters of protected areas that could be included in the trial,<sup>8</sup> to which the government added one more cluster. An essential element in the selection of these areas was the high level of conflict between management authorities and local communities related to the protected areas in question (Falleth and Hovik 2008: 11–12).

The 2009 reform included the four trial clusters and otherwise accorded priority to recently protected areas. One condition for selection was that the majority of municipalities covered by the cluster of protected areas were favourable to participation.<sup>9</sup> Table 1 shows the current status (October 2011) of the reforms.

*Table 1: Status of the 2009 reform (as of October 2011)*

	<b>National parks</b>	<b>Protected landscapes</b>	<b>Nature reserves</b>	<b>Other*</b>
1998 reform	1	18	171	26
2009 reform	23	54	23	7
Total number of protected areas**	33	196	2009	477
Reform as % of protected areas	73%	37%	10%	7%

\* These include protected biotopes, bird and animal habitat protection, as well as protection of unique trees and geological formations.

\*\* Figures as of the end of 2010, see <http://www.miljostatus.no/no/Tema/Naturmangfold/Vernet-natur/Vernet-areal-Norge/>. Figures are for protected areas on the mainland, as the reform covers only these.

Under the remaining part of the 2009 reform, almost all Norway's national parks and approximately 40% of its protected landscapes will be managed by local boards. There will be no major changes in the proportion of nature reserves or other protected areas subject to local management. As of the end of 2010, the geographical area under protection represented some 16% of the Norwegian mainland: approximately 58% as national parks, 31% as protected landscapes, 10.5% as nature reserves and 0.5% as other protected areas. Thus, more than three

<sup>8</sup> Innst. O. nr. 64 (1995-96). "Clusters of protected areas" are groups of individually protected areas for which there exist separate decisions establishing the areas. Protected areas are grouped on the basis of geographical location and jurisdiction.

<sup>9</sup> See the letter from the Ministry of the Environment to Norwegian municipalities, 14 December 2009, on file with authors.

quarters of the total protected area on the Norwegian mainland will in the near future be subject to local management regimes.

The 2009 reform has elicited far greater participation among municipalities than the 1998 reform. Even if a handful of municipalities did not respond to the initial invitation, all relevant municipalities have ultimately become members of management boards. The reasons for this enthusiasm seem to be that the reform concerns large protected areas that involve important user interests; that the boards will have decision-making authority of relevance to all municipalities regardless of whether they participate or not; and that significant resources will accompany the reform.

#### ***4.2 Extent of delegated authority***

The Norwegian reform involves a noteworthy transfer of decision-making authority from governmental institutions to local management boards through standardised rules on delegation by the Ministry of the Environment (hereinafter “the standard rules”).<sup>10</sup> The local management boards are granted the authority to decide on the following:

- a) plans for management of the protected areas and revision of such plans;
- b) individual applications concerning activities otherwise unlawful within the protected areas;
- c) management activities to ensure against threats to the protected environment.

*Plans for management:* The local management boards are responsible for drafting plans for management of the protected area as well as for revising such plans. The start-up of the process should be coordinated with the DN, which shall also approve any new or revised plans. The extent to which minor adjustments and updating of such plans must be approved remains unclear. The plans should be revised at least every ten years (DN handbook 17: 14). The procedure for adopting or revising plans emphasises the involvement of interested parties at all stages, and requires a draft of the plan to be sent to the county governor’s office for quality control (DN handbook 17: 13–14). A management plan cannot add to or detract from the rights and duties set out in the decision establishing the protected area. The final plan cannot be appealed. With this significant emphasis on involving local interests during plan preparation, the balancing of user interests against long-term conservation interests in the plan will depend largely on whether local interests can participate effectively in the process, as well as on the extent to which the county governor’s office and the DN engage in the process.

*Individual applications:* Decisions regarding individual applications may involve exemptions from requirements set out in the decision to establish the protected area. According to section 48 of the Nature Diversity Act, such decisions can be made (i) on the basis of a cost–benefit analysis, as long as the result is not “contrary to the purpose of the protection decision” and does not “make a significant impact on the conservation value”, (ii) if “important public interests make it necessary”, or (iii) if “safety considerations” make it necessary. In addition to this authority based on the Act, the management boards have more specific authority to grant exemptions according to the decisions to establish the protected areas.

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<sup>10</sup> Some local management boards have made these rules available, see for example <[www.fylkesmannen.no/Brev\\_fra\\_MD\\_oppnevning\\_og\\_mandat\\_Midtre\\_Nordland\\_NPstyre\\_110610\\_HXDJo.p df.file](http://www.fylkesmannen.no/Brev_fra_MD_oppnevning_og_mandat_Midtre_Nordland_NPstyre_110610_HXDJo.p df.file)> (in Norwegian only).



The DN updated its guidelines for decision-making regarding protected areas in 2010. According to these guidelines, authority should be exercised restrictively; further, the precautionary principle is to apply in cases of uncertainty regarding the effects of proposed activities for the purpose of the protected area and its “conservation value” (Guideline 2010: 12–13). Moreover, as to decisions involving important public interests, the guidelines state that only regional or national interests can qualify, and that the interests must be of a kind not considered when the protected area was established. There is no provision for special considerations where the protected area has been internationalised.

This formal framework within which the local management boards decide on individual applications provides them with some (albeit limited) flexibility when weighing user interests against long-term conservation interests. We consider that the main factors of importance for the flexibility of the boards are the formulation of conservation purpose in the decisions establishing the protected areas, available knowledge regarding conservation values, the existence and content of management plans, third parties’ possibilities for engagement in decision-making processes, and the ability and willingness of the governmental authorities to review decisions (see section 4.4 below).

*Management activities:* As indicated, a main reason for the poor performance of Norway’s protected areas has been the failure to initiate activities to protect conservation values. Public funding of management activities is determined by the DN on the basis of dialogue with the local management boards. The boards have no decision-making authority in relation to revenue-generating activities in the protected area, like the sales of hunting or fishing rights: such rights follow the ownership of the property. Norwegian law does not allow boards to charge entrance fees. What does fall within the authority of the boards is the choice of management activities to be undertaken, as well as individual agreements with private parties concerning management. Such choices must be in accordance with the plans for management. Whereas the economic framework for management activities is controlled by the government, the local management boards have flexibility in setting priorities among management activities and in organising these.

In addition, the extent to which local management boards can exercise authority depends on available human and economic resources. Transferring decision-making authority from the county governor’s offices to collegiate organs requires additional administrative and financial resources. According to the budgets of the Ministry of the Environment, significant additional resources have been allocated protected-area management since 2008. Table 2 shows budgetary developments during the period:<sup>11</sup>

*Table 2: Allocations to the management of protected areas 2008–2012*

<b>Year</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Budget (million NOK)	106 (estimated)	169 (estimated)	249	265	255

We see a substantial increase from 2008 to 2010; then stabilisation and possibly a slight decrease. No specific figures are provided on administrative resources or other costs associated with local management boards. Moreover, due to the deteriorating state of protected areas noted by the Auditor General and the DN, much of the increase can be

<sup>11</sup> Relevant budgets can be found at: <http://www.regjeringen.no/nb/dep/md/dok/regpubl/prop/oversikt-over-budsjettforslag.html> (Norwegian only). Prior to 2008, there was no separate heading for management of protected areas in the budgets. The figures for 2011 and 2010 include minor budget allocations for “value-creation in the context of protected areas” (“verdiskaping i samband med verneområde”).

regarded as compensation for previous under-funding of protected areas. Despite considerable uncertainties as to the real amount of additional budgetary resources allocated to the reform, it does seem to include some new financial resources.

#### ***4.3 Controls on the exercise of delegated authority***

We distinguish three ways in which the delegated authority of local management boards will be controlled: (a) instruction, (b) transparency and (c) appeals to superior or independent bodies.

*Instruction:* Central authorities may control acts of local management boards through instructions. According to section 12 of the standard rules, central authorities can instruct the local management boards and withdraw decision-making power from the boards where they fail to manage the areas in accordance with the Nature Diversity Act or the decisions to establish protected areas. The starting point in Norwegian law is that central authorities can instruct through general directives and in individual cases. This also applies to local management boards. The instructions are not binding in relation to third parties, and failure by the local management boards to comply with instructions does not invalidate their decisions.

*Transparency:* Three main aspects of the reform contribute to transparency vis-à-vis third parties. First, the Nature Diversity Act provides for the establishment of a “register of environmental decisions” (section 68). Preparations for the establishment of such register are to start in 2012, more than two and a half years after the Act was adopted.<sup>12</sup> No deadline has been announced for its completion. Secondly, the standard rules specify that the local management boards shall submit annual reports to the county governor’s offices. Such reports are to be accessible to the public. Finally, according to the standard rules, the boards shall ensure the availability of appropriate information concerning the protected areas. Some local management boards have established and further developed internet-based tools that make relevant information available, but there seem to be no general policies, common strategies or guidelines for such initiatives.<sup>13</sup> The boards are also bound by the Environmental Information Act, according to which they shall “hold general environmental information relevant to their areas of responsibility and functions, and make this information accessible to the public” (section 8 of the Act).<sup>14</sup>

*Appeals:* The general rule in Norwegian law is that one public authority may not appeal the decision of another public authority. The standard rules make an exception when stating that the county governor’s offices shall be informed about and have the right to appeal the boards’ decisions. A broad range of interested private parties have the right to appeal decisions according to the Norwegian Public Administration Act (section 28). The establishment of the register of environmental decisions will make it easier for third parties to exercise the right of appeal effectively.

According to section 11 of the standard rules, appeals are to be sent through the DN to the Ministry of the Environment, which may overturn decisions of the boards on appeal. However, because of the political costs of such interventions (especially given Norwegian

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<sup>12</sup> <http://www.statsbudsjettet.no/Statsbudsjettet-2012/Statsbudsjettet-fra-A-til-A/Miljovedtaksregister/> (in Norwegian only).

<sup>13</sup> See <[www.ytrehvaler.no](http://www.ytrehvaler.no)>, <[midtnorskatur.no](http://www.midtnorskatur.no)>, and <[www.svr.no](http://www.svr.no)> (mostly in Norwegian).

<sup>14</sup> Act no. 31 of 2003. English translation at: <http://www.regjeringen.no/en/doc/Laws/Acts/Environmental-Information-Act.html>.

policy concerning local self-government), as well as the special qualifications of collegiate bodies when weighing interests, governmental authorities can be expected to limit their interference with the work of the local management boards (Smith 1999).

Thus we find a mixed picture regarding the potential effectiveness of the control functions in the reformed regime. On the whole, the control functions do not seem to have been significantly altered from the prior regime. However, this might change once the register of environmental decisions is established.

#### ***4.4 Selection of members of local management boards***

Norway's 2009 reform requires inter-municipal and regional collaboration, because it covers clusters of protected areas that may extend over several municipalities and even several regions. Such collaboration faces challenges regarding allocation of responsibilities, obligation to enact decisions, political engagement, and rights of interested parties to participate in the process (Falleth and Hovik 2009). The multi-faceted quality of nature conservation provokes disputes not only between conservationists and users but also among local users who represent different interests, such as traditional farming and reindeer husbandry on the one hand and modern eco-tourism on the other (Hovik, Sandström and Zachrisson 2010: 160). Grazing, fishing and hunting are allowed in most protected areas; recreational activities and sports like hiking, cross-country skiing, and kayaking are encouraged; and local industries are often encouraged to take advantage of opportunities to profit from activities in protected areas, for example eco-tourism and sports.

The composition of local management boards is important because it can be expected to influence the balancing of relevant interests in management decisions, the extent to which protected areas fulfil their long term objectives, as well as the relationship between protected areas and management of surrounding areas. In principle, management boards can be composed of any combination of three main groups of stakeholders: (a) politically elected representatives, (b) appointed management experts, (c) a broad range of stakeholders representing local business interests, user groups and conservation groups.

With politically elected representatives, management plans and decisions are likely to reflect majority interests at the local level, as these representatives need to protect the interests of their constituencies, such as local use and business interests. Such representatives can also be expected to be quite flexible and discretionary in their interpretation of management plans, and may seek to combine environmental protection with resource use.

With appointed management experts, management plans and decisions are more likely to reflect national conservation objectives, also those linked to international regimes, possibly at the expense of local interests. Due to their educational background and occupational role, management experts are more likely to prioritise long-term conservation objectives than are political representatives. They may be less ready to grant dispensations, for example for the use of motor vehicles in protected areas and for land development projects. In general, management experts can be expected to base their plans and decisions on scientific recommendations and professional expertise rather than on local economic and social concerns.

Finally, with local stakeholder groups represented on management boards, minority interests at the local level are more likely to be reflected in management plans and decisions. The specific interests reflected in these plans and decisions will depend on the categories of

stakeholders represented. For example, user representatives on local management boards would be more likely to give precedence to landowners, resource users and tourist businesses than would conservation groups; whereas local-level conservation groups would be more likely to promote conservation objectives, including those linked to international commitments and recommendations.

In the 2009 reform, the government asked the municipalities to nominate persons, normally two, to be elected members of the municipal councils (*kommunestyre*), and they were strongly encouraged to nominate mayors. In addition, the regional authorities were asked to nominate two persons among those elected to the regional councils (*fylkesting*), and the Sami Parliament was asked to nominate persons to boards with responsibilities for protected areas in spheres relevant to the Sami population. Representatives from the Sami Parliament participate today in 12 of the 29 local management boards, and have chosen not to be represented on one of the boards. Table 3 shows that in the 29 local management boards established so far, 128 members come from the municipalities, of whom 88 are mayors; there are 43 members from regional councils and 22 from the Sami Parliament.

*Table 3: Membership in the 29 local management boards established to date*

<b>Affiliation</b>	<b>Number of members</b>	<b>% of total number of members</b>
Municipalities	128: of whom 88 are mayors, 8 deputy mayors and 32 others	66%
Regional councils	43	22%
Sami Parliament	22	12%

Only in one case have other interests been represented on the board. For the Breheimen cluster of protected areas, a representative of the association of property owners (Skjåk almenning) was allowed to join the board. The invitation letter stressed that the situation was special since this association held title to more than 50% of the area of the national park.<sup>15</sup>

The decisive criterion for the Ministry of the Environment when appointing candidates was to ensure equitable gender representation: the result was 54% male and 46% female representatives. Otherwise, the Ministry respected the preferences expressed by municipalities, regional councils and the Sami Parliament. The Sami Parliament has in general nominated representatives from regions where the protected areas are located, indicating the priority given to local user interests.<sup>16</sup>

It is mandatory for the local management boards to establish advisory councils that “shall be composed of representatives of the various interests in the area” (section 9 of the standard rules). It is too early to evaluate the role of such councils, but the modalities for their establishment indicate that local user interests will be strongly represented. One example is the proposal for members of the advisory council to be established for Breheimen, which included representatives of 13 organisations: 3 representing property owners, 6 representing various agricultural and business interests, 1 representing local environmental interests, 1

<sup>15</sup> Letter on file with authors.

<sup>16</sup> In his speech to a gathering of board members, the president of the Sami Parliament emphasised that representatives from the Parliament did not represent the Parliament as such and that the Parliament has no authority to instruct them (President Egil Olli, Røros, 2 March 2011, p. 5, <http://www.samediggi.no/Filnedlasting.aspx?MIId=3488&FIId=3061>).

representing outdoor recreation interests, and 2 representing the local management authorities.<sup>17</sup>

Thus, while the members of local management boards are politically elected representatives, mostly mayors, local user interests are likely to be well-represented in the advisory councils under establishment by local management boards. Local-level conservation interests will be weakly represented on local management boards, and they are unlikely to gain strong representation in advisory councils.

#### ***4.5 Appointment and location of managers of the reformed protected areas***

In addition to establishing local management boards, the 2009 reform opens for a reorganisation of staff managers (*verneområdeforvaltere*) employed to serve as secretariats for the boards. The managers are to prepare board meetings and implement and enforce their management policy on a day-to-day basis. The skills and physical location of such staff are important as regards which concerns and interests the local management boards are most likely to focus on. Until the 2009 reform, such staff had been management experts, located with the county governor's offices.

Given the centrality of the county governor's offices in promoting national interests in regional environmental governance in Norway, one might have expected local managers to be appointed by and located at such offices together with staff working on tasks related to national environmental interests. However, both the government and the municipalities seem to have preferred a more decentralised location for managers. The standard rules state that the managers shall be appointed by and be employees of the county governor's offices, but that in all issues relating to management of the protected areas, they are subject to instruction by the local management boards only. Moreover, in the standard letters of establishment of the local management boards, the government states that it is the boards that are to decide the location of the managers – and up till now, they have been placed in institutions outside the county governor's offices. In one case where three managers were appointed, the board decided that these were to be located in three different municipalities.<sup>18</sup>

The decentralised location of managers can be seen as part of broader efforts to give local government a more important role in environmental policy. In general, the transfer of decision-making authority to the local level requires that the central government has confidence in the willingness and ability of local authorities to enact national policy objectives (Fimreite and Flo 2002). The relocation of managers from county governor's offices to municipalities signals the government's willingness to delegate and decentralise functions basic to the formation and implementation of national policy in protected areas. The ability of local authorities to set priorities in national policy objectives remains contingent upon sufficient knowledge about such objectives and the threats that may prevent achievement of the objectives.

## **5. Implications of the reform**

Here we will discuss two main implications of the 2009 reform: 1) its implications for the relationship between long-term environmental protection and user interests, and 2) its

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<sup>17</sup> Record of meeting in Breheimen Nasjonalparkstyre, 2 March 2011.

<sup>18</sup> This was the case for Setesdal, Vesthei and Ryfylkeheiane, see [www.svr.no/Modules/article.aspx?ObjectType=Article&Article.ID=1043&Category.ID=1145](http://www.svr.no/Modules/article.aspx?ObjectType=Article&Article.ID=1043&Category.ID=1145).

implications for efforts to improve the physical management of protected areas. By “physical management” is meant activities that have been initiated or accepted by local management boards and that aim at protecting or enhancing the environmental values of protected areas. Whereas the former focuses on the extent to which local management boards will permit activities that might harm the environment within protected areas, the second category concerns the ability and willingness of the local management boards to initiate activities to protect the environment.

### ***5.1 Long-term environmental protection and user interests***

The first factor to be considered in discussing how the reform influences the relationship between long-term environmental protection and user interests is the objectives of the protected areas. Nature reserves are generally the most strictly protected areas, so management approaches here must be based on long-term environmental protection objectives. In contrast, protected landscapes frequently depend on agricultural or other economic activities in order to achieve their purposes, especially cultural landscapes. The protection regime for national parks normally lies somewhere between these extremes. Two essential objectives of national parks are the long-term protection of environmental values of national interest, and accommodating recreational activities, including tourism. The focus of the 2009 reform is on protected landscapes and national parks, but it also covers nature reserves related to such protected areas. Hence, while the reform focuses on areas that allow and often depend on important elements of sustainable use, it also covers areas where there are strict limitations on such use.

The second factor to be considered is whether the reform is likely to increase the power of local-level political representatives at the expense of professional expertise. According to Reitan (2004: 439), professional expertise in nature conservation is “characterised by the use of scientific arguments, the definition of issues in technical, non-political terms and by processes on the bureaucratic arena”. By contrast, with politicisation, “issues are framed in ideological or other politically controversial terms and are often described in the context of more general, political divisions constituting lines of conflict between political parties”. As sustainable use is an important objective in the protected areas covered by the reform, it can be argued that political issues are central to their management. Nevertheless, professional expertise remains essential to achieve long-term sustainable use as well as to ensure that such use contributes to the environmental objectives of the protected area.

Local management boards are composed of local-level political representatives, not professional expertise or local stakeholders. The political representatives most often appointed to these boards are mayors in municipalities with protected areas – signalling that, at least in the initial phase, high political priority is given to these boards. Also noteworthy is the high priority given to balanced gender representation on these boards, which again underscores that political objectives are important for the selection of members to management boards. Regarding the distinction between professional and political concerns in decision-making, we thus observe a process of “politicisation” in the policy of nature conservation in Norway (Reitan 2004), reinforced through the design of local management boards. With this process of politicisation, decision-making power in nature conservation policy is being transferred from the bureaucratic to the political arena within the political system.

The physical location of protected area managers is relevant for which interests they are most likely to focus on. Although the park managers are employed by the county governors’ offices, they will be located outside these offices, usually at the local level. According to

administrative theory, organisational structures characterised by positions, rules, procedures and recruitment patterns are important conditions for linking actors to decisions (Egeberg 1994, 1999; Hovik and Reitan 2004: 689). Physical location is an organisational design element that may effectively channel attention and link problems to policy solutions (Egeberg 1999). Locating managers outside the offices of the county governors reinforces the trend towards localisation and politicisation of environmental policy, particularly in resource management issues. Whereas the county governor's offices embody professional expertise in resource management, local institutions are characterised by high salience of local-level interest and political concerns.

There is a general lack of institutional arrangements for environmental policy enactment within Norwegian municipalities (Bjørnæs 2002; Hovik and Reitan 2004). Since 1997, when an earmarked grant for the municipalities to employ local environmental consultants was incorporated into the general state grants, the number of Norwegian municipalities with specific environmental expertise has decreased markedly (Hovik and Reitan 2004: 692). Consequently, the managers exercise their discretion relatively insulated from professional concerns and priorities in nature conservation, including national and international conservation objectives. Locating managers at the local level and not at the county governor's office should increase their attention to important local resource management issues, such as the needs of landowners and resource users.

The third factor to be considered is what interests political representatives in local management boards are most likely to focus on. Since most of the political representatives in the local management boards are mayors or deputy-mayors and, to a limited extent, representatives of local user interests, we can expect the boards to promote majority interests. Although mayors are politically elected, once in office they are often expected to promote majority interests rather than ideological party interests. Moreover, satisfying local majority needs is likely to increase their chances of re-election (Falleth and Hovik 2009: 222). Indeed, the assessment of trials in local management of protected areas showed that local management boards tended to support majority interest – like the needs of landowners, resource users and tourist businesses – whereas environmental protection interests and other minority interests had difficulties being heard (Falleth and Hovik 2008). Statistics on the organisation of various interests groups through NGOs in Norway also show relatively few engaged in environmental NGOs as compared to other categories, such as business and professional NGOs, workers' NGOs and hunting and recreation NGOs.<sup>19</sup> One would thus expect local management boards dominated by mayors from affected municipalities to prioritise local majority interests such as local use and business interests – issues perhaps not controversial at the local level but problematic in light of national conservation objectives and international commitments.

The final factor to be considered here is elements of the reform that can ensure against negative consequences for the long-term environmental protection objectives of the reform. Policy-makers frequently use institutional design to ensure that local institutions are more easily controlled by central authorities. We have identified four such elements in the current

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<sup>19</sup> In 2008, environmental NGOs had 179 employees and 2,081 volunteers, whereas culture and recreation NGOs had 9,082 employees and 63,067 volunteers, and business and professionals NGOs 7,356 employees and 3,962 volunteers: <[www.ssb.no/english/subjects/09/01/orgsat\\_en/tab-2010-12-21-02-en.html](http://www.ssb.no/english/subjects/09/01/orgsat_en/tab-2010-12-21-02-en.html)>. Statistics from 2007 show that environmental NGOs had significantly fewer members than other relevant categories of NGOs: less 5% of the population above 16 years belonged to environmental NGOs, while 13% were members of recreational NGOs and 14% were members of various business NGOs (not including trade unions): <[www.ssb.no/aarbok/tab/tab-247.html](http://www.ssb.no/aarbok/tab/tab-247.html)> (in Norwegian).

reform. The first is the authority to instruct the local management boards and the high priority given to elaboration of management plans. This may ensure against negative consequences if followed up effectively, but the composition of the local management boards and the limited economic and human resources available to public authorities make us question the effectiveness of such tools.

The second element is the power of the county governor's offices to appoint managers. The offices are likely to appoint individuals with skills relevant for promoting long-term conservation interests. What we have observed is that at least some of those appointed so far have prior experience from county governor's offices in the management of protected areas.

The third element is the complaints procedures, to be accompanied by a register of environmental decisions. Although Norwegian NGOs do not have a tradition of bringing environmental cases to courts, they make frequent use of administrative complaints procedures (Fauchald 2010, Bugge 2011: 168–170). Here, however, we note that Norway's environmental NGOs do not currently seem to have the additional capacity needed to expand their use of administrative complaints procedures. As to the opportunities for the county governor's offices to bring complaints, the reform appears likely to reduce the number of staff-members working on protected areas, as such tasks are transferred to local management boards. We question whether the offices will have the capacity to make effective use of the complaints procedure.

Fourth, increased transparency could make it easier for those representing long-term conservation interests to take action where such interests are threatened. In addition to the register of environmental decisions, the reform places the responsibility for information on local management boards. No clear common information policy has been published, and boards have pursued various approaches to the presentation of information.

In conclusion, we find that (i) the reform transfers decision-making authority from professional expertise to local-level political representatives, usually mayors, (ii) these political representatives are likely to promote local interests and fulfil local majority demands, and (iii) the elements to ensure against such consequences remain similar to those that existed before the reform – the main new element is the register of environmental decisions, which may come to make a significant difference but is still in its infancy. Thus, we conclude that the reform is likely to promote local user interests, possibly at the expense of long-term environmental protection objectives.

## ***5.2 Improved physical management of protected areas***

One major threat to protected areas in Norway is the lack of appropriate physical management. All three categories of protected areas can be established on private land: indeed, in many of the clusters covered by the reform, the share of private property exceeds 50%. In addition, sustainable use is a major objective in many protected areas. This means that cooperation between management authorities and property owners is essential to achieve good physical management of protected areas.

One problem is that property owners have had limited, but increasing, access to economic compensation for the establishment of protected areas (see sections 50 and 51 of the Nature Diversity Act; Bugge 2011: 242–248). Property owners frequently see protected areas as a threat to their property interests. Moreover, the traditional use needed to achieve the objectives of protected areas may no longer be profitable. The original property owners or



their successors will often have strong interests in changing their use of protected areas. Hence, important tensions between property owners and management authorities may undermine efforts to ensure good physical management. To what extent is the reform likely to reduce or increase tensions between property owners and management authorities?

As municipalities have expressed frustration over the state bureaucracy and voiced firm demands for local participation (see e.g. Reitan 2004), delegating power to local management boards may be a way to reduce such tensions and create protection plans that embrace the interests of both property owners *and* management authorities. Moreover, the fact that board members in almost all cases are high-level political representatives demonstrates the high political priority given to these management organs. Delegation to local boards may be a way to create political commitment to nature conservation at the local level, anchoring management plans at the highest political level locally, in bodies sensitive to the perspectives of property owners. In the long term, these local boards could become arenas for learning and awareness-building about nature protection among property owners, as well as mechanisms to reduce the frustrations frequently felt by property owners.

The Norwegian authorities want to promote a sense of local community ownership to the management of protected areas (DN 2008: 20). Locating the managers close to the protected areas is likely to facilitate communication and sensitise them to the views of property owners. It may also contribute to local understanding of the need to protect the area, and the measures needed to make such protection effective.

The apparent danger of these initiatives is that local management boards and managers may become the ones that adjust to the interests of property owners, rather than vice versa. Support may be needed for local management boards and managers to resist such a development. The weakness of local environmental NGOs in many communities indicates that they cannot be expected to take on such tasks. The four safeguard measures examined above are unlikely to prove adequate in this respect.

In conclusion, we find that the reform is likely to improve the cooperation between property owners and management authorities. Whether this will lead to better physical management and achieving the objectives of protected areas remains uncertain. There is a high risk that the reform will favour the interests of landowners, resource users and tourist businesses, at the expense of physical management to fulfil the objectives of the protected areas.

## **6. Concluding remarks**

This analysis has justified characterising the Norwegian reform as a grand experiment with delegation of decision-making authority to the local level. Can the reform serve as an example of “best practices”, a model relevant to other countries? Or should it be regarded as an experiment from which other countries might learn? The starting point for the reform was Norway’s poor record in achieving the objectives set for its protected areas, as well as the high level of conflicts involved in establishing and managing such areas – “business as usual” did not seem a viable option.

Our findings indicate that the reform can be expected to lower tensions between property owners and management authorities – but that it is much less likely to ensure better achievement of long-term conservation objectives. Although it is too early to evaluate the priorities of the newly-established local management boards, a study of the trials leading up to

the reform found that local boards seized the opportunity to redefine national conservation goals and implement management practices more in line with local needs and interests (Falleth and Hovik 2008). If the reform proceeds along the lines drawn up thus far, there is a considerable risk that user interests will prevail over longer-term conservation interests, and that the reform will entail further challenges to achieving the conservation objectives.

The major weakness of the reform lies in its failure to develop regulatory and institutional frameworks to ensure fulfilment of environmental conservation objectives. The longer-term risks of the reform, which appear high and in many respects irreversible, indicate an urgent need for a stronger focus on the regulatory and institutional frameworks. The following is a list of measures that should be taken:

- a) clarification of long-term conservation objectives by amending the decisions establishing protected areas;
- b) greater resources for adopting or updating management plans as necessary – particularly important given the clustering of protected areas and associated needs for reconsideration of plans;
- c) measures to ensure that scientific knowledge and long-term conservation interests are appropriately represented on advisory councils;
- d) measures to ensure that managers of protected areas interact with relevant expertise within the county governor's offices and the DN;
- e) measures to ensure high transparency in the management of protected areas.

The Norwegian reform should be regarded as an experiment from which other countries might learn, rather than as a model for reform of protected areas. Four issues of particular relevance for future research and policy design stand out: the effect of improved collaboration among property owners and management authorities for achieving long-term conservation objectives; the effect of various forms of transparency on achieving these objectives; the composition, functions and impact of advisory councils; and the effect of the reform in lowering the level of conflict in protected area management.

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