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The Norwegian Nature Diversity Act and environmental governance:

Current issues of relevance to Norwegian tundra areas

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The context of the Nature Diversity Act (NDA)

- General land use legislation in Norway
 - Planning and Building Act (2008)
 - Nature Diversity Act (2009)
 - Water Resources Act (2000) (and regulation)
- Specific land use legislation of particular current interest to tundra areas
 - Minerals Act (2009)
 - Reindeer Husbandry Act (2007)
 - Finnmark Act (2005)
 - Act concerning Motor Traffic on Uncultivated Land (1977)
 - Mountain Act («statsallmenninger») (1975)

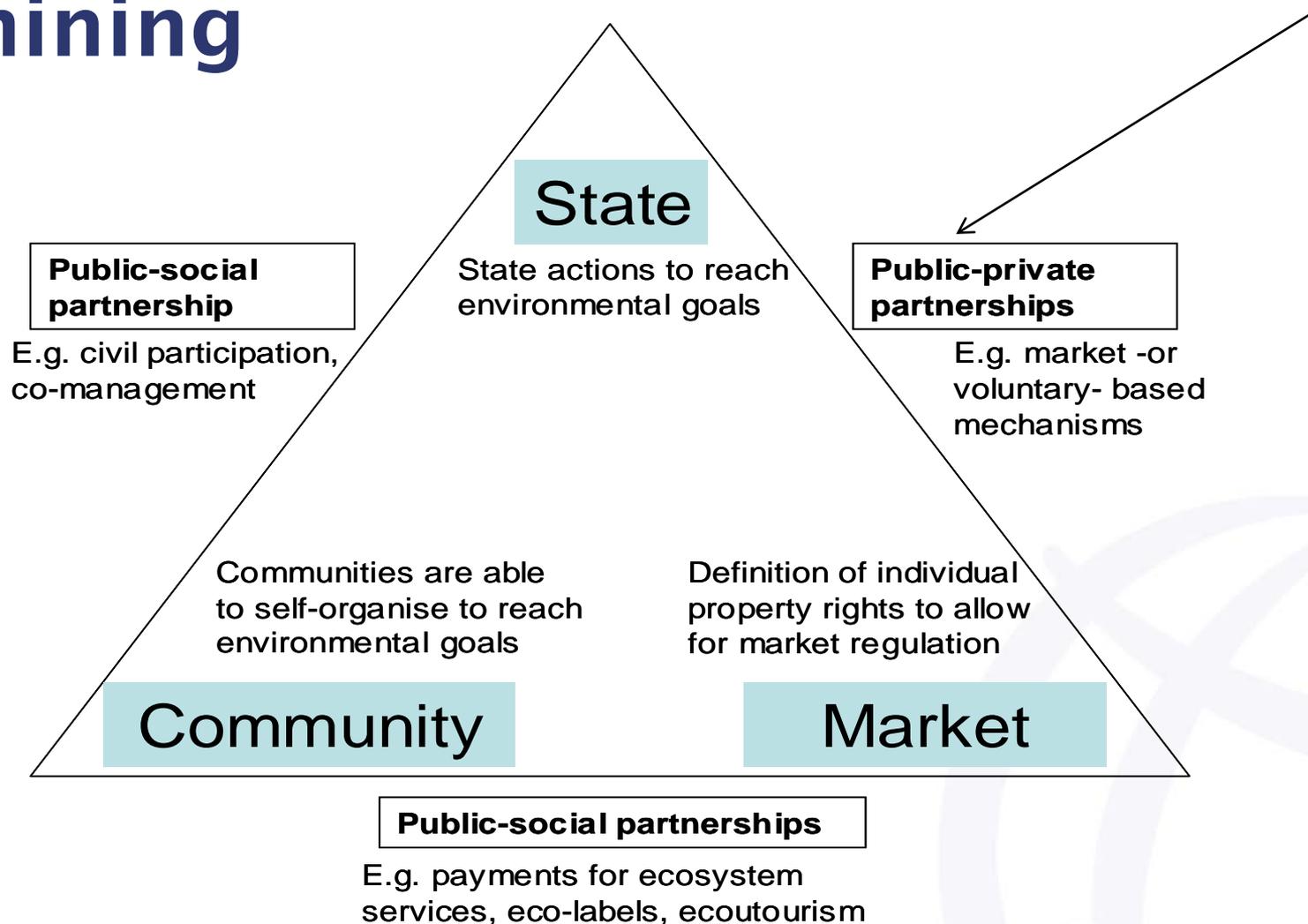


The NDA and governance structures

- State – society – market
 - Partnerships and other forms of interaction
- The NDA and partnerships – what are the impacts?
 1. Partnerships between sectoral authorities and related interest groups (market actors)
 - Is there a need to control such partnerships / take measures to weaken them?
 - The effects of chapter II of the NDA?
 2. Strong partnerships between local authorities and society
 - Centralization and subsidiarity in the NDA
 3. Indigenous peoples – the NDA and the Sami



1. Environmental governance - mining

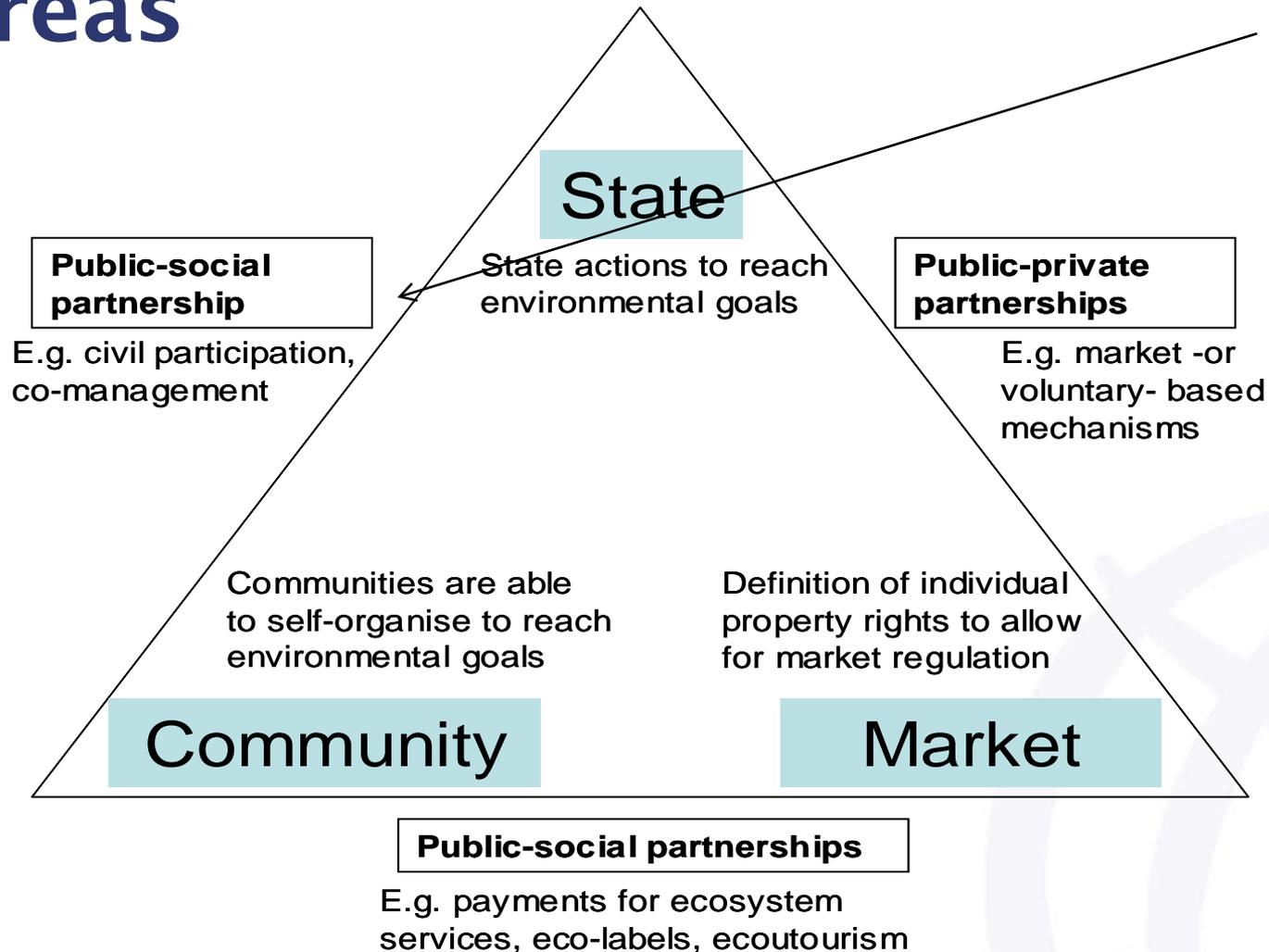


The NDA and mining

- Drivers
 - Norwegian mineral strategy to be published this spring, estimated value of minerals: 3-400 bill. USD
 - The «rare earths» situation and Western sensitivities
 - Close cooperation industry – pollution control – EIA actors
- Emphasis on exploration in Northern Norway
 - [Project to map mineral resources](#) – government funded
 - Dalradian Resources (Canadian) bought rights to search on 5 % of the Norwegian territory
- The NDA: Strengthening environmental authorities?
 - Chapter II of the NDA: env'l quality and principles
 - Protected areas, priority species and selected habitats
 - How to resolve conflicts with Sami interests



2. Env'l governance – protected areas

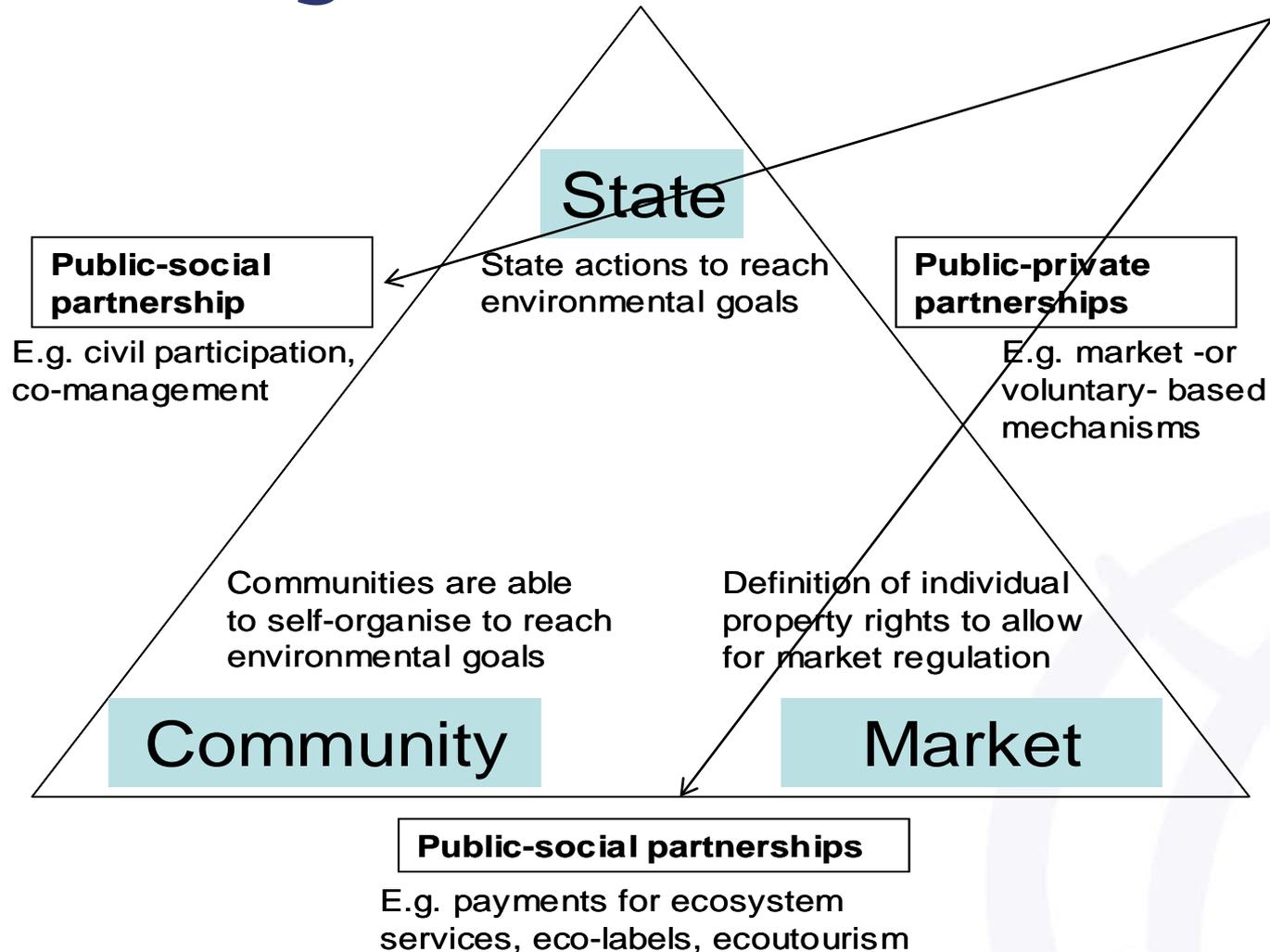


The NDA and protected areas: local management reform

- NDA => centralization of decision-making authority?
- Starting point: strong county level linked to government
 - Protected environment threatened in 38 % of protected areas
 - Serious warnings against aspects of reform based on trials
- Clustering of protected areas
 - Reform to cover 75 % of protected area in Norway
- Establishment of local management boards
 - Boards: Mayors, regional politicians and Sami parliamentarians
 - Managers relocated from county level to municipalities
 - Limited reforms of other parts of the management framework
- In accordance with general international trends



3. Env'l governance – Sami interests



The NDA and Sami interests

- Protection of Sami rights
 - Finnmark Act (2005) and Reindeer Husbandry Act (2007)
 - The split between Sami and other local interests – who are the relevant market actors?
- Secrecy: section 19 of the Freedom of Information Act
- NDA and Sami interests
 - Special provisions to take into account Sami interests (sections 1, 8, 14, 41 and 43)
 - Effect of NDA chapter II in relation to Sami rights?
 - Effect of NDA chapter II in relation to mining?
 - Sami representation on local management boards



Concluding remarks

- General impression when studying the NDA
 - Need to carry out specific case studies
 - The dependence of the NDA on use of authority and associated reforms
 - Too early to make clear conclusions
 - Main uncertainty: how will chapter II be applied?
- Some general observations
 - Flexibility within the framework of the NDA
 - Mixed picture
 - Importance of procedural issues: How to deal with situations where «partners» have common interest in secrecy? How to deal with lack of access to justice?

