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)

- 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

- **State**
  - State actions to reach environmental goals
  - E.g. civil participation, co-management

- **Community**
  - Communities are able to self-organise to reach environmental goals
  - Definition of individual property rights to allow for market regulation

- **Market**
  - Public-private partnerships
  - E.g. market-or voluntary-based mechanisms

- **Public-social partnerships**
  - E.g. payments for ecosystem services, eco-labels, eco-tourism

**Diagram:**
- State
- Community
- Market
- Public-private partnerships
- Public-social partnerships
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

- **Public-social partnerships**
  - E.g. civil participation, co-management

- **Public-private partnerships**
  - E.g. market- or voluntary-based mechanisms

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  - State actions to reach environmental goals

- **Community**
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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

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- **Public-private partnerships**
  - Definition of individual property rights to allow for market regulation

- **Community**
  - Communities are able to self-organise to reach environmental goals

- **Market**
  - E.g. payments for ecosystem services, eco-labels, ecotourism

- **Public-social partnerships**
  - E.g. civil participation, co-management
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?