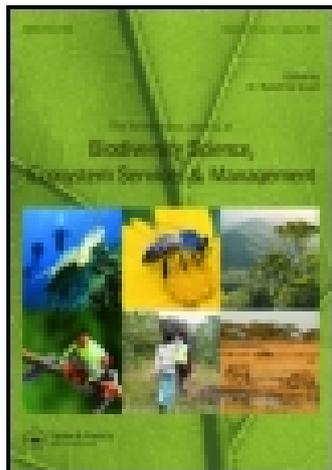


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### Internationalization of protected areas in Norway and Sweden: examining pathways of influence in similar countries

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## Internationalization of protected areas in Norway and Sweden: examining pathways of influence in similar countries

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This study examines differences in how international regimes for the establishment and management of protected areas have been implemented in Norway and Sweden. We focus on regulatory and normative pathways of international influence, which mirror the distinction between legal and non-legal regimes in international environmental law. Sweden and Norway have essentially responded similarly to the regulatory regimes that apply to both countries. The more normative regimes have influenced them in different ways – primarily by strengthening traditional nature conservation norms in Sweden, and norms about sustainable use by local communities in Norway. The findings indicate that the normative pathway is important mainly as a support for domestic policies that correspond to existing national norms and discourses, and they support the proposition that a high degree of regulatory hardness contributes to increase the level and consistency of implementation.

**Keywords:** international agreements; local management; nature conservation; Norway; protected areas; Sweden

### 1. Introduction

The aim of this article is to examine differences and similarities in how international regimes for the establishment and management of protected areas have been implemented in Norway and Sweden, and to discuss how regulatory and normative regimes influence national policy decisions. Several international conventions promote the conservation of biodiversity through the designation of protected areas. The most important at the global level is the UN Convention of Biological Diversity (CBD, 1992). Further, the Ramsar Convention (1971) concerns the preservation of important wetlands, the World Heritage Convention (WHC, 1972) provides for the conservation of natural heritage for future generations, and the Bern Convention (1979) establishes duties for European countries to conserve natural habitats of wild flora and fauna. The EU Natura 2000 network follows up the Bern Convention. These conventions set legal obligations to establish protected areas and to achieve effectiveness of protected areas as measured against conservation objectives. In addition, more extensive political commitments have been undertaken under these agreements. For instance, the CBD Aichi Biodiversity Targets prescribe that 17% of terrestrial and inland water areas, and 10% of coastal and marine areas, should be ‘conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas’ by 2020 (Target No. 11). Moreover, the International Union for Conservation of Nature (IUCN) is highly influential in setting conservation standards, not least through its classification system for protected areas, recognized by the UN and by many national governments (IUCN 2013a).

Traditional nature conservation policy has aimed to preserve an ideal state of nature where interference by

humans is minimized through central management. Increasingly, however, it is recognized that local populations need to be involved (see, e.g., Agrawal & Ribot 1999; Lane 2001; Zachrisson 2009a). International conventions and decisions highlight the importance of local participation in protected area management (e.g. Article 8(j) of the CBD), and the IUCN has promoted the use of various modes of governance and the recognition of the rights of local communities (IUCN 2013b). But a major challenge remains: how to combine the safeguarding of long-term conservation values with the rights and interests of local communities and other groups? There is still a long way to go before appropriate management structures are in place that can satisfy the diverging needs placed on many landscapes (Hovik et al. 2010; Fauchald & Gulbrandsen 2012). Specifically, not enough is known about the influence of international commitments on domestic policy change. While questions of traditional nature conservation and participation by local communities have been much discussed, there have been few studies that attempt to assess how states interpret and implement international commitments in these issue-areas.

Our study seeks to address this research lacuna by examining international influences on domestic policy change in Sweden and Norway. We have selected these two neighbouring Scandinavian countries not only because of their many similarities, but also in view of the palpable differences concerning the development of protected area policies and the fact that Sweden is a member of the EU and required to implement Natura 2000 while Norway is not. The two countries share habitats for many species and have fairly similar political and administrative systems. Historically, the management of protected areas was centralized in both countries; goals

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were set by the Ministry of the Environment and implemented by national and regional state authorities. This has been changing in both Sweden and Norway over the past two decades (Hovik et al. 2010), but not in the same way.

Sweden was a frontrunner in establishing protected areas and has a rather good record in adopting international protection status. Europe's first national parks were established in Sweden in 1909, and much of the protected area surface in Sweden is under internationally recognized protection. But Sweden has been rather slow in implementing local management, at least in comparison with Norway. A mere 13.4% of Sweden's protected areas were in 2011 registered as managed by a municipality, an association or foundation (Statistics Sweden 2012), and in only a few cases have representatives of local communities been involved, as with the designation of Fulufjället National Park (Zachrisson 2009b). This contrasts with the expectations of the Swedish people: a survey conducted in 2004 showed that 65% supported local or co-management of protected areas (Zachrisson 2008).

Norway established its first national park only in 1962, but has since established a large number of protected areas. It has been quick to ratify relevant conventions, but sometimes slow to implement them. With regard to local participation, Norway has become a frontrunner in devolving responsibility for protected areas, with management extensively delegated to political bodies at the municipal and regional levels (Fauchald & Gulbrandsen 2012).

To what extent and how do the different approaches to the establishment of and management of protected areas relate to international commitments? One objective of the present study is to describe differences in how international commitments, which demand both conservation by means of protected areas and devolution of their management, are interpreted and implemented in Norway and Sweden. Another objective is to examine why such differences occur, and thus to contribute to the understanding of how states respond to international commitments.

In investigating international influence on domestic policy change, we adopt a three-pronged approach. First, we examine international legal obligations and political commitments pertaining to protected area management in Sweden and Norway, ranking them in terms of their legal 'hardness'. Second, we systematically examine Swedish and Norwegian reports to the relevant international institutions, to determine what is reported, and how. Third, we examine domestic laws and regulations as well as nature protection inventories and reports to supplement the analysis of national reports to the international institutions. The archival research includes detailed examination of relevant international conventions and institutions, national reports to the international institutions, domestic laws and regulations, and nature protection inventories in Sweden and Norway. We also draw on relevant literature on nature protection and protected areas. While this study is based on both legal and policy analysis, our analytical approach builds primarily on political science perspectives

on the influence of international regimes on domestic policies.

## 2. Two pathways of international influence on domestic policies

According to the literature on the effectiveness of international environmental regimes, pathways of international influence on domestic policy change may be understood as being regulatory, normative or cognitive (e.g. Hasenclever et al. 1997; Breitmeier et al. 2006). These pathways of influence may occur simultaneously or independently. By pathway of influence we mean the way international environmental regimes influence domestic rules and management systems for protected areas. In our definition, such pathways may work through formal adoption of international commitments by a state party or through more informal adoption of international guidelines and recommendations. Hence, we focus on what we here refer to as the *regulatory* and *normative* pathways, which mirror the distinction between legal ('hard law') and non-legal ('soft law') norms in international environmental law (see, e.g., Bodansky 2010).<sup>1</sup> This may also serve as a template for examining the influence of international regimes pertaining to protected areas – here understood as global and regional conventions and institutions established by the conventions – on domestic rules and management systems for protected areas. An international regime may have both regulatory and normative effects, and their relative importance will vary among regimes.

### 2.1. The regulatory pathway

The regulatory pathway highlights the influence of *binding* rules in global and regional regimes (Hasenclever et al. 1997). The logic of this pathway is that states can be expected to comply with international conventions to which they have given their formal consent. Compliance may be ensured by enforcement or facilitation, or by a combination of the two approaches. In the literature on international environmental regimes, a distinction is frequently made between the enforcement approach and the managerial approach to compliance with international conventions. Proponents of the enforcement approach argue that compliance with international conventions must be enforced through systems of monitoring, reporting and verification and some form of punitive action for noncompliance. By contrast, proponents of the managerial approach argue that information sharing, technical and financial assistance, implementation support, systems of implementation review and the like will be just as effective in eliciting compliance as strict enforcement of conventions (Chayes & Chayes 1995). As noted by Breitmeier et al. (2006, p. 155), the imposition of penalties or the provision of rewards may prove effective in eliciting compliance at the margins, but 'even well-endowed public authorities would run into trouble right away unless most subjects complied

with the relevant conventions most of the time without regard to the impact of punishments and rewards’.

Regardless of the different approaches to enforcing or facilitating compliance, international conventions can be expected to exert a ‘compliance pull’ of their own because they have emerged as the result of legitimate processes based on state consent and international law (Franck 1990; Bodansky 2010). Moreover, international conventions usually have elaborate mechanisms for monitoring, reporting and verification of implementation by state parties. Hence, based on the regulatory pathway, states can be expected to comply with international conventions because of their formal consent and the conventions’ mechanisms for enforcing or facilitating compliance. More specifically, we expect that a high degree of regulatory hardness will increase the level and consistency of implementation owing to extensive and formalized consent procedures at the domestic level and the elaborate mechanisms for ensuring compliance.

## 2.2. The normative pathway

The normative pathway highlights the influence of the *non-binding* norms and principles that emerge from policy processes within the regimes. Such norms define appropriate and inappropriate behaviour, prescribe and proscribe courses of action, and legitimate particular policies (March & Olsen 1989; Hasenclever et al. 1997). The logic of this pathway is that international norms and principles (‘soft law’) influence domestic policy discourses and decision-makers’ perceptions of appropriate policies and behaviours. The focus is on what decision-makers believe states *should do* in the light of international cooperation. Such considerations of appropriate behaviour are often linked to decision-makers’ perceptions of their state’s identity and role in world politics (Finnemore & Sikkink 1998). For example, compliance with environmental soft law can be important for states concerned with gaining or maintaining a reputation as environmental frontrunners, even when they have not formally consented to be legally bound by such norms.

A key expectation from institutional theory is that decision-makers may *internalize* norms about appropriate conduct in particular roles and situations. From this perspective, the internalization of norms constitutes the prime causal mechanism connecting international soft law with domestic policy changes (March & Olsen 1989). This mechanism may work directly through domestic decision-makers’ participation in international processes, or indirectly through NGO pressure or pressure from other states. For example, international soft law can be mediated by domestic authorities such as environmental protection agencies (Risse-Kappen 1995), and NGOs can undertake a range of strategies to encourage states to follow international soft law (Keck & Sikkink 1998; Gulbrandsen 2010).

Whereas both the enforcement and managerial approach to compliance apply to international conventions, only the managerial approach applies to non-binding commitments. Normative approaches may be accompanied

by many of the same institutional and procedural managerial mechanisms as regulatory approaches. Strong international institutions have established ambitious targets and communicate clearly what is necessary to achieve these. By contrast, weak international institutions are lacking in terms of clear targets or in communicating what they ultimately want to achieve. In such cases there are no mechanisms in place to facilitate compliance.

States frequently accept more detailed and far-reaching commitments in the form of soft law than in the form of binding convention obligations (Bodansky 2010). More specifically related to the relationship between the regulatory and normative pathways, we expect non-binding commitments to carry less weight in domestic discussions of policy measures and priorities than binding commitments. This is because, first, soft law is not subject to extensive and formalized consent procedures at the domestic level and, second, systems for monitoring, reporting and verification are often lacking or not relevant in the case of soft law.

## 3. Participation in international regimes

### 3.1. International obligations and commitments

International legal obligations and political commitments pertaining to protected areas concern the establishment of protected areas, the management of such areas, and monitoring and follow-up of such areas. The general approach is facilitative, in the sense that conventions and the institutions they establish focus on assisting countries to comply with obligations and commitments, rather than on punishing noncompliance.

Some of the conventions and institutions studied in this article are mature in the sense that they have existed since the 1970s (the WHC, the Ramsar Convention, the Bern Convention and the UNESCO Man and Biosphere Programme (MAB)), and have had many years to build institutional, regulatory and normative frameworks. Indeed, for several of these conventions and institutions we find quite extensive and advanced frameworks that provide detailed guidance on how obligations and commitments are to be implemented. Examples include the management of World Heritage Sites under the WHC, the management of Wetlands of International Importance under the Ramsar Convention, and the Emerald Network established according to Article 4 of the Bern Convention. The states’ broad margins of appreciation under the conventions have been significantly circumscribed. Natura 2000 is in a special position, with its elaborate obligations and implementation and enforcement mechanisms.

The biosphere reserves under the MAB programme remain inherently non-binding, as this is not based on any convention. The CBD can be placed somewhere between the conventions that establish international status for protected areas and the MAB biosphere reserves, given the broad margin of appreciation under Article 8 and the ‘softness’ of the Programme of Work on Protected Areas (PoWPA).

Closer examination of the WHC, the Ramsar Convention and the Emerald Network under the Bern Convention shows that they all contain legal obligations to conserve the environmental qualities of certain areas, and that these obligations have been further developed through practice under these conventions. Although none of these conventions contains clear obligations to ensure conservation through establishment of protected areas, the link between conservation and protected areas has become essential in practice, since most countries ensure conservation by establishing protected areas (Patry 2008, pp. 144–145; Ramsar Secretariat 2008). All three conventions contain ‘obligations of result’ as regards the management of sites that have obtained international status. The WHC and the Ramsar Convention have also developed quite elaborate norms concerning the management measures to be taken. However, these norms remain ‘soft’, essentially in the form of guidelines (e.g. the Operational Guidelines of the WHC, and the Ramsar Handbooks for the wise use of wetlands). The Emerald Network has not yet established such norms. The WHC and the Ramsar Convention have also established mechanisms to ensure compliance, through listing of and follow-up procedures regarding sites deemed endangered. In extreme situations, sites may lose their international status. The mechanism of the WHC is somewhat more facilitative and ‘soft’ than that of the Ramsar Convention (see the Operational Guidelines of the WHC and Articles 2.5 and 4.2 of the Ramsar Convention).

Against this background, we propose the following ranking of the regimes according to their level of ‘hardness’:

- (1) Natura 2000 (applies to Sweden and is by far the ‘hardest’ of the regimes);
- (2) The Ramsar Convention;
- (3) The WHC (comparable to the Ramsar Convention, but we consider the Ramsar Convention to be slightly ‘harder’);
- (4) The Emerald Network of the Bern Convention (applies to Norway and is significantly ‘softer’ than the Ramsar Convention and the WHC);
- (5) Obligations and commitments under the CBD related to protected areas;
- (6) Biosphere reserves under the UNESCO MAB programme.

While three of these regimes rely essentially on a regulatory pathway (Natura 2000, Ramsar and the WHC), the others (Emerald Network, the CBD and biosphere reserves) rely more on a normative pathway.

### 3.2. *Acceptance of conventions and participation in institutions*

Acceptance of conventions and participation in their associated institutions is indicative of the degree to which a country has accepted internationalization of its protected

areas. Such acceptance and participation can be characterized in terms of the extent to which a country plays an active part at the international level, especially as regards undertaking international commitments and dedicating human and economic resources to international cooperation, and the extent to which a country ensures prompt and effective implementation of international commitments at the domestic level. In this section, we trace how Norway and Sweden have participated in conventions and institutions. We return to implementation issues in Section 4.

Norway participates in four regimes that assign international status to protected areas: the World Heritage Convention, the Ramsar Convention, the Bern Convention’s Emerald Network, and the UNESCO Biosphere Reserves. Currently, Norway has seven sites listed as World Heritage Sites, of which one is listed as natural heritage (West Norwegian Fjords – Geirangerfjord and Nærøyfjord). In addition, two sites that are listed as cultural heritage contain significant environmental components (Vegaøyan, Røros Mining Town). Norway has 63 Wetlands of International Importance under the Ramsar Convention, covering an area of 8869 km<sup>2</sup>. Most of this area, almost 7000 km<sup>2</sup>, is located in the Arctic Archipelago of Svalbard (Ramsar Secretariat 2013).

At present, there is no Biosphere Reserve in Norway. The one that was established (North-east Svalbard) was withdrawn in 1997 because it did not fulfil the criteria for being listed (see Article 4 of the Statutory Framework for Biosphere Reserves, UNESCO 1996). Norwegian participation in the Emerald Network, which was established in 1989 and effectively started operation in 1996, has had meagre results thus far (Fauchald & Gulbrandsen 2012). Norway nominated 11 pilot areas covering 25 protected areas in 2008, but these could not be accepted as part of the Network until a comprehensive list of areas is presented to the Standing Committee of the Bern Convention. According to the Calendar for the Implementation of the Emerald Network, designation of the Emerald Network in Norway is expected by the end of 2016 (doc. T-PVS/PA (2010)8rev). In February 2013, Norway identified 886 areas as potential Emerald Network Sites (Directorate for Nature Management 2013).

As regards direct participation in the institutions examined here, Norway is represented by a non-governmental individual in the International Coordinating Council of MAB (2011–13). In Norway’s most recent national report to MAB Norway (2011), the Norwegian representative said that ‘[w]e have had some difficulties communicating the suitability of such [biosphere] reserves to the relevant authorities in Norway’, and that ‘[w]hen we presented Norway’s candidature for election [to the International Coordinating Council] it was in part in order to boost the understanding of MAB in our country’ (MAB Norway 2011). With the Emerald Network, Norway has two governmental representatives in the Group of Experts on Protected Areas and Ecological Networks under the Bern Convention Standing Committee. Norway is well represented in the IUCN World Commission on Protected

Areas, with several protected area professionals having served as members over many years. The UNESCO World Heritage Committee comprises representatives from 21 countries. The Nordic countries collaborate in proposing candidates; Sweden served most recently on the Committee (see below), and Norway served prior to Sweden.

Sweden is also active in all the protected area institutions examined here. It has 15 World Heritage Sites but only one is natural and one is mixed; another two have significant environmental values, although they are listed as cultural heritages sites: Southern Öland and the High Coast/ Kvarken archipelago (WHC List 2014). Sweden has 66 Wetlands of International Importance under the Ramsar Convention, covering almost 6517 km<sup>2</sup> (Ramsar Secretariat 2013), and five biosphere reserves under UNESCO's MAB, all designated since 2005 (Swedish MAB 2013). One additional earlier reserve (Lake Torne Area) was withdrawn in 2010. As a member of the EU, Sweden has designated more than 3500 Natura 2000 areas covering more than 60,000 km<sup>2</sup> (SEPA 2013).

Sweden's involvement in international regimes is also evident in its direct participation in the relevant institutions. Sweden was represented in the UNESCO World Heritage Committee by the Swedish Environmental Protection Agency (SEPA) and the National Heritage Board 2007–2011 (SNHB and SEPA 2008). The SEPA representative is also a member of the World Commission on Protected Areas, which is administered by the IUCN. Swedish nationals have taken active part in the MAB, holding the presidency of the International Coordinating Committee 2006–2008 (UNESCO 2006) and organizing and hosting workshops and meetings (Swedish MAB 2012).

Thus we see that both Norway and Sweden score relatively high on international participation. It is also clear that Sweden has a higher score than Norway in this regard, due mainly to Sweden's participation in MAB and Natura 2000. Moreover, while Norway and Sweden have approximately the same number of Ramsar Sites, the area covered by such sites on the Norwegian mainland is far below the comparable Swedish area.

## 4. Implementation of international commitments

### 4.1. Introduction

We focus on three aspects of national implementation of international commitments: those regarding the management of protected areas (where hard law commitments are significant), those regarding delegation to and involvement of local communities (where soft commitments are most important) and those regarding degree of representativeness of protected areas (where commitments are essentially soft). These three categories of commitment are all areas where international commitments may play an important role, where both Norway and Sweden face significant challenges, and that have received significant

political attention (Zachrisson 2009b; Fauchald & Gulbrandsen 2012).

In Norway, protected areas are established on the basis of Chapter V of the 2009 Nature Diversity Act (Act no. 100), which in general operates with the same categories of protected areas as previous legislation. To date, 16.9% of the land area of the Norwegian mainland has been assigned protected area status (environment.no 2013, Protected Areas) – which means that Norway has in practice already fulfilled Aichi Biodiversity Target no. 11, to protect 17% of its terrestrial area by 2020. Norway has established national parks (IUCN category II) in 57% of the protected area, protected landscapes (IUCN category V) in 32% of the protected area, and nature reserves (IUCN category Ia) in 10% of the protected area (miljøstatus.no 2013). The Nature Diversity Act defines the purposes of protected areas in general (sections 33 and 34) and of the specific categories of protected areas (sections 35–39); furthermore, it contains general rules on permitted and prohibited activities within protected areas, and regulates decision-making as to the governance of such areas.

A major recent reform of Norwegian protected areas transferred core decision-making authority from the County Governors Offices (the government representatives at the regional level) to local management boards composed of politicians – mainly local mayors. When this reform is implemented, approximately 75% of the protected area in Norway will be under such local management (Fauchald & Gulbrandsen 2012). This local management reform has been adopted without amending existing legislation or regulations of individual protected areas, and a priority has been to adopt and update relevant management plans (Miljøverndepartementet 2009–2010, p. 223). However, our examination of existing management plans shows that such plans are still lacking or are outdated for many of the protected areas that come under this reform.

At the general regulatory level, Section 40 of the Norwegian Nature Diversity Act states: 'The King may make regulations granting a protected area special status under an international convention on the protection of the natural or cultural environment. The effect that the convention in question attributes to such status also applies as Norwegian law'. As yet, no regulations have been adopted to implement this provision, even though 25 areas have been added to the Ramsar List since the Act entered into force in 2009.

In Sweden, Chapter 7 of the Environmental Code (1998:808) regulates the establishment and management of protected areas, including the purposes for which they can be established and under which categories. As of the end of 2012, 13% of the land area of Sweden had been assigned protected area status (SEPA 2013). The most important categories are national parks (IUCN category II, comprising 16% of the total formally protected area) and nature reserves (mostly IUCN category Ib, about 81%) (SEPA 2002), such as World Heritage Sites or Ramsar Sites.

The case studies of the Fulufjället National Park (Zachrisson 2009b), the Koster Sea National Park (Morf 2006) and the Laponia World Heritage Site (Zachrisson 2009a) indicate that Sweden develops an *ad hoc* partnership model of decentralization of protected areas. Also the case of the Tyresta National Park is probably identified with this model (see [www.tyresta.se](http://www.tyresta.se)). These areas constitute somewhat less than 20% of the total protected area.<sup>2</sup> The partnership model implies that the regional state authority (the County Administrative Boards (CABs)) delegates limited responsibility (primarily as regards day-to-day management) to partnership organizations. Representatives of concerned municipalities and CABs, as well as other relevant stakeholders (e.g. reindeer-herding units, fishermen organizations and village associations) participate. SEPA is represented in some partnership organizations (CAB Västra Götaland 2009; Laponiatjuottjudus 2011; Tyrestaskogen 2013).

National committees are recommended for some of the international regimes studied here. Norway has established a UNESCO Commission that focuses, *inter alia*, on world heritage ([www.unesco.no](http://www.unesco.no)), but has not yet designated any NGO focal point under the Ramsar Convention. Sweden had a National Ramsar Committee where several involved NGOs were represented (Ramsar Report Sweden 2002, Part 2, p. 24), but it no longer exists (Ramsar Report Sweden 2012) and a NGO focal point has been established. There is an active MAB Programme Committee, now led by SEPA and with representatives of the municipalities and research institutions (Swedish MAB 2013). The WHC work is done by SEPA and the National Heritage Board (NHB 2013). There is also an NGO where all Swedish World Heritage Sites are members, which functions as an informal network for national, regional and local authorities as well as land-owners and user groups (ViS 2013).

#### 4.2. Commitments regarding the management of protected areas

On a general level, states have undertaken hard law commitments regarding management of protected areas in Article 8(c) of the CBD, and softer commitments in Aichi Biodiversity Target 11 and PoWPA. Commitments regarding the management of protected areas are particularly strong where such areas are covered by the WHC, the Ramsar Convention, Natura 2000 and the Emerald Network.<sup>3</sup> Softer commitments exist for the MAB biosphere reserves.

Available assessments indicate that the share of Norwegian protected areas involving threatened environments had increased from 18% in 1995 to 38% in 2008 (Miljøverndepartementet 2009–2010, pp. 219–220). A follow-up examination of the status of protected areas in 2011 showed that this figure has not changed (e-mail from the Directorate of 16 May 2013, on file with authors). The Auditor-General singled out the failure to plan for the management of protected areas as the main

reason for the poor performance (Riksrevisjonen 2005–2006 pp. 11 and 15–16).

These assessments give rise to serious questions regarding the effectiveness of the Norwegian management system for protected areas. On the other hand, the reliability of these assessments may be limited, given the lack of systematic data regarding the environmental status of protected areas. According to Norway's report to the CBD (CBD 4th National Report Norway 2009, p. 69), 'a system for following up and monitoring of protected areas on the basis of concrete conservation goals for protected areas is being established (2007–2011)'. Moreover, Norway's Action Plan (CBD Action Plan Norway 2012, p. 10) states: 'A national management system/framework for protected areas is under implementation. The system includes management plans with conservation objectives, management measures (practical management), monitoring and reporting'. A database which will contain the protection targets and which will serve as a basis for local monitoring of protected areas is still under preparation. Three national thematic monitoring schemes have been established: forest in protected areas, marshland (remote monitoring, not focused on protected areas) and areas not covered by forests (remote monitoring, not focused on protected areas) (e-mail from the Directorate of 16 May 2013, on file with authors). When Norway designed its Nature Index, a process intended to document overall trends for the state of major ecosystems throughout the country, it was not designed to trace the status and development of protected areas (Directorate for Nature Management 2011). The research for the Nature Index did not focus on protected areas, and cannot serve as a basis for tracing the development of the environmental status of such areas.

As to protected areas with international status, the share of Ramsar Sites in which the environment is considered to be threatened is very high: 74%. In only 14% of the areas was the environment considered not to be threatened, and information was lacking for 12% of the areas.<sup>4</sup> For Ramsar Sites, only 37% of the protected areas have management plans.<sup>5</sup> In its report under the Ramsar Convention, Norway noted 'lack of capacity – manpower – to follow up on Ramsar issues' and 'moderate resources only for management and mapping/monitoring of Ramsar Sites' as the two main difficulties in implementing the Convention (Ramsar Report Norway 2012, p. 9). According to the report, basic information seems to be available but this information is not sufficiently systematized and analysed with a view to determining in a scientifically sound manner the ecological status of Norway's Ramsar Sites. Norway has not submitted any report regarding its natural World Heritage Site (WHC State of Conservation 2014). Our examination of regulations and management plans of protected areas found few references to the international status of protected areas in these key documents.

In Sweden, SEPA has been working on developing a comprehensive monitoring system. In 2010, overall

guidelines were adopted as well as specific manuals (Haglund 2010), and a national report on status and trends for outdoor life, habitat types and species is to be published every year from 2012. The reports are also to discuss reasons in cases of poor status (Haglund 2010, pp. 7–8, 10). This development has been driven largely by the demands for follow-up of the EU initiative Natura 2000 (CBD Thematic Report on Protected Areas Sweden 2004; Haglund 2010). This monitoring system is intended to provide regional and national compilations on status and trends, which would allow sufficient data to report according to the Habitats Directive (Haglund 2010, p. 10). Sweden has submitted two reports to the European Commission so far (submissions every seven years; results are summarized in Sohlman 2007 and Eide 2014), which have been used for reporting to the CBD and the Ramsar Convention. Both reports show that habitats currently with a favourable conservational status are found mainly within the northern mountain ranges and in rocky areas throughout the country. These areas also host the great majority of the protected areas. Many grassland habitats and forests fail to achieve favourable conservational status. None of the reports include data on how Natura 2000 areas contribute to the conservational status of habitats (Sohlman 2007; Eide 2014). In the budget proposal for 2013, the government concluded that it would not be possible to achieve the national environmental quality objective of biodiversity until 2020, and that the work with formal protection must be strengthened and made more effective (Swedish Government 2012, pp. 49–50). However, in the latest report to the CBD (CBD 4th National Report Sweden 2009), this work was held forth as an example of successful implementation.

The work with protected areas has been subject to criticism on at least two occasions in recent years by the Swedish National Audit Office. In 2006, SEPA was criticized for not following up sufficiently on county management of protected areas; instructions were not sufficiently clear and detailed and there was no plan for how regularly SEPA would follow up (Riksrevisionen 2006). In 2010, the Swedish National Audit Office further questioned SEPA's monitoring of the annual reports on funding for nature conservation management from the CABs (Riksrevisionen 2010).

According to the 2012 report under the Ramsar Convention (Ramsar Report Sweden 2012), the ecological values of Swedish Ramsar Sites had not changed notably during the previous three years, and the status of protected wetlands was better than for wetlands in general. A wetland inventory was initiated in 1981 and completed in 2004. In all, 10% of the land area has been surveyed, covering the entire country except the mountain regions. This inventory has not been used to detect changes or to compare protected wetlands with non-protected (Gunnarsson & Löfroth 2009). In regard to biosphere reserves, no periodic reviews have been submitted yet: this is to be done only every ten years, and the oldest Swedish reserve was established in 2005. General reports

are expected for the annual sessions, but the Swedish report from 2012 was very brief (only one page) and focused on how the idea of biosphere reserves had been promoted (Swedish MAB 2012). In regard to the World Heritage Convention, the state of conservation of the Swedish site Laponia was reported as adequate (WHC 2006, p. 145). It was noted that Laponia lacks a buffer zone, but that was not deemed necessary, since the regulations set by Swedish national legislation are regarded as equally effective (WHC 2006, p. 128). None of the Swedish sites has ever been reported as being under threat, so no State of Conservation Reports has been submitted (WHC State of Conservation 2014).

According to Swedish legislation, management plans are required only for nature and culture reserves (Områdesskyddförordning 1998:1252, Section 3). The SEPA may issue management plans for national parks (NF 1987:938, Section 7). For Natura 2000 sites, the CABs are to adopt 'conservation plans describing the protected habitats and species in order to facilitate possible environmental impact assessments and management needs' (Områdesskyddförordning, section 17). In regard to areas with international status, there are conservation plans for 97–98% of the Natura 2000 sites (e-mail from the SEPA of 13 December 2013, on file with authors) and all Ramsar Sites have management plans (Ramsar Report Sweden 2012). The Swedish mixed World Heritage Site (Laponia) has a management plan (SEPA 2012b), and for the High Coast one is under preparation (CAB Västernorrland 2013). For Sweden's biosphere reserves, there is one management plan as well as two action plans and two vision documents.

For both Norway and Sweden, there seems to be some discrepancy between the actual management and conservation status of protected areas and the information provided in reports to under the conventions. This is particularly the case for Norway, which has indicated significant reforms and initiatives but subsequently failed to follow up. Sweden has come further regarding management plans. Both countries suffer from significant lack of information on the environmental status of protected areas.

#### **4.3. Commitments regarding delegation to and involvement of local communities**

With the exception of the general and qualified rule on participation of local communities in Article 8(j) of the CBD, international commitments regarding delegation of management to local authorities or stakeholders are essentially soft. Under the CBD, the Aichi Biodiversity Target 18 and the PoWPA follow up and specify Article 8(j) as related to protected areas. Local management is on the agenda of the WHC (see World Heritage Resource Manual 2012, p. 28–34), the Ramsar Convention (2008 Changwon Declaration on human well-being and wetlands) and MAB biosphere reserves (Article 4.6 of the Statutory Framework).

Norway's local management reforms involve delegation of authority in two important respects: the elaboration of management plans, and decisions on specific activities allowed within protected areas. According to the rules of procedure for the local management boards, management plans must be approved by the Norwegian Environment Agency. Many of the protected areas subject to the local management reform do not yet have such plans in place.<sup>6</sup> Even if such plans must respect the general management framework established by the protected area regulations, preparing such plans gives local management boards significant opportunities to influence the long-term development of the protected area.

Specific decisions regarding activities allowed in protected areas are based either on the general exception clause of Section 48 of the Nature Diversity Act or on specific rules in the regulations of the protected area in question. In general, Section 48 of the Act and the protected area regulations provide the boards with significant opportunities to allow a range of activities in protected areas, including construction, use of motorized vehicles, hunting and forestry. For example, the regulations concerning a core protected area within one of the Norwegian World Heritage Sites, Geiranger–Herdalen Landscape Protection Area, which is also subject to the local management reform, admits 16 categories of exceptions, including construction of new buildings and transport infrastructure, within the protected area.<sup>7</sup> Decisions of local management boards can be appealed to the Ministry of the Environment, which may annul or revise the decision of the local management board. In addition, the legality of decisions may be challenged in court. However, in practice the threshold is high for bringing such cases before Norwegian courts (Fauchald 2010).

The Budget Proposition on the local management reform mentions obligations in relation to the Sami indigenous population under ILO Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) and CBD's PoWPA as reasons for carrying out the reform (Miljøverndepartementet 2009–2010, p. 222). Wetlands on the Ramsar List have not been included in the reform (Miljøverndepartementet 2009–2010, p. 225).

In Sweden's evolving partnership system, management responsibility over nature reserves can be delegated to 'other authorities, legally responsible persons or land owners' (Områdesskyddförordning, Section 21). Such decisions can be appealed to the government by anyone (Områdesskyddförordning, Section 41). Authority is retained by the CABs, who still decide on management plans (normally at the same time as the designation is adopted) and any revisions. The CABs formally manage national parks, except Tyresta (Nationalparksförordning NF 1987:938, Section 3), although this responsibility is shared with the management board in the cases of Koster and Laponia under delegation from the CABs (CAB Västra Götaland 2009; SEPA 2012b). National park management plans are adopted by SEPA, after consultation with the CAB, the municipality and the Swedish

Agency for Marine and Water Management (Nationalparksförordning, Section 7). Applications for exemptions from protected area regulations must be approved by the CABs or the municipalities (depending on which of these entities designated the area), in case of 'special circumstances' (Environmental Code Chapter 7, Section 7; Nationalparksförordning, Section 5). In Laponia WHS and Tyresta NP, the management boards have some power to influence these procedures (Tyrestaskogen 2013). In practice, almost no authority is delegated to the partnership organizations (Zachrisson 2009a). Transparency is ensured by requiring that all management plans and decisions on delegating management responsibilities for nature reserves be sent to SEPA (Områdesskyddförordning, Section 28). SEPA, the National Heritage Board, the Forestry Agency and the Swedish Agency for Marine and Water Management may also issue appeals in matters concerning protected areas (Områdesskyddförordning, Section 40).

In the nature reserves under Sweden's local management model, all authority is delegated: the municipalities make and revise management plans, handle applications concerning activities otherwise not allowed in the protected area, and are responsible for management activities for maintaining the status of the protected area (Environmental Code Chapter 7, Sections 4–7). Municipal decisions in matters concerning protected areas can be appealed to the CAB by anyone (Områdesskyddförordning, Section 41). In practice, the extent of delegation in the Swedish model is delimited by management plans (Steinwall *Forthcoming*).

In at least some of Sweden's partnership cases, international influences are apparent. In Fulufjället, collaboration with PAN Parks was an important inspiration (Zachrisson 2009b) and in Laponia, a letter to UNESCO from the Sami communities requesting that WH status be withdrawn served to fuel compromises (Green 2009).

Norway has undertaken more far-reaching local management reforms than has Sweden. Commitments under the CBD have been part of the justification for the Norwegian reforms. Ramsar Sites have been excluded from the reform, as far as we can see probably due to fears that they might not be properly managed by local authorities. Also in Sweden, participation in international regimes has been important for greater involvement of local populations.

#### 4.4. Commitments regarding degree of representativeness of protected areas

The main global commitment regarding representativeness of protected areas follows from Aichi Biodiversity Target 11, which refers to 'ecologically representative and well-connected systems of protected areas', followed up through more specific commitments in PoWPA. On the regional level, commitments regarding representativeness follow from Natura 2000 (for Sweden: see Article 3 of the Habitats Directive, 92/43/EEC) and the Emerald Network (for Norway: see doc. T-PVS/PA(2010)12). Representativeness is

also emphasized in Section 2.1.iv of the Ramsar Strategic Plan 2009–2015: ‘Contracting Parties [shall] have considered designating Ramsar Sites from among wetland types under-represented in the Ramsar List [by 2015]’.

According to Norway’s most recent report to the CBD (CBD 4th National Report Norway 2009, p. 70), the major effort to ensure representativeness regarding protected areas is based on three approaches: thematic protection plans, the national parks plan and provincial protection plans; furthermore, ‘work on the great majority of provincial protection plans is now completed.’ The same applies to the national parks plan (Miljøverndepartementet 2013–2014, p. 240). It also follows from the report (p. 69) that representativeness will be a significant element of the process of establishing the Emerald Network in Norway. Whether Norway can fulfil expectations regarding representativeness in this respect will be clear only by the end of phase II of the Emerald Network nomination process.

As noted, almost 17% of the land surface in Norway is protected, but research regarding the representativeness of Norwegian protected areas shows that much remains to be done. A scientific assessment of terrestrial protected areas has documented inadequate protection of lowland areas and productive forests as well as gaps in coverage of several important nature types and living areas for threatened and protected species: although the protected area in Norway is ‘extensive ... with an overall balance in its cover of the natural variation’, almost half is situated in mountain areas more than 900 m above sea level (Framstad et al. 2010, p. 6). According to this assessment, the low proportion of protected areas for lowlands and productive areas in southern Norway means that protected areas have a skewed coverage of natural variation. The report recommends additional protected areas, particularly in the lowlands and along the coast of southern Norway, to ensure better coverage of productive forests and important nature types and habitats for threatened and protected species.

Norway’s Action Plan under PoWPA (CBD Action Plan Norway 2012) highlights achievements in protection, but hardly mentions the considerable challenges with regard to ensuring representativeness. The submission simply states (p. 2) that there is ‘an overall balance in [the] cover of the natural variation’, although noting that ‘there are some gaps with inadequate coverage of lowland areas and productive forest, as well as several important nature types and living areas for threatened and protected species’. Beyond this, no mention is made of the low proportions of protected areas for lowlands and productive areas in Norway.

In Sweden, the protected land surface includes national parks, nature reserves, biotope conservation areas, Natura 2000 areas, Ramsar areas and land protected through nature conservation agreements. Some 80–90% of the area of national parks and nature reserves lies in the northern parts of the mountain ranges (SEPA 2009). About 75% of the Natura 2000 sites overlap with national protection status (e-mail from the SEPA, 13 December 2013, on file

with the authors), so their representativeness is rather similar. Only the mountain region is considered sufficiently and almost representatively protected. About 7% of the forest land is formally protected, but since 77% of this land area is located close to the mountain region, the protection is not representative. Also the protection level of wetlands and agricultural lands is not considered sufficient (SEPA 2012a). Wetlands are protected to a higher extent in the southern parts of Sweden, according to the Swedish Ramsar report in 2008. As peatlands and watercourses in the north are under-represented, it was proposed in 2011 that 15 new Ramsar Sites be designated in the northern areas (Ramsar Report Sweden 2012). The same is true for biosphere reserves, as four of five are located in the south of the country.

The Swedish report to the CBD (CBD 4th National Report Sweden 2009) explains that the target of representativeness (target 1.1: at least 10% of each of the world’s ecological regions effectively conserved) will not be met, as that is not part of the national objectives. Sweden expects instead that ‘the majority of ecosystems and habitats will be conserved through sustainable use’ (p. 101). However, the 2008 national park plan includes a goal of representativeness: national parks should ‘represent the different landscape types and their variations’, but this does not mean an ‘objective to accommodate a certain share of the country’s nature or of the country’s protected nature in national parks’ (SEPA 2008, p. 16). The optimal potential for meeting national and international demands on national parks is found in the mountains and the forests lying in close proximity to the mountains, due to the higher occurrence of ‘natural landscapes of high biological value’ (SEPA 2008, p. 15). The plan thus acknowledges that Sweden’s national parks are unequally distributed, being heavily concentrated in the northernmost county.

Norway and Sweden seem to differ on how they communicate to the international institutions the challenges involved in achieving representativeness. While Norway has indicated willingness to undertake activities, painting an optimistic picture of the current situation, Sweden has communicated a more realistic picture of the current situation and the prospects of fulfilling its commitments. Both countries have been diligent in following up their commitments regarding representativeness under the Ramsar Convention.

## 5. Discussion

While both Sweden and Norway are slowly but steadily accepting internationalization of protected areas through international regimes, they differ in regard to the extent and type of internationalization. Concerning the regulatory pathway, we have seen more areas with international protection status in Sweden than in Norway. A key explanatory factor is Swedish participation in the EU Natura 2000 network, where Sweden has established more than 3500 such areas. Natura 2000 is also the only international protected area regime that has generated detailed

provisions in the Swedish Environmental Code, where it is clearly stated that management plans (called ‘conservation plans’) are required. Otherwise, Swedish legislation requires management plans only for nature reserves, whether they have international protection status or not.

Our enquiries concerning the Ramsar Convention, which is also more regulatory, show that Sweden and Norway have protected about the same number of Wetlands of International Importance. However, Ramsar Sites on the Norwegian mainland are generally far smaller than the Swedish sites, and the total area of sites on the mainland is less than a third of the corresponding Swedish area. In regard to management, Norway has failed to adopt management plans for most Ramsar Sites, but the regulatory regime is otherwise comparable to that of Sweden. Concerning the WHC, Sweden and Norway have implemented this convention in a comparable manner as regards natural world heritage. We thus find that the *regulatory* influence is higher in Sweden primarily because of its EU membership. In addition, the regulatory influence as regards Ramsar Sites seems to be stronger in Sweden than in Norway.

Concerning management of protected areas, our comparison has shown that Sweden has adopted far more management plans than Norway. Moreover, Sweden has incorporated the traditional international nature conservation discourse emphasizing strict user regulations and ‘wilderness’ to a much higher degree than Norway, as seen for instance in the distribution of IUCN categories. Most of the protected area surface in Sweden is inscribed as the strictest Ia and Ib categories, whereas less strict categories (II and V) dominate in Norway. It could be asked whether there is a link between the more extensive adoption of management plans and stricter protection categories found in Sweden, on the one hand, and Sweden’s higher degree of international regulatory commitments on the other. We have not found evidence of linkage from the higher degree of international commitments to the stricter protection categories, but there seems to be a link to the more extensive adoption of management plans, due mainly to Natura 2000.

The differences between Norway and Sweden as regards the regulatory pathway seem in essence to relate to Sweden’s EU membership. In addition, Sweden’s participation in international regimes and involvement of civil society in national implementation may be a factor contributing to explaining the differences that we have seen. Otherwise, Norway and Sweden have responded similarly to the regulatory regimes. These findings confirm our proposition that a high degree of regulatory hardness contributes to increasing the level and consistency of implementation.

In regard to the normative pathway, the slow implementation of the Emerald Network in Norway as compared to Sweden’s implementation of Natura 2000 indicates that this pathway has less impact than the regulatory one. This observation is supported by our finding that the normative pathway provides countries with greater flexibility in determining how to implement soft commitments – as indicated by the MAB biosphere reserves, the

reports of Norway and Sweden to the CBD, and Norway’s participation in the Emerald Network. Concerning biosphere reserves, we find significant differences between Sweden and Norway: Sweden has five MAB biosphere reserves and participates actively through public authorities, whereas Norway has no such areas and has delegated participation to a non-governmental entity. Norwegian reports to the CBD have expressed high hopes in management and monitoring reforms, but there is little evidence that the reforms have produced the desired results. Sweden, by contrast, seems to have been more realistic in its reporting. Finally, although Norway has been committed since 1996 to implementing the Emerald Network, participation has as yet had little effect on its policies concerning protected areas.

The importance of the normative pathway in Norway seems related mainly to the local management discourse, which resonates well with Norwegian decision-makers’ perceptions of Norway as a guardian of local democracy, although decentralization traditionally has been more controversial in environmental policy than in other areas such as welfare policy (Hovik & Reitan 2004; Falleth & Hovik 2009). Norway has gone much further than Sweden in delegating decision-making authority. While it is the CABs that usually decide on management plans and their revisions in Sweden, local management boards have been granted significant decision-making authority in Norway. This key difference can partly be explained by the weight given to local user interest in Norway (Fauchald & Gulbrandsen 2012) as opposed to the priority given to wilderness conservation in Sweden (Mels 2002). Local management in Sweden would appear threatening since it is usually suspected to lead to increased use and less wilderness. By contrast, Norway has traditionally sought to combine nature protection with sustainable use by local communities, tourists, hunters, fishermen and other stakeholders (Hovik & Reitan 2004; Falleth & Hovik 2009). The recent Norwegian local management reform has accentuated the difference in the priority accorded to traditional wilderness conservation in Sweden and local user interests in Norway. This difference helps to explain why Sweden has gone further in the internationalization of its protected areas. With greater weight given to traditional nature conservation, it might be easier to accept internationalization of protected areas if this implies stricter regulations on use. Conversely, with greater weight given to local user interests, it might be harder to accept international protection status and the implications for potential users, but easier to adapt to international pressure for delegation of management authority.

The difference in local management may also contribute to explaining why Norway has achieved the Aichi Target of protection of 17% of its land area while Sweden has not: it is easier to protect nature if current use-patterns are allowed to continue. However, protected areas appear to be more threatened in Norway. Norway’s protected cultural landscapes require more extensive management than Sweden’s wilderness areas, where natural development is the dominant

management strategy. This may also be one explanatory factor behind the difference in adoption of management plans: in Norway, such plans require more extensive and time-consuming balancing of conservation objectives and user interests than is the case in Sweden.

To summarize, there are significant differences between Norway and Sweden as regards the normative pathway. These differences can be explained by divergent views on and policy choices regarding the purpose of protected areas and local self-governance, especially the emphasis on wilderness conservation in Sweden as opposed to the greater emphasis on sustainable use of protected areas in Norway. The differences observed between Norway and Sweden thus reflect the degree of flexibility provided by the normative pathway. These findings support our proposition that non-binding commitments carry less weight in domestic discussions of policy measures and priorities than binding commitments.

## 6. Conclusions

This study has examined how Norway and Sweden have responded to key international legal and political protected area commitments. We find that Sweden and Norway have essentially responded similarly to those regulatory regimes that apply to both countries. The main difference relates to the fact that Sweden is subject to Natura 2000, whereas Norway, as a non-member of the EU, is not bound by this regulatory framework.

By contrast, the more normative regimes have influenced Sweden and Norway in different ways – primarily by strengthening traditional nature conservation norms in Sweden and norms about sustainable use by local communities in Norway. Our findings indicate that the normative pathway is important mainly as a support for domestic policies that correspond to existing national norms and discourses, and they support our proposition that a high degree of regulatory hardness contributes to increase the level and consistency of implementation.

Our study of the internationalization of protected areas in Norway and Sweden took as its point of departure an examination of international commitments under international regimes. As suggested, not least by our discussion of the normative pathway of influence, we need in-depth studies that pay greater attention to domestic factors to better explain differences in protected area policies in the two countries. This indicates new avenues for research that focus on the interactions of international demands and domestic protection politics.

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## Notes

1. We have not considered the cognitive pathway because this would require interview data not collected for this study.
2. Authors' calculation based on adding the protected areas of Laponia (940,000 ha ([www.Laponia.nu](http://www.Laponia.nu) 2013)) and Koster, Fulufjället and Tyresta (38,878 ha, 38,500 ha and 1964 ha, respectively (SEPA 2013)), divided by the total formally protected area in Sweden (5,195,537 ha (SEPA 2009)).
3. See Articles 4–6 and 11 of the WHC, Articles 3 and 4 of the Ramsar Convention, and Article 4 of the Bern Convention.
4. Based on information in [www.naturbase.no](http://www.naturbase.no). As of 31 May 2013, the environment was considered threatened in 83 out of 113 protected areas listed as Ramsar Sites. Management plans were lacking for 38 of these protected areas.
5. Based on information in [www.naturbase.no](http://www.naturbase.no). As of 31 May 2013, 41 out of 113 protected areas listed as Ramsar Sites had management plans.
6. According to information received from the Directorate for Nature Management, management plans have been finalized for 657 out of 2762 protected areas. Management plans are planned for another 761 protected areas. Priority is given to protected areas subject to local management reform and Ramsar Sites. E-mail from the Directorate of 16 May 2013, on file with authors.
7. See Section 1.3 of Forskrift om vern av Geiranger–Herdalen landskapsvernområde, Stranda og Norddal kommunar, Møre og Romsdal, adopted 8 October 2004, no. 1310.

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