

**Designing new natural resource management institutions  
– an approach to devolution of the rights to manage protected area  
resources**

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## **Abstract**

Protecting areas as national parks is one tool to secure biodiversity. Establishment of such areas, as well as managing and supervising them, is often characterized by reluctance and protests from landowners, local people, and resource users. Thus, numerous measures are implemented in order to increase the legitimacy of protecting these areas' to provide other sources of income for those who are negatively affected by the conservation decision, and to apply the international "new conservation paradigm". The latter focuses on increasing the benefits to local people to alleviate poverty, on re-engineering the organization of the professionals working with protected areas and an increased emphasis on the interaction between humans and nature.

In Norway, two such important measures have recently been implemented: one is to remove the ban on commercial tourism, another is the devolution of the right to manage these areas. The former will make it easier to establish tourism in protected areas, while the latter will lead to a decentralization of governance of protected areas. These developments are too recent to evaluate fully, but studying the empirical background for these changes can give valuable insights in relation to how institutional design is attempted in different social-ecological settings. This paper will focus on the process leading up to the devolution of PA governance, and will show which kinds of interests that have been prioritized when the new board has been designed.

Studies over several years contribute to the data for this paper. These involve content analysis of public documents, interviews with interest groups as well as authorities, surveys, and observation. Altogether this has provided us with an understanding of the processes going on in relation to devolution of the right to manage protected areas. The authors are continuously following the work of Norway's first national park board, and still serve as observers of meetings. Thus, the paper will not only analyze the background for the establishment of the national park board, but will also discuss the boards' initial work focusing on the degree to which interest groups still can fight for their views.

We also discuss some of the challenges the new boards have when managing complex social-ecological systems, such as protected areas. These are closely related to more general challenges for protected areas, while they at the same time represent a major decentralization of the power to decide on central issues related to securing biodiversity and provide crucial ecosystem services.

Studying complex systems is a task that requires the use of multiple methods, and we believe that our approach also contributed to a better understanding of the challenges involved in institutional design in a highly complex system. This will be reflected upon at the end of the paper.

**Keywords:** institutional design, protected areas, natural resource management, social-ecological systems, devolution, decentralization

## INTRODUCTION

Protecting areas as national parks has for 100 years been the most important tool for nation states to secure biodiversity, preserve genetic resources and maintain certain crucial ecosystem services. During this long period, a large number of national parks have been established by nation states – and given its constituting rules by central government. However, the establishment and delineation of such areas, as well as managing and supervising them, has often been characterized by reluctance and protests from local landowners and traditional resource users. Thus, after the park creation period is over, and the running of these parks takes precedence, numerous measures are implemented in order to increase the legitimacy of national parks as protected areas: These can be policies that aim at providing other sources of income for those who are negatively affected by the conservation decision, and to apply “softer conservation rules” like e.g the IUCN “new conservation paradigm”. The latter focuses on benefits to local people to alleviate poverty, on the need to re-train and reorganize protected area professionals, and on the age-old interaction between humans and nature in producing and maintaining attractive cultural landscapes. An international focus on ensuring local participation in management of protected areas started to materialize itself during the RIO-convention (UNCED 1992) and is also written in the Convention on Biological diversity (United Nations 1993). In Norway has this to a large degree been interpreted as decentralization of management responsibility from central state government to the municipality level, an approach which is special for Norway (Falleth and Hovik 2008; Sandström, Hovik, and Falleth 2008). But the way this reform has been implemented, it also seems to involve a move from state expertise-systems to elected political systems at the municipal or inter-municipal level. This would then represent a democratization process related to the running of these parks. This combination of decentralization and democratization is often labeled “devolution” – here it can be perceived as a process unfolding right now, and thus as a hypothesis about what is about to happen.

This paper focuses on the process leading up to this kind of devolution of the governance of protected areas in Norway. The process is characterized as a governance reform and was formally initiated in 2009 in Norway. As of today 25 new National Park boards have been established throughout the country, and we study here the first board established, which was in the county of Nordland. Central questions in the paper are which kind of interests have been given priority during the establishment of new boards, how has the board’s initial work focused on incorporating interest groups, and what have been the major challenges for the new board when managing complex social-ecological systems?

The conceptual framework used in this paper is based on an understanding of National Parks as Social-Ecological Systems, which is not purely conserved natural ecosystem in its pristine form, but action arenas where ecosystem processes and social system processes interact. To some extent these processes can be governed by purposely designed institutions, but often the biophysical laws of nature (plant succession, predation etc) and the forces of economic modernization are stronger than the effects of legislation. As opposed to a purely conservational management objective, a new conservation paradigm of “conserve through use” implies a much more complex governance situation. It is in the midst of such a complexity that these new national park boards are being launched.

## METHODS

Data for this paper has been gathered mainly by longitudinal observation (Blaikie 2009) during board meetings. The board has only had four meetings since its establishment, and our main focus during these meetings have been on mapping the agenda-building and the depth of involvement in the themes of the discussions, and on how the board reaches its decisions. However we have not entered these meetings with specific research questions, but rather been interested in the overall discussions and thus had a preference for naturally occurring data (Silverman 2006). Further, we have not in any way participated in the meetings apart from introducing ourselves. Thus the board has been fully aware of our role as participant observers the whole time.

Several in-depth studies of conservation and use of protected areas in Northern Norway have also contributed to the data in this paper. Important has also been our knowledge of the protected areas which the new board are responsible for. Through the Norwegian Research Council funded projects PROBUS (Protected Areas as Resources for Coastal and Rural Business Development) and NAPROLD (The Role of Protected Nature in Sustainable Local Development in North-West Russia and Northern Norway – a comparative analysis) from 2006 to 2011 have we undertaken content analysis of public documents, interviews with interest groups as well as authorities, surveys, and observation. All together this has provided us with an understanding of the processes going on in relation to devolution of the right to manage protected areas. PROBUS studied how protected areas might serve as resources for more economic development in the rural areas adjacent to 8 protected areas in Northern Norway (Bay-Larsen and Fedreheim 2008; Fedreheim, Bay-Larsen, and Ojala 2008; Fedreheim and Sandberg 2008; Rønning and Fedreheim 2009). While NAPROLD studied how nature conservation processes in Northern Norway and North-West Russia contribute to local development. Empirically NAPROLD followed 5 Russian and 3 Norwegian protected areas (Elvestad and Sandberg 2011; Fedreheim et al. 2009).

## RESULTS

### *From state management to regional national park boards*

In 1984 the management of protected areas was given from the Ministry of Environment to the Department of Environment at the County Governors. Since then has the responsibility for management of protected areas been at the County Governor level, but with some local varieties and alternative models as well as management experiments (Direktoratet for Naturforvaltning 2008). Already during the negotiations in relation to the New National Park Plan in 1992 more local management was asked for, and this issue was just as important as questions related to conservation category and restrictions on area size (Direktoratet for Naturforvaltning 2008; St.meld.nr.62 (1991-1992) 1992). Further, discussions in the Parliament's Standing Committees in relation to the New National Park Plan and the Act regarding the State Nature Inspectorate signaled that state responsibility should be combined with local participation (Innst. O. nr. 64 (1995-1996) 1996; Innst. S. nr. 124 (1992-1993) 1993). Thus, three protected areas were suggested as pilots for local management. The Minister of the Environment gave a speech in 1996, focusing on nature as a state responsibility, but emphasizing that local communities also had to be included in the work on management, monitoring, information, and should be active

partners in developing management plans (Direktoratet for Naturforvaltning 2008). Besides, the Minister also opened up for decentralization of management rights under certain conditions.

In a letter from the Ministry of the Environment in 1998 the authority to decide who should have the right to manage was transferred from the Ministry of the Environment to the Directorate for Nature Management (Direktoratet for Naturforvaltning 2008). Norwegian municipalities received letters later the same year, asking if they would be interested in taking over the management responsibility. Of 400 recipients 200 responded, and around 100 were interested in the task (Direktoratet for Naturforvaltning 2008). Thus, from 2001 through 2008 four pilots were undertaken. Even though there were variances in how they were organized, the common thread was that responsibility was given from the County Governors to some kind of local and regional boards. An evaluation of these experiments shows that local councils would prioritize local development rather than serve as local implementers of state policies (Falleth and Hovik 2008, 2009). Hence they would focus more on promoting socioeconomic factors rather than on ecological factors. However, the government's guidelines and norms were in principle followed, and the evaluation concludes that local management formally followed the framework for the trials, but with certain local adaptations (Falleth and Hovik 2008, 2009).

Further, a report from the Office of the Auditor General regarding Norway's work on mapping out and monitoring biological diversity and management of protected areas, concluded that Norway has not succeeded in preserving conservation values. And that protected areas had not been managed in accordance with goals and indicators described in the budget documents since 2000. Also the work with management plans for each protected area gain criticism. The report concludes that 31 % of Norwegian protected areas are threatened (Riksrevisjonen 2006).

With this as a background was a new management model introduced in the budget proposal for 2010 (Prop. 1 S (2009-2010) 2009). This new model established inter-municipal national park boards, with national park rangers as its secretariat, and with stakeholder representation in a professional advisory committee (Solheim 2009). The National Park Board of Central Nordland (Midtre Nordland nasjonalparkstyre, hereafter referred to as the Board) was the first National Park Board established in Norway, after a proactive process in the Salten Region. In a letter of April 29<sup>th</sup>, 2009 to Salten Regional Council the Nordland National Park Center asked for the council's support for an idea to situate local national park management at this center. The idea was that if Nordland was early on the stage it would be possible to be chosen as a pilot, dependent on regional agreement on this. The working group of Salten Regional Council discussed this May 25<sup>th</sup> and unanimously gave the following recommendation:

“Salten Regional Council acknowledges the need for a new management model for protected areas, and it is positive to the development of this. Salten Regional Council supports co-locating these functions at Nordland National Park Centre, thus securing both local participation and a strengthening of the professional competence at this centre.” (Authors own translation from Salten Regionråd 2009).

The formal invitation from the Ministry of Environment came in a letter of December 14<sup>th</sup>, 2009 (Solheim 2009) which Salten Regional Council was already prepared for, and thus could reply positively to already on January 21<sup>st</sup>, 2010, including a presentation of the elected representatives for the Board (Ministry of Environment 2010). As a result of the work undertaken in the Salten

Region, before the formal invitation from the Ministry of the Environment, Salten could respond quickly, and was thus the first National Park Board in Norway. Hence, in June 2010 the State Secretary could visit the National Park Centre and formally establish the Board (Antonsen 2010; Friberg 2010).

### *The role of research in designing institutions*

A recurring discussion throughout this process of institutional change has been whether municipalities were really capable of managing protected areas by themselves. This can be illustrated by the headline on the news article published at the Directorate for Nature Management's webpage when their recommendation regarding this issue was sent to the Ministry of the Environment: "The State should manage protected areas" (Authors own translation from Direktoratet for Naturforvaltning 2008). Here the Directorate for Nature Management concluded that the pilot studies for local management of protected areas had not worked as desired. Their recommendation was based both on external reviews of four management models, as well as several other areas that the Directorate had studied themselves (Direktoratet for Naturforvaltning 2008; Falleth and Hovik 2008). However, the authors behind the evaluations of the four pilots did not recognize the conclusions of the Directorate as a true representation of their findings, and emphasized this in a feature article:

"The Directorate is of the opinion that the result of the pilot projects implies that the local management of protected areas should not be continued. This cannot be substantiated by the conclusions from our evaluations alone" (Authors own translation from Falleth et al. 2009).

The same reactions came from other researchers, Arnesen states that "The Directorate is lying in its summing up of the work of municipalities in the trials of local management of national parks" (Authors own translation from Arnesen 2009, : 6). But also the association of Rural Municipalities (USS) reacted strongly, and writes that: "The country board find the Directorate's interpretation of the evaluation reports from the independent researchers erroneous and in violation of the real situation" (Utmarkskommunenenes Sammenslutning 2008).

The evaluation suggested that clarifying the rules, improving cooperation between different authorities, and giving the state the possibility to decide on complaints and overrule decisions, would in most cases improve the negative effects from the pilots (Falleth et al. 2009). The Directorate for Nature Management had as an undisputable claim regarding the establishment of park ranger's jobs, preferably hired by the County Governor, and in strong cooperation with some kind of advisory committee. Thus, the Directorate for Nature Management went against a purely municipal management:

"on the basis of the experience from the pilot studies, the Directorate will advice against a purely municipal management for protected areas that comprise more than one municipality, as coordination across municipal border has proved difficult to achieve" (Authors own translation from Direktoratet for Naturforvaltning 2008, : 43).

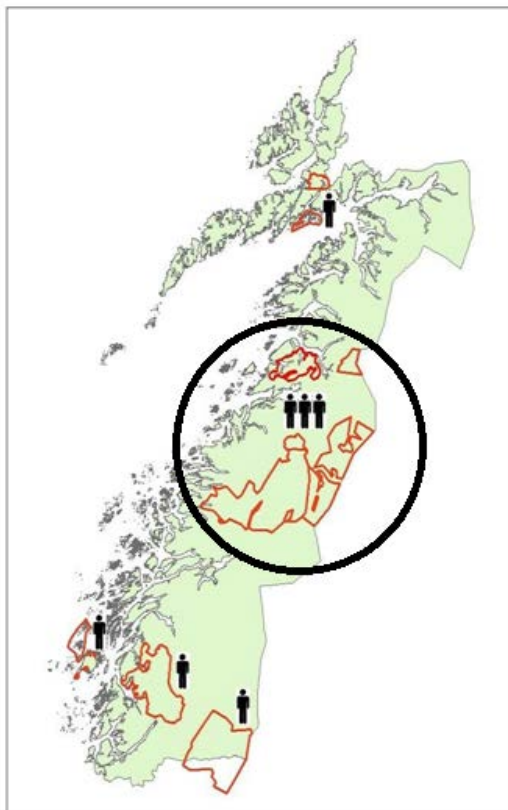
However, when the decision from the Ministry of Environment came, a system of inter-municipal boards with political representation was established, thus disregarding the recommendation from the Directorate of Nature Management. On the other hand, they followed the Directorate's recommendation on establishing national park ranger jobs, employed by the

county governor, thus establishing a “mixed model” (Ministry of Environment 2010). These compromises disregarded the objective of involving local stakeholders.

#### *Ensuring stakeholder representation when designing institutions*

Even though the Ministry of Environment did establish inter-municipal boards, these do not involve stakeholders, but are composed of politicians and are thus political boards. The National Park Board of Central Nordland has 13 members; 8 municipal politicians (1 from each affected municipality), 4 representatives named by the Sami Parliament, and 1 representative from the County Municipality. The board has been given the responsibility of 7 protected areas (4 national parks, 2 protected landscapes, and 1 nature reserve) (Ministry of Environment 2010), and will be responsible for one additional national park that is under establishment (see Figure 1). Since the Board has great variety in protected areas to manage, many municipalities to cover and with large geographical distances, 3 park ranger positions were established. And it is expected that one more will be hired when one additional park is protected. These rangers are hired by the County Governor, who also acts as the appeal authority for decisions taken by the Board. The rangers will be located at Nordland National Park Centre at Storjord, this is located almost in the middle of the area which the Board is responsible for, but still with around 260 kilometers to the municipal centre most far away.

**Figure 1:** Map of protected areas (in red) and park rangers (figures in black) in the county of Nordland. Circled area represents the National Park Board of Central Nordland’s responsibility.



As of June 30<sup>th</sup>, 2011 this Board with its 13 members is the largest of the 25 established boards so far in Norway, has the largest number of politicians represented and affected municipalities, covers the most national parks, and has the most park rangers (see Table 1).

**Table 1: Central Nordland National Park Board compared with the other National Park Boards in Norway as of June 29<sup>th</sup>, 2011 (Based on data acquired from the Ministry of the Environment June 28<sup>th</sup>, 2011 and from the Ministry of Environment's web page – see also Appendix 1).**

		Number of members	Number (%) of politicians in National Park Board	Number of areas (national parks) responsible	Number of affected municipalities	Number of park rangers
Central Nordland National Park Board		13	8 (61,5)	7 (4)	8	3
Whole selection	Mean	6,68	4,36 (64,66)	2,92 (0,96)	4,16	1,2 <sup>i</sup>
	Min-Max	4 – 13	2 – 8 (40-87,5)	1 – 12 (1 – 4)	1 – 8	0,5 – 3
One-area Boards (n=11)	Mean	6	4,09 (67,35)	1 (0,5)	3,82	1,1 <sup>ii</sup>
	Min-Max	4-12	2-8 (50-87,5)	1-1 (0-1)	1-8	0,5-2
Two-area Boards (n=6)	Mean	5,17	3 (56,91)	2 (0,84)	2,67	1,2 <sup>iii</sup>
	Min-Max	4-7	2-5 (40-80)	1-5 (0-1)	1-5	1-2
Multi-area Boards (n=8)	Mean	8,75	5,75 (66,78)	6,25 (1,63)	5,75	1,29 <sup>iv</sup>
	Min-Max	6-13	4-8 (50-83,34)	3-12 (0-4)	4-8	1-3

<sup>i</sup> This number represents the mean of the 20 National Park Boards who have already hired park rangers.

<sup>ii</sup> This number represents the mean of the 8 National Park Boards who have already hired park rangers.

<sup>iii</sup> This number represents the mean of the 5 National Park Boards who have already hired park rangers.

<sup>iv</sup> This number represents the mean of the 7 National Park Boards who have already hired park rangers.

Further, as seen from Table 1, when we divide the various boards according to how many areas they manage (1, 2, and 3 or more) we see that for the multi-area boards has Central Nordland National Park Board less politicians represented than the average. However, the Board has four Sami representatives, and is one of ten boards with Sami representation. The average percentage of political representation is 51,9 for those boards with Sami representation, and 73,2 for those boards without Sami representation (Appendix 1).

Stakeholder interests are not represented in the Board, apart from four reindeer owners among the Sami representatives appointed by the Sami Parliament. Many farmers have sheep grazing in the same areas as reindeers, but these are not represented in the Board, and hikers and anglers are not directly represented. The reason why Sami are given priority is that they are recognized as an indigenous group, and thus have certain rights (The International Labour Organisation 1991). However, farmers, land owners, anglers and hikers are represented in a “professional advisory committee” through the Norwegian Farmers’ Union (2 representatives) and the Norwegian Farmers and Smallholders Union (2). Other interests are also represented in the professional advisory committee such as landowners (4 representatives), The federation of outdoor recreation



and nature protection associations (FNF) (3), tourism in the Salten Region (2), tourism in the Polarsirkelen region (1), Reindeer herding districts (4), and Statskog SF<sup>1</sup> (1).

The composition of the professional advisory committee was discussed during the Board's second meeting. The proposal from the working group of the Board suggested another compilation in which the landowner interests were stronger at the expense of farmers. Initially the suggestion was to have 8 landowners (one from each municipality) and 2 from farmer's organizations. Discussions during the meeting also lead to an increase in tourism interests, while recreation and conservation interests were strengthened during the initial meetings.

## DISCUSSION

As this article only addresses the constitutional process leading up to the establishment of a certain board structure, it is still early to answer the deeper questions of how well this set-up is adapted to the challenges solving collective dilemmas in the special social-ecological settings that national parks represents. The outcome of the constitutional process is to a large extent a compromise between the interests of the state's central expert conservation system and the local government (municipal) interests for governing their own local resources. As the value of these protection resources is increasing, there is increased interest at the local level for utilizing this "green gold" for creating employment, profit and an increased municipal tax base. At the same time as there is increasing fears in the central expert system that increased commercial utilization of protected areas shall devalue the "protected nature values" of these areas. However, at the local governance level, there is so far little awareness of how the aggregation of the widely different "nature use preferences" of different user groups can be linked to the conventional local governance political processes based upon political parties.

This "tug of war" between the central expert system and the local self-governing ambitions has therefore been the central element in the constitutional process leading up to the present institutional set-up. By focusing on this, a number of other aspects have been disregarded, like e.g. how can international objectives of increased local legitimacy for protected areas best be achieved through a new way of organizing National Park Governance, and how does this new constitution fit in with the slow constitutional processes of establishing local and indigenous rights to land and water in the counties of Troms and Nordland (re Hålogalandsallmenningen (NOU 2007:13 Bind A 2007; NOU 2007:13 Bind B 2007))?

At a later stage it will be necessary to study the functioning of these new National Park boards to determine whether this constitutional set-up was indeed providing a good institutional fit. Then it will be necessary to evaluate i) on what empirical bases were the various design options (if any) built, how were the institutional performance in the trial period evaluated and what were the empirical evidences, theories and processes involved?; ii) how has the unintended consequences of the initial institutional design been addressed along the way and what corrective actions has been taken – in other words, what is the adaptive capacity of the new system?; and iii) how can new research better grasp the new social-ecological settings and derive ideas about appropriate new institutional design?

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<sup>1</sup> Statskog SF is a state-owned Enterprise that manages 61,000 km<sup>2</sup> public lands, which is a fifth of the mainland. Statskog SF is by that Norway's largest landowner.

## CONCLUSIONS

We have in this paper discussed how the new national park boards have evolved from the 1990s up until today. It is evident that even though the new boards have some power and influence, there is still a case of reluctance from the central expert conservation system to fully devolute the right to manage protected areas (as seen from the debates around the evaluations of the management trials). Thus we have reasons to question to which degree the Norwegian approach follows international objectives of increased legitimacy for protected areas. Further we also see that stakeholders have varying representation, and that Sami interests are represented in the boards as the only business interest. This might create an imbalance and promote a feeling of injustice, so we believe it is of great importance to ensure strong and varied stakeholder representation in the professional advisory committees.

The new board has only functioned in one year, and has spent most of its time on constituting itself, and less on discussing management of protected areas. Thus, several important questions related to how the board solves management challenges and deals with other constitutional processes going on identifying rights to land and water remain unanswered, and hence contribute to an interesting field to study in the future as well.

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**Appendix 1: Background information for all National Park Boards as of June 28th, 2011.**

	Number of members	Number of politicians	Number of Sami members	Number of areas	Number of National Parks	Number of municipalities	Number of park rangers	Established
Midtre Nordland	13	8	4	7	4	8	3	04.08.2010
Ytre Hvaler	5	4		1	1	2	1	11.10.2010
Brattfjell-Vindeggen	2	4		1	0	4	1	22.10.2010
Dovre fjell/Sunndalsfjella	12	8		1	1	8	2	08.11.2010
Hallingskarvet	6	3		2	1	3	1	08.11.2010
Flekkfjord og Oksøy-ryvingen	5	4		2	0	4	1	15.11.2010
Nord-Trøndelag	10	5	4	5	2	5	1	18.11.2010
Jostedalsbreen	8	7		1	1	7	1	18.11.2010
Breheimen	6	3		1	1	3	2	18.11.2010
Forollhogna	9	7		9	1	7	1	29.11.2010
Varangerhalvøya	7	4	2	3	1	4	1	20.12.2010
Trollheimen/Innerdalen	10	6	2	4	2	6	1	21.12.2010
Hemmeldalen	5	4		1	0	4	0	21.12.2010
Dovre og Rondane	9	7		12	2	7	1	21.12.2010
Folgefonna	6	5		5	1	5	1	05.01.2011
Stabbursdalen	4	2	1	2	1	2	1	05.01.2011
Seiland nasjonalparkstyre	6	3	2	1	1	3	1	18.01.2011
Reisa	5	2	2	2	1	1	0	17.02.2011
Ånderdalen	4	2	1	1	1	2	0	17.02.2011
Nordkvaløy-Rebbernesøy	4	2	1	1	0	1	0	17.02.2011
Naustdal-Gjengedal	5	4		1	0	4	0.5	01.03.2011
Øvre Pasvik	4	2	1	2	1	1	1	23.03.2011
Hordaland/SF	6	4		5	0	4	0	29.03.2011
Jotunheimen	7	5		2	1	5	2	30.03.2011
Stølsheimen	6	4		1	0	4	0.5	30.05.2011
Lomsdal-Visten	7	4		2	1	4	1	11.04.2011

