National Parks and Environmental Justice: Comparing Access Rights and Ideological Legacies in Three Countries

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Abstract

National parks are often places where people have previously lived and worked—they have been formed by a combination of natural and human processes that embody an identifiable history of cultural and political values. Conservation of protected areas is primarily about how we perceive such landscapes, how we place differential values on different landscape components, and who gets to decide on these values. Thus, conservation has been and still is very much about issues of power and environmental justice. This paper analyses the social, political and environmental histories of three national park regimes (South Africa, Sweden and Scotland) through the lens of public access rights. We examine the evolving status of access rights—in a broad sense that includes access to land, resources and institutions of governance—as a critical indicator of the extent to which conservation policies and legislation realise the aims of environmental justice in practice. Our case studies illustrate how access rights are contingent on the historical settings and ideological contexts in which the institutions controlling national park management have evolved. Dominant cultural, political and scientific ideologies have given rise to historical precedents and institutional structures that affect the promotion of environmental justice in and around national parks today. In countries where national parks were initially created to preserve perceived 'wilderness', with decisions taken by powerful elites and central authorities, this historical legacy has prevented profound change in line with new policy directives. The comparative analysis of national park regimes, where historical trajectories both converge and diverge, was useful in improving our understanding of contemporary issues involving conservation, people and politics.

Keywords: land rights, land reform, indigenous people, protected areas, wilderness, cultural landscapes, South Africa, Sweden, Scotland

INTRODUCTION

The scientific, economic, and political paradigms that underpin the conceptual basis of environmental policy have acted as powerful ideological determinants of conservation practice. The aim of this paper is to analyse the way in which dominant ideologies have given rise to historical precedents and institutional structures that affect the promotion of environmental justice in and around national parks today. We examine the evolving status of access rights—in a broad sense that includes access to land, resources and institutions of governance—as a critical indicator of the extent to which policies and legislation that promote environmental justice have been observed in practice. Our analysis is based on a comparison of the social, political and environmental histories of three national park regimes through the lens of public, and specifically local, access rights.

National parks were first established over 100 years ago in order to protect what were considered important natural environments. Rationales employed to protect 'pristine wild areas' and charismatic wild animals were embedded in scientific, nationalistic and economic interests that justified the designation of large tracts of land as parks and reserves. Protected areas were proclaimed as "a refuge from the ills of civilisation" (Colchester 1994) and for the "recreation of the human spirit" (Muir 1998). There was a general lack of appreciation of the extent to which perceived 'pristine' environments were the result of long-term land-use interventions by local populations (Adams & McShane 1992; Cronon 1996; Mels 1999). Where local land use was recognised, authorities regarded it as detrimental to nature conservation, and in North America and colonial Africa rural populations were either forcibly removed from land demarcated as reserves or faced drastic restrictions in access rights (Beinart & Coates 1995; Neumann 1998; Poirier & Ostergren 2002). In Europe the effects were generally less dramatic, although here the interests and knowledge of rural and indigenous people were also often disregarded (Mels 1999). In short, these and similar rationalisations for the establishment of national parks were underpinned by a capitalist culture infused with environmental racism (Merchant 2004).

Past and present conflicts arising from the establishment and management of protected areas such as national parks often relate to issues of access rights. Local communities, especially poor and marginalised rural populations in both developing and developed countries are generally negatively affected when access rights to land, natural resources and forums for management decisions are restricted or curtailed. These effects of conservation measures have been extensively investigated, debated and criticised over the last two decades (Adams & Mc Shane 1992; Brechin *et al.* 2003; West *et al.* 2006). Partly in reaction to this debate, many governments and state conservation organisations, as well as national and international environmental NGOs have revised their policies with an ambition to reconcile conservation and development and promote environmental justice (Adams & Jeanrenaud 2008; Kothari 2008).

Critiques of conservation practices often engage with issues of power, scale, equity and human rights from the perspective of political ecology and post-colonialism (Neumann 1998; Ramutsindela 2004; West *et al.* 2006). Interestingly, similar core issues are explored within the field of environmental justice. The definitions and delimitations of environmental justice have become variable and even vague as the field has expanded (Walker & Bulkeley 2006), but "at its core, it is about incorporating environmental issues into the broader intellectual and institutional framework of human rights and democratic accountability" (McDonald 2002: 3). In the present context, environmental justice is about integrating social values and human activities into management strategies that have hitherto dealt mainly with bio-physical variables and processes.

Where and why conservation policies and practices concerning protected areas fail to achieve environmental justice and local engagement, also where and why they succeed, are important questions to answer if we are to achieve sustainable management of land and resources. Studies exploring these questions generally investigate a specific case or country to identify context specific causes for experienced outcomes. Our comparative case studies reveal the inertia inherent in state institutions and centralised management strategies that arose in historically specific ideological contexts. We show how science and nationalism have been employed by powerful elites to justify exclusion and control of national parks in the past and how difficult it is to overcome this ideological legacy.

We present case studies from South Africa, Sweden and Scotland as the basis for a comparative analysis of the links between past and present national park establishment and management in order to understand contemporary issues involving conservation, environmental justice and sustainable land use. The descriptions of these countries' approaches to national park legislation and management through time are, by necessity, abbreviated accounts, as are the selected examples of national parks within each country. Every park has its unique history and the processes described for the selected case studies are not necessarily replicated across all parks within a country. However, we regard our case studies as representative of a spectrum of histories, conflicts and attempted solutions in contemporary efforts to reconcile conservation and environmental justice.

BACKGROUND

The environmental justice movement began in the USA in the late twentieth century in response to the pollution of minority and marginalised urban neighbourhoods by powerful industrial interests. Researchers and activists adopted a social justice approach to the analysis of environmental policy and practice in reference to race, ethnicity and class (Weinberg 1998). Since then, research has broadened in scope, and its theoretical concerns have diversified and deepened (Walker & Bulkeley 2006). The previous exclusive focus on class and race has to a certain extent been abandoned, although it is still implicit in many studies. According to Schlosberg (2004: 517) "most understandings of environmental justice refer to the issue of equity, or the distribution of environmental ills and benefits". However, he considers this definition inadequate and emphasises the need to include the "recognition of the diversity of the participants and experiences in affected communities, and participation in the political processes which create and manage environmental policy" (Schlosberg 2004: 517). The central argument put forward by Schlosberg (2004), and further explored by Walker (2009), is that these issues and processes are interlinked and must be addressed simultaneously. Management strategies in many protected areas today include increased local participation partly to avoid further injustices, but as Schlosberg (2004: 528) convincingly argues, only if this is accompanied by a just distribution of benefits and a recognition of the "diverse ways of understanding and valuing

(in numerous senses) the land" can the political process become genuinely democratic.

National parks are a distinctly western invention. In a historical perspective, they, along with a gamut of other categories of protected areas, constitute a relatively new form of commons unconcerned with socially regulated common pool resources or the cultural functioning of a living landscape (Olwig 2003). The expansion of protected areas during the last century has been described as symptomatic of an increasingly dominant ontological and ideological way of viewing the world which separates humanity and nature. It gives rise to the perception of the natural environment as if from the perspective of a detached scientist where we "imagine ourselves to be somehow beyond the world, and therefore in a position to intervene in its processes" (Ingold 2000: 20). The initial justifications for national parks have, at least rhetorically, generally been supplanted by the theoretical tenets of conservation biology which today play a major role in the promotion of protected areas as well as providing cover for wider political agendas (Dowie 2005; MacDonald 2005; Hall & Frost 2009a; Büscher 2010). 'Ecosystem goods and services' and 'natural capital' are examples of concepts that commodify the 'natural environment' by quantifying the assets and functions of nature in order to make these values apparent in global market transactions (West *et al.* 2006; Schroeder 2008; Sukhdev 2008). Thus, a scientific discourse of detachment and separation, with its agenda of categorisation, expert knowledge and external management, remains central to the political justification for conservation efforts, including the establishment and management of national parks.

Proponents of environmental justice have critically linked this scientism to the debate on sustainability: "the mainstream environmentalists' invention of a universal division between humans and nature is deceptive, theoretically incoherent, and strategically ineffective in its political aim to promote widespread environmental awareness" (Di Chiro 1996: 301). Furthermore, this dichotomy rests on the belief that the effect of human/environment interactions is—by default— degradation and loss of biodiversity (Neumann 2004; Balee & Erikson 2006), most profoundly realised through the 'fortress conservation' approach, where local people are kept outside parks through the use of fences and guns (Brockington 2002). Once established, this ideological denial of the fact that landscapes are essentially processual and fundamentally historical has proved exceedingly long-lived (Cronon 1996).

The critics of contemporary conservation practices do not dismiss concern for biodiversity and other ecological values but question the negative effects of conservation efforts on marginalised groups in and around many protected areas, and discuss how social and cultural values could be embraced in a just and sustainable manner (Adams & Mulligan 2003; Brechin *et al.* 2003). Here we focus on how conservation initiatives affect local people through redefined and (usually) restricted access rights. It is clear that, depending on the specific context, people are affected in different ways and to varying degrees, but impacts on livelihoods, culture and identity have often

been quite severe (West *et al.* 2006). This in turn results in the erosion of local knowledge (Bender 1993), diminished engagement with agencies of environmental management as well as with environmental concerns in general (cf. Cronon 1996). It is important to acknowledge that conservation is about much more than ecological values such as biodiversity and ecological goods and services. It fundamentally concerns how we perceive landscapes, how we place differential values on different landscape components, and who gets to decide on these values. Thus, conservation has been and still is very much about issues of power and environmental justice.

Over the last decade much of this critique has been acknowledged by governments and conservation organisations which now attempt to address past injustices and to include local participation in decision-making and management. Among the major international NGOs, the International Union for Conservation of Nature (IUCN) was quick to embrace a new conservation philosophy with a strong focus on human rights as part of overall policy, while others have followed with similar commitments (Kothari 2008). However, recent IUCN publications stress the need for more profound changes, and to link conservation efforts directly to the broader agenda of sustainable land use by acknowledging the importance of equity and environmental justice (Adams & Jeanrenaud 2008; Kothari 2008). While recognising that revisions of policies and strategies have had positive impacts, many studies still conclude that changes on the ground are often either lacking, too limited or misdirected (Brechin *et al.* 2003; McShane & Wells 2004; Dahlberg & Burlando 2009; Zachrisson 2009a).

Environmental justice occurs in different forms at different scales in relation to conservation and protected areas. What may be perceived as improved justice at one scale, e.g., an ambition to safeguard biodiversity for the future benefit of mankind, may not be seen as such at another scale, e.g., local communities denied access to vital natural resources. This is explored by MacDonald (2005) who criticises the rhetoric employed by international conservation NGOs who defend restricted local access to resources with reference to the need to safeguard a global ecology. Such reasoning becomes ambiguous when used to justify why power over local affairs is given to outside elites (e.g., NGOs, scientists), who use this to trade access rights to local resources on the international market. The result is a continuation of the unjust relationships that characterised colonial periods (Igoe & Brockington 2007; Brockington 2009). Spatial complexity and interconnectedness are important aspects for an understanding of how environmental justice works, or does not work, and includes recognition of place specificity alongside the historical contexts of localities set within a wider global analysis (Holifield *et al.* 2009).

Most studies that take a social justice approach to protected areas have tended to focus on single examples in developing countries. However, Poirier & Ostergren (2002) compare the evolution of indigenous land rights in relation to national parks in Australia, Russia and the USA, and Hall and Frost (2009a) demonstrate how the concept of national parks has been

interpreted and adopted differently in countries throughout the world. Comparative studies are important, since issues of scale and spatial interconnectedness are central in an analysis of the effects of neo-liberal market reforms in a North-South perspective, which is highly relevant when seeking an understanding of the evolution of conservation ideology (Schlosberg 2004; Igoe & Brockington 2007; Schroeder *et al.* 2008).

In the following sections we show how a comparison of case studies from three countries provides insights into the ideological context and legacies of national park establishment by examining access rights as an indicator of the extent to which policy and legislation have endorsed the precepts of environmental justice. The choice of case studies is representative of a spectrum of institutional frameworks, ideological legacies and access rights. The contrasts and similarities of parks established in liberal democracies and in an apartheid state turned democratic, in developing, industrial and post-industrial countries, and in a context of entrenched bureaucracies and a newly devolved government, provide empirical evidence to support our theoretical framework.

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**SOUTH AFRICA:
THE 'TRANSFORMATION' OF NATIONAL PARKS**

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History of Access to Land

Before the European colonisation, land in South Africa was managed under customary law and people could generally move freely through the landscape. The potential to access land and natural resources was high, although subject to local restrictions (Hall 1987). South Africa's history of colonial annexation and privatisation began in the late seventeenth century and resulted in a precipitous decline in indigenous peoples' rights of access. By 1880 all of South Africa had been colonised, and with the proclamation of the Republic of South Africa in 1910 the enacting of laws based on 'race' became politically entrenched (Lester 2000). The Native Land Acts of 1913 and 1936 meant that African people—who constituted the vast majority—only controlled the land within native reserves which covered a mere 7%, and later 13% of the country. This was a drastic quantitative reduction, and also a qualitative one in some areas where the most productive and resource rich land was retained for whites. However, in areas remote from official control and considered of little value, local people could ignore or resist the new regulations (Jacobs 2002; Dahlberg 2005). This gradually changed as laws became more strictly enforced and more land was alienated by white farmers, the military and different forms of conservation areas. Reduced access rights to areas for settlement, farming, grazing and the collection of wild produce resulted in *de facto* forced labour migration.

The Creation of Game Reserves and National Parks

In some rural areas the regulations that most severely affected local people's access rights were those related to official conservation interests. Zoologists had become alarmed about the diminishing numbers of certain game and convinced politicians that protective regulations were needed. Colonial hunting laws were proclaimed in the mid-nineteenth century, primarily to limit hunting by black Africans. Game reserves were demarcated in the late nineteenth century (Brooks 2005) based on a philosophy that aimed for "rigorous preservation in areas from which the public was excluded" (Carruthers 1995: 28). However, gradually the concept of 'African wilderness' became important to the country's white public, partly as a result of efforts to create a national white identity that would unite Afrikaaner and English speaking groups (Carruthers 1995; Brooks 2005). The idea of national parks was linked to this ambition, and when political, conservationist and (white) public opinions finally coincided, the Kruger National Park was established in 1926. In the same year the National Parks Act was passed and the first board of South African National Parks (later SANParks) appointed. The state thereby became responsible for the management of national parks, and access by the white public to protected areas for recreational purposes was legalised (Mabunda *et al.* 2003). Other national parks were proclaimed in the following decade, such as Kalahari Gemsbok and Addo (Beinart & Coates 1995). Game reserves and national parks became places where visitors could relax from modern life and experience the 'original wilderness' (Brooks 2005).

The first game reserves were created primarily to protect wildlife, and indigenous communities were often allowed to retain access to other natural resources. Local people were employed as guards and guides and some reserves were initially perceived in a positive light by the affected communities (Brooks 2005). Conservation regulations gradually became stricter, and African people still remaining within protected areas were in many cases removed by force (Surplus People Project 1983). Through removals, fences, game guards and laws against poaching and trespassing, reserves and parks became highly secured areas to be kept safe from threatening outsiders, i.e., the local black people. To these communities denial of access rights meant a loss of vital livelihood resources, and an alienation from an integral aspect of cultural identity that negatively affected social cohesion and local knowledge systems (Carruthers 1995; Ramutsindela 2004).

Land Reform, Protected Areas and Issues of Access After 1994

After the democratic elections in 1994, land reform legislation included the provision for restitution for people and communities who had unjustly lost land after 1913. They could lodge claims to have their land restored to them, to receive alternative land or other forms of compensation. Many of these claims concerned land in protected areas, including national parks (Magome & Murombedzi 2003). The land reform process involves dual goals; socio-economic development (including food security) and the redress of past injustices.

However, these aims are often in conflict with the government's international commitment to biodiversity conservation and the need to increase national revenues through tourism and cooperation with international conservation NGOs (Magome & Murombedzi 2003). Protected areas have increased since 1994, and now include six new national parks, bringing the number of national parks to 22, while others have been extended. About 6% of the land in South Africa is under full state protection, while private game ranches cover an additional 13% of the land (SA Yearbook 2008-2009). The government is committed to meet the goal set by IUCN of having at least 10% of the land under formal protection (Magome & Murombedzi 2003). With continuing poverty and land shortage in many rural areas, it is not surprising that reserves and parks remain contested terrain.

SANParks is a statutory body under the Department of Environmental Affairs, with a board appointed by the minister. The powers of SANParks are extensive and include the right to buy, lease and request the expropriation of land to create or be included in a national park. They have control over management, commercial development and research, unless this is shared in agreements with other institutions or businesses (Government Acts 1976, 2003). After 1994 the organisation and policies of SANParks were subjected to a process of transformation and their stated mission now is "to develop and manage a system of national parks that represents the biodiversity, landscapes, and associated heritage assets of South Africa for the sustainable use and benefit of all" (SANParks 2009a). SANParks aims to achieve transformation through increasing community involvement and economic benefits to local development, improved accessibility and negotiated land claims (Cock & Fig 2002). The number of park staff dealing specifically with social issues pertaining to community needs and interests has increased. Their work includes building local support for conservation and improving access to national parks by local communities. They are also involved in different outreach programmes concerning e.g., poverty alleviation, education and cultural activities. SANParks has recently established Park Forums in individual parks with representatives from surrounding communities. The aim is to minimise friction between the park and its neighbours by involving local communities and other stakeholder groups, to encourage participation in park management and to allow local concerns to be heard (SANParks 2009b).

Transformation in Practice: Kruger National Park and the Kgalagadi Transfrontier Park

Out of many possible examples, we have chosen two parks which we believe illustrate common processes, outcomes and challenges that characterise new national park policies in relation to the needs and interests of poor, marginalised and previously dispossessed communities.

The Pafuri area in the northern part of Kruger National Park was proclaimed a game reserve in 1933 due to its high conservation values. The Makuleke people who had lived and farmed there were first allowed to remain, but in 1969 they were forcibly removed and their land was turned over to SANParks (de Villiers 1999). The community was relocated without compensation to a much smaller area with fewer resources (Robins & van der Waal 2008). After 1994 the community lodged a restitution claim against SANParks, and a lengthy and complicated process of negotiations ensued (de Villiers 1999). The final agreement was signed in 1998, whereby the Makuleke community became the owners of the Pafuri area "with the proviso that no mining, farming or permanent habitation may take place without the permission of the SANP" (Ramutsindela 2002: 22). The area became a contractual park managed jointly between SANParks and the community. The former were responsible for conservation management while the community were in control of tourism development. The agreement was heralded by SANParks and others as a success for both conservation and community interests (de Villiers 1999), although sceptical voices were also heard (Reid 2001; Ramutsindela 2002). Recent research has generally been positive about outcomes, since local jobs have been created, training has been provided and tourism has generated a substantial income that the community has invested in local infrastructure, education and health (Carruthers 2007; Fabricius & Collins 2007). However, these and other studies admit that there are problems as well as future challenges.

Spierenburg *et al.* (2007) argue that in spite of the expert help provided to the Makuleke community when negotiating with SANParks and other authorities, the former remain in a weak position. Recent agreements with large private investors may reduce the community's income as well as control over access rights. The establishment of the Great Limpopo Transfrontier Conservation Area is considered a further threat to the community's present control over their land. Even though they own land in the park they are not directly represented in the management structure of the transfrontier park and the community leadership feels sidelined by the authorities (Spierenburg *et al.* 2007; Robins & van der Waal 2008). The Makuleke case is generally hailed as the solution to dilemmas between conservation and development interests. However, according to Robins and van der Waal (2008: 67), "…notwithstanding the iconic status of the 'Makuleke model', SANParks has increasingly demonstrated deep reservations about the replication of this model elsewhere", one reason being that it is too costly (Spierenburg *et al.* 2007).

There has recently been an upsurge in the creation and amalgamation of Transfrontier Conservation Areas (TFCAs) in southern Africa, often referred to as 'Peace Parks'. The Kgalagadi Transfrontier Park (KTP) was established in 2000 by joining together two adjacent national parks across the South Africa and Botswana border (Magome & Murombedzi 2003). The South African Kalahari Gemsbok National Park was established in 1931 and the resident Khomani San were subsequently removed (Carruthers 2007). Under the new democratic dispensation, the first phase of land claims by the Khomani San community resulted in monetary compensation and the transfer of privately owned commercial farms on the border of the park in 1999. By 2002 the second phase

was completed with the transfer of ownership of 25,000 ha of national park land to the community, to be managed together with SANParks as a contractual park. According to the agreement the community are allowed to use their land within the park for cultural practices, the sustainable use of plants and animals, activities pertaining to conservation or income generation such as ecotourism, but no permanent settlement, agriculture or mining is permitted (Grant 2010). The Peace Parks Foundation (2009) recently described the outcome of this agreement in what might be described as simplistic propaganda: "The contractual park thus serves as a prime example of environmental management that also ensures the sustainability of conservation". The situation on the ground is more complex. According to Holden (2007) the rights afforded to the Khomani San, including access rights, have not materialised in practice, and only in 2006 were some efforts to that effect initiated when SANParks provided the financial means to bring community members to visit their old lands within the park—for some the first visit since the agreement was signed.

There are numerous reasons why the Khomani San have not benefited more from the restoration of formal ownership of land. To facilitate the land claim process government officials, NGOs and others were part of the fabrication of the idea that the Khomani San were a cohesive community, although in reality there existed significant cultural and social divisions (Carruthers 2007; Holden 2007). Since 2002 the 'community' has split into groups based on historical, affinal and ideological differences, and relationships between these groups, as well as with outside authorities, were characterised by divergent world views, management styles and goals which made communication and cooperation difficult or impossible (Schoon 2007; Grant 2010). Lack of formal education and business experience, as well as lack of support for institutional development added to the community's difficulties in exercising their rights of access and benefiting from the agreement (Carruthers 2007, Holden 2007; Suich *et al* 2008). Bregin and Kruiper (2004) describe how the frustration experienced since the agreement was signed, e.g., concerning remaining restrictions on access to land and resources, caused renewed hardship among the Khomani San. This is as much about loss of identity, sense of place, knowledge systems and culture as it is about actual survival. While there is a political will on the part of SANParks to implement the co-management agreement with regard to access and benefits, mistrust and resistance to change is still embedded in institutional structures at various levels (Holden 2007).

Summary

The goals of development, conservation and environmental justice are clearly stated aims enshrined in the South African constitution, national policies and SANParks vision and directives. However, there is evidence that the gap between policy and practice remains problematically large, and in many places access rights are a central issue. Local people now have the legal right to access parks and reserves, but often only as paying visitors which poor people cannot afford, and so the majority of visitors remain white South Africans and foreign tourists (Cock & Fig 2002). The recent trend of out-sourcing and commercialisation may create new injustices, for example through the development of private lodges that obtain exclusive access rights within parks (Cock & Fig 2002), and with communities entering into unequal power relations when negotiating control over access to resources and management (Spierenburg *et al.* 2007). In addition, the historical legacy has left divided and fragmented communities where cooperation and joint management are problematic, processes to promote social equity tend to be constrained by conservation priorities, while at the same time political expediency often takes precedence over both ecological and development goals. The philosophical shift from 'fortress conservation' to 'people and parks' is taking longer than envisaged due to the complex interaction of factors such as top-down institutional structures, unequal power relations, and a lack of capacity and control at the operational level of park governance (Schoon 2007; Timko & Satterfield 2008).

SWEDEN: 'ALLEMANSRÄTT' AND NATIONAL PARKS

History of the Right of Public Access to Land and Natural Resources

In Sweden, public debate concerning national park regulations and proposals for new protected areas often invoke the traditional right of public access to the countryside. Traceable at least back to the county laws of the Middle Ages, this right—*allemansrätten*—is a customary law that has survived since pre-industrial society, although aspects of it have changed. The basic tenet of the tradition can be described as a code of conduct that secures the right for all to move freely about the countryside, provided one does not disturb or damage the property of others (Sandell 1997, 2006). The tradition allows for free access to natural resources not considered to be of economic value. The Germanic tradition of legislation, as opposed to the Roman, and the traditional independence of farmers are considered the main reasons for the development and persistence of the public right of access in the Nordic countries (Wiklund 1995; Tordsson 2008).

At the end of the nineteenth century and during the first half of the twentieth century, paralleling the rise of the welfare state, new forms of social and political identity developed in Sweden. 'The Swedish nature' and 'the nature loving Swedes' became important rhetorical clichés in shaping the idea and practices of the modern nation, exemplified through the establishment of national parks (Sandell 2005). At the same time, rapid industrialisation and urbanisation formed the background for a growing interest in physical leisure activities. Higher material standards, shorter working-hours and the Compulsory Holidays Act (1938), made it possible for the general public to engage in outdoor recreation. The tradition of *allemansrätten* facilitated

this, and the image of the 'nature loving Swedes' helped to strengthen public awareness and support for the public right of access, especially from the 1930s and onward. In the post-war period the concept of this right was invoked in legislation, and in 1994 it was incorporated in the constitution (Sandell 1997; Bengtsson 2004).

Today *allemansrätten* can be described as the 'free space' between various restrictions which include 1) economic interests such as agriculture and infrastructure; 2) residential privacy; and 3) nature conservation. Thus, it includes the right to move freely across state and private land and water, to pick mushrooms, flowers and berries, and to camp overnight wherever the restrictions are not violated (Bengtsson 2004). Also, organised and commercial activities may use the right of public access, although with some reservations (SFS 1998: 808). However, it is notable that the right of public access, even though mentioned in the Swedish constitution, is *not actually defined in the law* except by default through legislation stating where and when it does not apply (SEPA 2008a). Its persistence into the present can be attributed to its power as a cultural symbol (Fredman & Sandell 2005). In protected areas the right of public access can be extended, but it can also be restricted (SFS 1998: 808; SEPA 2008b). Fear of restricted access rights, especially concerning hunting and fishing (which, however, are not part of the *allemansrätt*), has been a major reason for public—usually local—protests against plans to expand or create new protected areas such as national parks (Sandell 2005).

The History of National Parks

Inspired by conservation ideals from Germany and North America, Sweden was the first country in Europe to establish national parks, and 10 were declared in 1909, of which nine were finally established. Although the new parks were spread across the country, by far the largest areas to be protected were located in the northern mountain region. As described in more detail elsewhere (see e.g., Mels 1999, 2002; Wall Reinius 2009) the main purpose of the first parks was to preserve what was viewed as wilderness for scientific, aesthetic and nationalistic reasons. The early twentieth century was a time of rapid social and political change and the need for forces that unified the population and imbued a sense of patriotism was seen as imperative (Mels 2002). This was also a period when images of remote rugged landscapes became synonymous with a romantic perception of nature and wilderness, within which the Sami people who inhabited the mountain areas of the north were either ignored or perceived as exotic and part of this romantic vision. Most areas designated as national parks were considered of low economic value, apart from the potential for tourism which was seen as a growth industry.

Apart from these considerations, the Parliament had stipulated that national parks should not entail costs for the state or infringe on private ownership, and therefore must be located on state land (Mels 2002). This was the main reason why the largest areas declared as national parks were located

in the northern mountains. This area had previously been legally recognised by the Swedish state as belonging to the Sami people, but their rights were gradually eroded from the eighteenth century onwards through racist perceptions of Sami culture that defined them incorrectly as nomads without property rights (Norberg 2007). By the late nineteenth century all land that had previously belonged to the Sami had been declared crown land, and it therefore cost the state nothing in land acquisition or compensation to establish national parks here (Hahn 2000; Norberg 2007). The Sami people were hardly consulted during the establishment of national parks (apart from their cachet as a tourist attraction), and the effects on their culture and livelihood security were not considered (Wall Reinius 2009). The Sami were permitted to herd reindeer in the national parks, but hunting restrictions and infringements due to tourism development in combination with restricted access elsewhere negatively affected their lifestyle and culture.

Today, the protected area in Sweden has increased to just over 10% of the land surface, mainly in the form of nature reserves and national parks. Approximately 85% of the area protected within the 29 national parks established by 2009 is located in the mountain region in the north (Zachrisson 2009a). The decision to establish new national parks and to change the borders of existing parks is taken by the Parliament, while the Swedish Environmental Protection Agency (SEPA) is responsible for overall planning, and practical management is generally delegated to the county administration. The main purpose of national parks is to preserve valuable natural environments as well as make them accessible for research, outdoor activities and tourism (SEPA 2008c: 9). A new national parks plan for Sweden is being prepared by SEPA with the long-term aim to create 13 new national parks (in areas where a large proportion of land is already protected as nature reserves), enlarge seven existing ones, and to improve the geographical distribution and the representation of landscape types. An initial version of the plan met with strong criticism because it underplayed the importance of local participation in planning and management. After consultations with stakeholder groups such as municipal and county administrations a revised version was presented in 2008 (SEPA 2008c, 2009). The need for transparency and dialogue with local stakeholders is stressed in government policy documents (Skr 2001-02: 173), but in an international context Sweden has been relatively late in incorporating participatory approaches in conservation planning and management.

The Non-establishment of Kiruna National Park

In the late 1980s SEPA proposed the establishment of a national park in the high mountain area around Lake Torneträsk close to the northern town of Kiruna, which if established would be one of the largest national parks in Europe. The main actors in favour of the plan were SEPA and the regional tourism organisation. Most stakeholders were represented in the working group for the proposed national park, but there was such a clash of interests that the plan was eventually shelved.

The main obstacle was the resistance from local groups, mainly in Kiruna, who were afraid that their access rights to the area for fishing, hunting and the use of snowmobiles would be curtailed. In a petition (with more than 15,000 signatures) it was asserted that the establishment of Kiruna National Park was an intrusion on the right of public access. There existed a general scepticism regarding the intentions of central authorities (such as SEPA), as well as a fear that more severe restrictions than those initially proposed would follow. It was clearly stated in the plan that reindeer farming would not be subject to restrictions but the Sami were still distrustful. It could be argued that the debate over the national park and the abandonment of the proposal was symbolic of a clash between two very different cultural views of conservation, outdoor recreation and access rights (Sandell 2005).

The Establishment and Early Outcomes of Fulufjället National Park

The establishment of Fulufjällets National Park in the southern mountain region was formally suggested by SEPA in 1989, the designation process commenced in 1990, and the park was formally proclaimed in 2002 (SEPA 2002). The designation process was described by central authorities as a success, and as an important example of how the Swedish approach to conservation had shifted to embrace a stronger social component, including recreation, tourism and local participation (Skr 2001-02: 173; SEPA 2002). The initial top-down approach was met by strong local resistance that threatened to stop the proposal. The authorities then adapted a strategy that included dissemination of information, public forum discussions and negotiations with local stakeholder groups (Wallsten 2003; Fredman & Jonsson 2005; Zachrisson *et al.* 2006). The aim of these was to focus attention on potential economic benefits of increased tourism, improved employment opportunities and infrastructure, rather than on feared restrictions (Zachrisson *et al.* 2006). Due to local concerns about restricted access rights, e.g., on hunting and fishing, SEPA decided to implement a zoning of the park, with a strictly protected core area, and other zones where differential use was allowed (SEPA 2002). Although generally positive in their description of the process, Fredman and Jonsson (2005) also document criticism from local tourism entrepreneurs about practical outcomes. There were complaints that some restrictions on access rights in the national park were unnecessary, while others were useful but not enforced by authorities—both with detrimental impacts on local businesses. Park staff were perceived as concerned with environmental issues and disinterested in the needs of local commercial ventures.

A more recent study included local respondents other than tourism entrepreneurs, and here the democratic, transparent and participatory description of the designation process was questioned (Zachrisson 2009b). Although local resistance to park establishment decreased during the designation process, one of the two municipalities involved did vote against it. In spite of this, the Parliament proclaimed the new park. Access regulations were amended during the negotiation stage, but the outcome of the zoning still meant that 60% of the area was classified as 'wilderness' where most activities were banned, and only in the 'high activity' zone (25%) are locally important activities like fishing and snowmobiling allowed, while moose hunting is permitted in this zone and the 'low activity' zone (14%) (Zachrisson 2009b). The park management plan states that an advisory management board with representatives from the local population will ensure their continued influence (SEPA 2002), but this has yet to be realised (Zachrisson 2009b). Local businesses can influence decisions related to tourism development, but only if they are certified by the World Commission on Protected Areas as Pan Park Partners the remit of which is to ensure sustainable tourism. This accreditation procedure results in the exclusion of many local businesses. Zachrisson (2009b) concludes that although the designation process included a participatory dialogue phase, the initial and final phases were centralised and top-down.

Summary

In Sweden the debate about conservation, local development and improved participation is influenced by recent local resistance to proposals for protected areas—a resistance that is closely linked to perceived and actual changes in access rights (Sandell 2005). The debate is also affected by events apparent at the local, national and global level. These include the recent enlargement of the total protected area, the increase of different types of protected areas, and the ideological shift in policies from a top-down approach to one where the rights and needs of local communities are recognised. A recent Swedish country-wide survey, not limited to people living close to protected areas, showed that 65% were in favour of either co-management or self-management of protected areas, as opposed to state management—which today is still the norm (Zachrisson 2008). For people living in or next to protected areas the signals from authorities are often confusing. For certain protected areas (such as the World Heritage Site on Öland) the planning process was characterised by broad local participation in decisions about access rights and management, while for others (e.g., the recent establishment of Natura 2000 areas) the process is perceived as extremely top-down in its enforcement of restrictions on access rights. In other cases, such as the designation of Fulufjället, the designation process itself promised a certain degree of local control over access that was not realised (Zachrisson 2009b).

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**SCOTLAND:
THE 'RIGHT TO ROAM', LAND REFORM
AND THE CAIRNGORM NATIONAL PARK**

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History of Access to Land in Scotland

Scotland has one of the most concentrated patterns of private rural landownership in the world: two thirds of the county's 7.8 million hectares of land are owned by just 1287

landowners (Wightman 1996; Wightman *et al.* 2004). The feudal appropriation of Scotland's common land began during the twelfth century and was consolidated during the following 600 years. The social and political campaign to regain the legal entitlement of access to land was rooted in the social transformation of the industrial revolution and made famous by William Wordsworth's description of the (English) Lake District as 'a sort of national property in which every man has a right and interest' (Wordsworth 1842). During the nineteenth century several attempts were made to bring about reform to access rights, often through the formation of lobby groups such as the forerunner to Scottish Rights of Way Society formed in Edinburgh in 1844. The tradition of a universal 'right to roam', having its origins in the clan-based social systems of Scotland, became the pivot upon which much agitation for reform revolved and effectively conveyed the same basic access rights as the Swedish *allemansrätten*. During the 1880s, concurrent with the rise in importance of Scottish sporting estates, the issue of access gained prominence in court cases brought by landowners against walkers and neighbouring farmers. The Access to Mountains Bill was unsuccessfully tabled in the British Parliament several times during the late nineteenth and early twentieth centuries and a watered down version that placed restrictions on access was finally passed into law in 1939 although it was never fully implemented, nor did it apply to Scotland (Smout 2000).

Industrialisation, urbanisation and mechanised agriculture meant that access to the countryside became a contested political issue in the 1930s. The Youth Hostels Association was formed in 1931 and the Ramblers Association in 1935, both of which contributed to the organised trespass hikes which led to skirmishes between landowners and groups lobbying for legal access. The Council for the Protection of Rural England (CPRE) campaigned for the creation of national parks in 1929 and a committee was set up to consider this for two divergent reasons: preserving wildlife and the natural landscape, and for recreation (Evans 1992).

Legislation grew out of pressure from a range of different interest groups, some "concerned with scientific conservation at the expense of public Access", as well as those wanting enhanced access and recreational facilities in the countryside. (Blunden & Curry 1990: 37). Access to private land was an important ideological issue, particularly for working class rambling associations, as well as for professional middle class groups. A raft of legislation affecting England and Wales was enacted after the Second World War, including the National Parks and Access to the Countryside Act of 1949 which required the mapping of all local rights of way, the establishment of national parks and the delegation of power to local authorities to secure access to open country areas. This legislation was resisted in Scotland, primarily by landed interests (Keating & Stevenson 2006) who argued that traditional rights of access to land in Scotland were "under tolerance from the Landowner", a view that was undermined by the fact that there was no legal penalty for trespass (Clough 2004: 117).

Other (unsuccessful) attempts to establish national parks

in Scotland were promoted by the Countryside Commission for Scotland during the 1970s and again during the 1990s. The long-standing debate on the need for parks culminated in 1997, on the eve of Scottish devolution, with an announcement by the Secretary of State for Scotland that parks would be established. Two years later, the creation of a devolved Scottish Parliament effectively shifted power away from large landowners and parastatals that had previously been protected within establishment structures, initiating land reform, national park legislation and the abolition of feudal land laws (Rohde 2004; Keating & Stevenson 2006).

The Land Reform (Scotland) Act 2003

It is highly significant that rights of access form the first part of the Land Reform (Scotland) Act of 2003, which gives Scotland what is claimed to be the best system for outdoor access in the world (CNPA 2007a). In addition to creating new rights that enable crofters and communities to take more control over land, it established a broad inclusive set of guidelines for countryside access. Everyone can exercise access rights over most land and inland water in Scotland, at any time of day or night, providing they do so responsibly. These rights extend to 85% of Scotland's land base (including mountains, hills, moorland, rivers, lochs, riverbanks, shorelines, farmland, paths and sports fields), for recreational purposes (including family and social activities, horse riding, cycling and wild camping), educational purposes (related to natural and cultural heritage) and for some commercial purposes. A measure of how entrenched landed interests had become can be gleaned from the expressions of outrage from Scotland's wealthy landowners who compared the new land reform act to Robert Mugabe's fast track land re-distribution programme in Zimbabwe (Wightman 2003).

Establishment of the Cairngorms National Park

One of the first acts to be passed by the newly devolved Scottish Parliament was the National Parks (Scotland) Act of 2000 which gives equal weight to the conservation and sustainable use of natural resources, the promotion of recreation as well as economic and social development. Designated park areas were agreed in 2002 in the case of the Loch Lomond and Trossachs National Park and in 2003 for the Cairngorms. The legislation provides for the establishment of National Park Authorities to ensure the protection of the long-term natural and cultural heritage of each park area. It provides for the creation of National Park management plans and gives the Park Authorities power to implement these effectively. Each park is core funded by the Scottish Executive and governed by a board consisting of ministerial appointees, elected local government councillors from the park area and directly elected local representatives. The balance of power is weighted on the side of democratically elected local decision makers who have a clear majority over central government ministerial appointments.

The Cairngorms National Park (CNP) is one of the largest in

Europe, covering 3,800 sq. km. Approximately 16,000 people live within the park's boundaries. Three quarters of the park is privately owned, divided into a patchwork of large sporting estates, 570 farms and 105 crofts. It contains Britain's largest National Nature Reserve (290 sq. km) as well as land owned by government agencies like the Forestry Commission and Ministry of Defence, local authorities, businesses, homeowners and charities such as the National Trust for Scotland. Tourism-related businesses account for about 80% of the economy, including activities such as skiing, walking, fishing, shooting and stalking (CNPA 2008). The park's core objectives include: conserving biodiversity; improved quality of life through increased outdoor access; promoting sustainable tourism development; ensuring access to good quality and affordable housing and; managing natural resources sustainably (CNPA 2007a).

Park legislation stipulates that jurisdiction for planning within each national park is decided on a case by case basis. Planning in the CNP area was set up so that the Park Authority only deals with planning applications that are of significance to the aims of the park, unlike the Loch Lomond and Trosochs National Park Authority which has powers to prepare and adopt a Local Plan and to decide all planning and related applications within the park boundary. In CNP planning decisions on built development proposals are instead made by each of the five Regional Councils whose boundaries overlap with the CNP and they share responsibility for longer term forward planning with the Park Authority. If there is a conflict between the aim to conserve and enhance the natural and cultural heritage of the area and other national park aims, the CNPA must give greater weight to the former objective. The responsibility for balancing the diverse and sometimes conflicting interests in a collective and co-ordinated way lies with the CNPA. Management is carried out through bylaws, agreements with landowners, park rangers and planning decisions in relation to proposed developments within the park area (CNPA 2007b).

Issues of Access

On one level, the success of the Cairngorms National Park can be judged by the continued lobbying of neighbouring local authorities to have the park boundaries extended into their areas, a move recently granted by the Scottish government. Other rural communities such as the North Harris Trust, a community land buy-out, made possible by the land reform legislation of 2003, have applied to the Scottish government for national park status and subsequently voted overwhelmingly in favour in a recent local ballot. Although park status is likely to involve some restrictions in development planning, it is thought that the benefits from increased employment and economic activity related to tourism would help revitalise the community (Scottish Government 2008a). However, there are issues raised by various interest groups that question the ability of the CNPA to deliver on its core objectives, often expressed as a conflict between local and national interests as well as between economic development versus environmental conservation.

The precedence given to local government control in the CNPA's planning remit is one such bone of contention. "It is clearly perceived by the conservation coalition that the difficult balance between environmental and economic interests will be skewed towards the economy under local authority control" (Illsley & Richardson 2004: 239).

A three months period of consultation on a Draft Local Plan in 2007 for the CNP area resulted in over 1,500 issues being raised by more than 470 individuals, organisations and interest groups. When approved, this plan will eventually replace the current local plans covering the five local authority areas within the park. Affordable housing was the most important issue raised at the consultation phase (CNPA 2007c). National park status has affected land prices, the incidence of second home ownership and the ability of local people to find affordable housing within the Cairngorms area. "Young people and those on low incomes in particular have difficulty in securing accommodation in their communities. This has long-term implications for the communities, as well as the wider environmental, social and economic health of the Park" (CNPA 2007b: 20). Some 75% of households in the park area are not financially able to secure mortgages at current house prices. Social housing policy foresees an increase of up to 100 houses per year over the next 10 years, of which up to 50% will be allocated to affordable rented or low-cost housing for local residents. Local Authority housing policy, housing association use of resale burdens and insistence on making affordable housing part of planning guidelines for private developers are some of the means used to bring this about. The issue of housing is a current policy priority for the Park Authority and the surrounding local government councils.

Five years after the creation of national parks a Strategic Review was commissioned by the Scottish government to evaluate the success of the Park Authorities in meeting their objectives. The review was completed in August 2009 and it confirmed the value of the 'free-standing non-departmental public bodies' framework of the two existing NPAs (Scottish Government 2008b). While it reduced the number of board members in each Park Authority, it increased the proportion of locally elected representatives making the management and planning even more devolved and locally accountable.

Summary

The degree to which consultation was used at all stages in the process of designating and reviewing the institution of the CNPA indicates that public participation in policymaking is becoming institutionalised in the Scottish system (Thompson 2006). A critical question in relation to the CNP is whether local authorities can be trusted to deliver strong sustainable development. Inevitably, tensions have arisen between the proponents of environmental protection and those advocating sustainable economic development. The park area is a working landscape, requiring economic and social stability as well as conservation of the natural environment. "It is at the local level that these tensions will become apparent, underlining

the need for appropriate spatial planning arrangements based on robust institutional arrangements" (McCarthy *et al* 2002: 670). The Scottish case study supports the view put forward by Williams (2001: 370) that the objective of sustainability, when applied to an environment that is dominated by an economy based on tourism, "is perhaps better approached by searching out and controlling sources of undesired change" and that 'sustainability' is ultimately a cultural concept. The prominence of the issue of access to affordable housing within the Cairngorms National Park, and the attempts to find solutions to this issue of social, economic and environmental sustainability is a good example of this point.

DISCUSSION

Comparing Cases: Similarities and Differences

Historically there are strong similarities between Sweden, Scotland and South Africa in the treatment of local and indigenous groups in relation to access to land and resources. In all three countries powerful social groups, often urban based and removed from the daily and seasonal interactions with the environment as experienced by rural communities, enforced regulations with the aim of controlling large areas of land in order to exploit or to safeguard natural resources. This involved the deliberate creation of cheap labour pools, extensive sheep runs, cattle ranches, shooting lodges, game reserves and 'wilderness' areas for exclusive recreation and was usually done at the expense of rural livelihoods. Of long-term importance is the fact that these elite groups, where scientists often played a leading role, held the power to impose their perceptions and understandings concerning what is wild and what is human—and the relationship between them—as the dominant ideology.

At the beginning of the twentieth century this view of a division between wilderness and people, in conjunction with nationalistic, recreational and economic interests of the elites, resulted in the establishment of the first national parks in Sweden and South Africa (Carruthers 1995; Wall Reinius 2009). A view of nature and wilderness that was generally blind to the existence of cultural landscapes and that regarded remote and marginal land as 'wild', became embodied in the purpose of national park establishment. In both countries these new state-controlled commons were governed by centralised institutions with top-down management structures where local people were either ignored or regarded as a problem, and even forcibly removed. In Scotland the delay in the establishment of national parks was largely due to the resistance and power of landlords who feared an erosion of their own centralised control over large privately owned estates (Keating & Stevenson 2006). Thus, until recently the interests of powerful elites were protected, which in Sweden and South Africa was reflected in the conceptualisation and management of national parks.

During the last one hundred years public access rights within and outside protected areas have differed between the three countries. In South Africa the black majority were denied former access rights, irrespective of whether the land they had previously controlled had become a national park, a forest reserve or a private farm (Beinart & Coates 1995). For the white 'elite', national parks and other protected areas became popular for recreational purposes and access opportunities increased. Thus, the ideology and management structures of national parks worked to alienate black people from land and landscapes that had previously been part of their identity and knowledge base (Ramutsindela 2004; Brooks 2005). To a certain extent, this situation can be compared with the alienation of land from the Sami when Sweden proclaimed its first national parks (Mels 1999), as well as in Scotland where alienation occurred through the privatisation of previously clan-based land ownership (Hunter 1976). However, with regard to access rights in a narrower sense, the situation in Sweden and Scotland was different from South Africa. In Sweden the traditional right of public access to the countryside (*allemansrätten*) was officially encouraged and strengthened, although it was only to a very limited extent defined in law (Sandell 1997). In Scotland access to private and state land was not officially permitted, but existing laws of trespass did not carry any meaningful legal sanctions, especially in relation to walkers' access to the rural countryside (Clough 2004).

Over the last couple of decades there has been a global shift in policy thinking concerning conservation and protected areas, which now emphasises democracy, environmental justice, local involvement and development (Adams & Jeanrenaud 2008). This ideological shift was strongly reflected in post-apartheid South African policies, while in Sweden this came later and with less emphasis. Planning and management structures have changed, but in both countries criticism has been raised characterising these changes as inadequate (e.g., Timko & Satterfield 2008; Zachrisson 2009a). The attitudes of local populations towards proposed and established protected areas still tend to include strong components of scepticism, mistrust and disappointment. In Scotland the reverse situation exists where local communities broadly welcomed the first national parks and are enthusiastic about new and enlarged parks.

National Parks, Environmental Justice and Ideological Legacies

Why is conservation, as expressed through the creation of protected areas, so problematic, both as a concept and in practice? Recent studies have highlighted the existence of neo-liberal and neo-colonial processes in present-day attempts to create and manage protected areas, including efforts aimed at addressing past injustices (Ramutsindela 2004; Duffy 2006; Büscher & Whande 2007; Igoe & Brockington 2007). Most of these critical studies address the situation in developing countries and while some add a comparative aspect, they tend to remain focused on what is 'typical' for the South. Among the exceptions is the study by Poirier and Ostergren (2002), which describes the evolution of national parks in Russia, Australia and the USA where there has been a slow

trend towards increased access rights for local communities. However, their examples show that attempts at change are more often than not met with official resistance or lose out in competition with neo-liberal market forces aimed to increase access by tourists. In their global overview, Hall and Frost (2009b: 307) are more positive and state that "national park management is increasingly integrated with local economic and social development strategies" in both the developing and developed world. However, they acknowledge that the multi-functionality of national parks may create diverse expectations concerning distributive benefits, and conclude that this is an inherent characteristic of such socially constructed, and therefore contested, spaces.

Our case studies also illustrate this spatial and temporal diversity, as well as a wider and less recognised phenomenon: where conservation interests clash with the priorities and needs of local communities, this has less to do with whether a country has been a colony or not, or its present state of development—but is instead closely related to the ideological and institutional legacy surrounding the conceptualisation of contemporary policy regarding national parks. Where national parks were initially created in order to preserve wilderness, with decisions on demarcation and regulations taken by the powerful elite, and where centralised authorities controlled management, it has been difficult to initiate profound change in line with new policy directives.

We have argued above that the persistence of an ideology that separates the human from the natural and wild is contradictory, especially when it results in the commodification of the environment as a resource for tourists and scientists (Cronon 1996; Brockington 2009). As the case studies presented here illustrate, the persistence of past elite interests and present economic strategies have the power to formulate and maintain a dominant ideology reflected in many national parks, where tourists are perceived as less harmful to the environment than the land use customs of local communities. Examples from both Sweden and South Africa show that when plans for national parks are made against this background they tend to result in management regulations and restrictions perceived as unjust by local communities. Here access rights tend to be the pivotal issue, with consequences for livelihood security, customary practices, local identity, recreational interests and economic equity. Past enforced changes in access rights have been difficult to fully rectify for the sustainable benefit of those dispossessed. At the same time the persistence of an entrenched conservation ideology has meant that more recent efforts to promote environmental justice have been frustrated and spaces of inequality continue to be reproduced. According to Walker and Bulkeley (2006: 658), "assessing what constitutes just access and just protection carries additional conceptual and practical challenges", and involves the complexity of scale and spatial interconnectedness (MacDonald 2005; Holifield *et al.* 2009). At issue is not whether trade-offs are made or not, for example between access and conservation, but rather to what extent conflicts of interest are acknowledged, recognised and dealt with in participatory and transparent ways (Dahlberg &

Burlando 2009), and not hidden within unrecognised legacies of past ideologies.

In Sweden and South Africa the overarching official aim of national parks remains the preservation of the natural environment in an unchanged state, although within this model new conceptual layers that concern conservation biology, local participation and economic development have been added to previous layers concerned with aesthetics, scientific research and national identity. However, it is rarely acknowledged that the justification for protectionism is inherently political (Büscher 2010), or that 'local participation' generally remains within boundaries delimited by state institutions, and confined to public-private partnerships related to tourism (Holden 2007; Spierenburg *et al.* 2007; Zachrisson 2009a). Furthermore, these new layers are strongly coupled to neo-liberal strategies that rely on market forces and the commodification of nature as the financial backbone of park management (Büscher & Dressler 2007). The Scottish framework embodies a political ecology perspective which aims to give equal weight to the promotion of sustainable use of natural resources, economic and social development, recreation and education and the conservation and enhancement of the natural and cultural heritage through embracing a concept of 'living landscapes'. The amalgamation of all these meanings and goals into a functional process for planning and managing national parks is highly problematic. The impact of market forces that puts a price on space, and conflicting ideologies pertaining to access rights and biodiversity complicate the process (Illsley & Richardson 2004).

Can present conflicts and unresolved dilemmas in Sweden and South Africa gain from the Scottish experience? The main difference between the development of national parks, as a concept and in reality, between these three countries lies in the ideology prevalent when the national park concept gained acceptance. In Sweden and South Africa official conservation ideology has changed since the establishment of national parks mainly by adding new layers rather than exchanging an old perspective with a new one. Also, the original institutions are still in place—relatively unchanged—and with them a centralised and top-down management structure is maintained. New perspectives on environmental and social values are not easily incorporated into institutional structures and practices created in a different historical context. In Scotland, the concept and practice of national parks was adopted after aspects of environmental justice and local participation had gained international acceptance within conservation thinking. Here it was easier to create national parks specifically designed to encompass new perspectives on landscape dynamics, on relations between people and nature, and which included aspects of environmental justice towards all affected groups.

Our reading of the current situation in the three national park regimes studied highlights the importance of having appropriate institutions in place if the complex and contradicting needs and values of multiple stakeholders are to be incorporated in management processes. A common pattern found in relation to national parks is that local mistrust, scepticism and even

outright conflict is found where old institutional structures remain more or less intact. As Holden (2007) has emphasised for a South African case, and Zachrisson (2009b) for a Swedish one, and which has been discussed by Brown (2003) and others in more general terms, it is imperative that institutions are relevant in the context of current policies and stated ideologies.

Of central importance here is a more profound understanding of the different components of environmental justice, relevant both for social justice and environmental sustainability (Agyeman & Evans 2004). That is, environmental justice is about more than the distribution of environmental 'goods' (or the avoidance of environmental 'bads'). It must also be "concerned with the recognition and preservation of diverse cultures, identities, economies, and ways of knowing" (Schlosberg 2004: 524) if the distribution of benefits and the creation of arenas for participation are to be fully realised (Schlosberg 2004; Walker 2009).

Is it possible to create a new ideological paradigm to underpin protected area management and institutional design? Should countries like Sweden and South Africa abolish the established structure of national parks and their institutional framework and start afresh? The democratic elections in South Africa in 1994 show that transformation is possible and many environmental justice issues are addressed in the new constitution. However, there is not only an underlying inertia in the institutional structure of park management, but also a lack of capacity to devolve control and decision-making powers to a local level. Sweden should have this institutional capacity but seems equally unable to overcome the legacy of history and centralised authoritarian control over protected areas, as exemplified in the process of establishing Fulufjället National Park. In contrast, Scotland has embedded the park concept within existing local government structures that require constant trade-offs and compromise between the various interest groups spanning local business interests and the conservation lobby. However, even in this devolved institutional framework, unintended consequences of park establishment have resulted in a decrease in social equity. In all countries—echoing voices of the previous century—fears that conservation values will be lost if park authorities favour local socio-economic interests are proclaimed, especially by powerful national and international conservation lobbies.

In all three countries discussed here, conservation of protected areas, and the national park model in particular, will be tested in the near future. Sweden's first marine national park, Kosterhavet, was declared in 2009 and the process leading up to this demarcation was praised for its high level of local participation and adherence to new ideas (Ågren & Bengtsson 2009). However, this national park includes only state land (and water) as well as areas already protected, while privately owned land with settlements and cultivated areas are excluded (Piriz & Westman 2008). Thus, it retains the basic structure laid down in 1909, and control over planning and management still ultimately rests with state authorities in ways that parallel historical patterns, although there now exists an improved base for potential local involvement.

In South Africa there are active plans and processes in many parts of the country to extend existing parks, and to demarcate new ones. Some of these plans are huge in scope, such as the planned 'peace park' across the borders of South Africa, Mozambique and Zimbabwe, potentially involving the removal of poor communities (Büscher & Dressler 2007; Spierenburg *et al.* 2007). Parks that incorporate the idea of biodiversity 'wilderness' corridors are taking shape in places like Namaqualand where central government and large mining interests have recently struck a deal on land protection without consulting either local or regional government (Hoffman & Rohde 2007; SKEP 2008; Yeld 2008). In Scotland the creation and expansion of national parks is ongoing in the form of public consultations that promote institutional adaptation. Here local government councils and small communities with secure land rights are actively lobbying for park status. In contrast, Scotland's proposed National Marine Park has been put on hold due to the difficulties of reconciling conflicting interests of local government, conservationists and fishermen (Peel & Lloyd 2009).

In this paper we have shown how access rights are an indicator of the extent to which decision-making powers over conservation are decentralised. These rights are contingent on the historical settings and ideological contexts in which the institutions controlling conservation have evolved. The landscapes that became national parks were places where people had previously lived and worked—they were formed by a combination of natural and human processes, holding both cultural and environmental values. Today we may be facing a future where the role of these areas is to provide 'unspoilt' scenery and 'wilderness experiences' for the well-off, and where the historical and cultural values of local people are denied. If national parks are to serve other functions, governments, conservation NGOs, civil society, scientists and media must acknowledge the need to reform institutional structures that arose in previous ideological contexts. The tenets of environmental justice as analysed through the rights of public access are one way to ascertain how far this process of reform has been achieved.

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