



Drawing up The Nature Diversity Act has been the most demanding and interesting work I have ever done as a vice-minister.

And the Act is, without doubt, the most important law on nature ever made in Norway. For the first time we have an Act concerning both sustainable use and conservation of nature that addresses all sectors of society. Earlier we had one law concerning protection and other laws concerning different use of nature, but not a law that saw sustainable use and conservation in context.

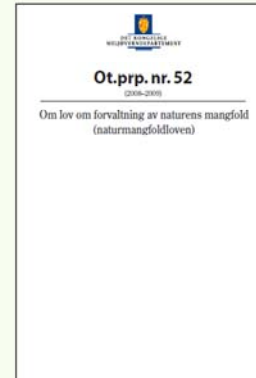
The Norwegian Nature Diversity Act entered into force on the 1st. of July 2009. Although it was adopted less than a year ago, The Nature Diversity Act has been nominated as Best Biodiversity Policy for the Future Policy Award 2010.

The Act is a following-up of national and international obligations, such as the Convention on Biodiversity.

The Nature Diversity Act

An Act consisting of 10 chapters and 77 sections

Chapter I	Purpose and scope
Chapter II	General provisions on sustainable use
Chapter III	Species management
Chapter IV	Alien organisms
Chapter V	Protected areas
Chapter VI	Selected habitat types
Chapter VII	Access to genetic material
Chapter VIII	Competent authority under the Act, supervision, etc
Chapter IX	Enforcement and sanctions
Chapter X	Final provisions

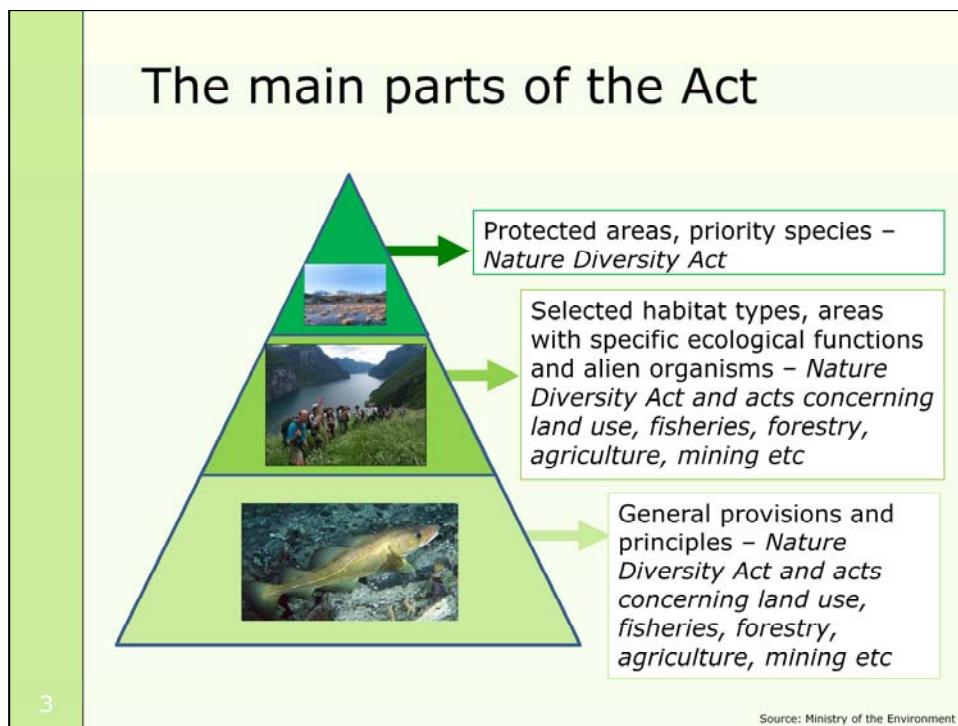


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The Nature Diversity Act is a comprehensive Act consisting of 10 chapters and 77 sections.

The main challenge in drawing up the Act, was to decide whether the Act's purpose, management objectives, key principles and regulations should **be amended in at least 36 laws** concerning land use, **or should be gathered in one Act**. Both the Norwegian Government and the Norwegian parliament chose to gather them in one Act; The Nature Diversity Act. It was also decided to let it apply for all sectors of society that have activities that affects nature, for example fisheries, road construction, oil activity and forestry.

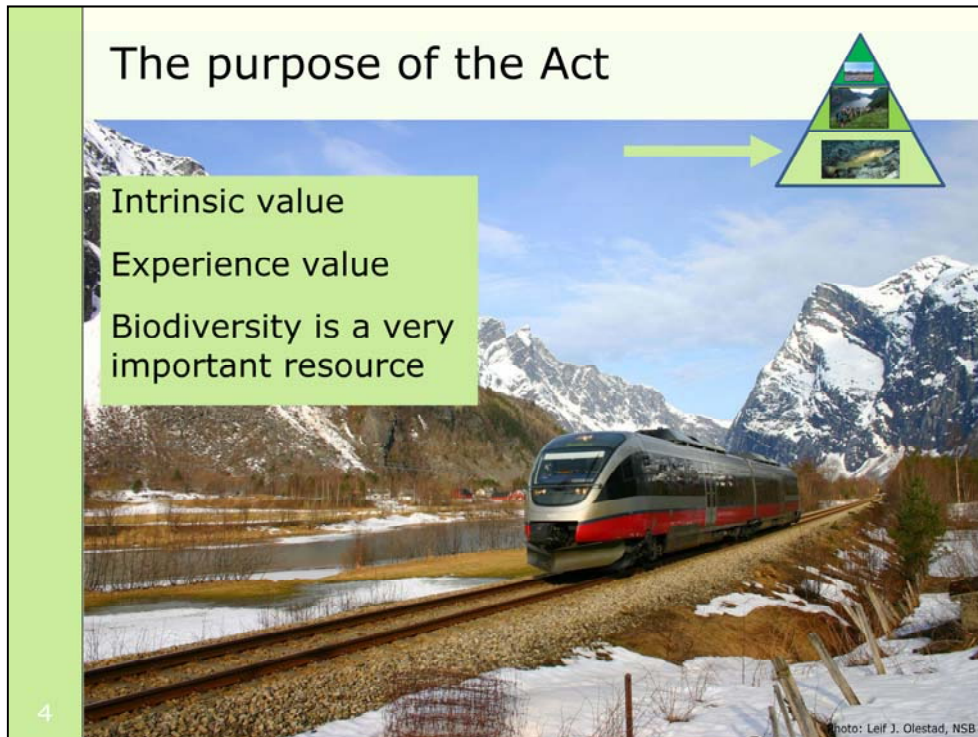
The new Act has a wide scope. Just to give you a picture; the old Nature Conservation Act is replaced by a single chapter in the Nature Diversity Act, chapter V. The nine other chapters are mainly about sustainable use.



The Act can be divided into three main parts. The most valuable and threatened nature is at **the top of the pyramid**. This includes protected areas and priority species. Such nature is to be managed by The Nature Diversity Act alone.

As a middle-bracket there will be provisions for nature that needs special attention. This diversity will be managed through sustainable use. Examples here are so-called selected habitat types, provisions for areas with specific ecological functions and provisions for invasive alien species. The management of this nature will be based on a combination between the Nature Diversity Act and acts concerning land use, fisheries, forestry, agriculture, mining etc that affects nature.

For all development projects and land use that affects nature, the Act's purpose, management objectives, knowledge base management and key principles for nature management, forms the Act's "**foundation wall**". The management will be based on a combination between the Nature Diversity Act and acts concerning land use.



Let us start with the tools in the foundation wall. The purpose of the Act is a part of this wall. The **first** aspect is that biodiversity is an **intrinsic value**. We have an ethical responsibility to take care of nature.

The **second** aspect is that biodiversity gives us **experiences and recreation**. Experience of nature means a lot to the quality of life for most people, whether it is the nature in which we live, or in the mountains.

The **third** aspects is that biodiversity **is the world's most important resource**. Nature gives us a lot of things that human life on earth is totally dependent on. Food, water, trees, fiber, fuel, and a lot of other ecosystem services.

Management objectives

To maintain the diversity of habitat types within their natural range



To maintain species and their genetic diversity for the long term and to ensure that species occur in viable populations in their natural range



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Together with the purpose of the Act, the Act also has **management objectives for habitat types and species**. These objectives are **more concrete and more binding** than the purpose of the Act.

The management objectives apply to all sectors of society.

The management objective for **habitat types** is to maintain the diversity of habitat types within their natural range.

The management objective for **species** is to maintain species and their genetic diversity for the long term and to ensure that species occur in viable populations in their natural range. This implies that the management of habitat types and species is based on an ecosystem approach. In other words to halt the loss of biodiversity.

Norway has submitted these objectives to the Secretariat for the Convention on Biological Diversity as an input to the ongoing negotiations about new goals for biodiversity that will replace the 2010 goals.

The objectives makes one thing perfectly clear: One shall not make a decision that allows a specie or a habitat type to become extinct.

Key principles for sustainable use

Ecosystem approach and cumulative environmental effects

User-pays principle

The precautionary principle

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Photo: Marianne Gjørvi

It is the first time that key principles for management of biodiversity are part of a cross sectoral Act in Norway. Although they have appeared in many political documents and international conventions.

These principles shall be used as guidelines when ever exercising public authority concerning nature.

The first principle says that any pressure on an ecosystem shall be assessed on the basis of the cumulative environmental effects on the ecosystem now or in the future.

Lets us give you an example: If we have a river and there has been allowed 16 small-scale hydroelectric power plants that affects the river, the authorities can **say no to power plant number 17**, if this - together with the 16 others - will have negative impact on biodiversity.

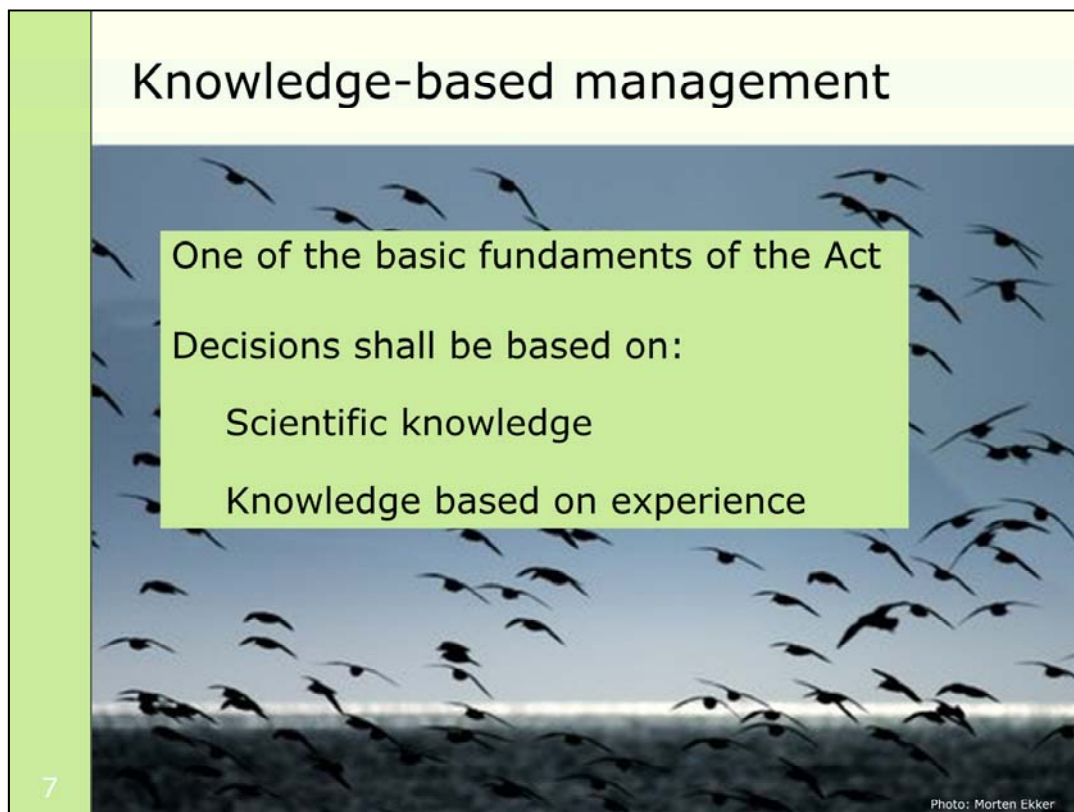
But this principle also says that the authorities **can say no to the first small-scale hydroelectric power plants applied for in a river**, if it's likely that there will be other applications that together with the first one will have negative impact on biodiversity. In these cases the authorities can ask for a holistic management plan for small-scale hydroelectric power plants and the effect they will have on the ecosystems.

The second principle is the user-pays principle that says the costs associated with preventing or limiting any damage caused by a project to biodiversity, shall be born by the project owner.

In Norway we have for many years had such a principle for pollution – the polluter-pays-principle - and for activity that affects cultural heritage but not for biodiversity, until now.

The third principle is the precautionary principle that gives the nature the benefit of doubt. Facing complex environmental issues, such as climate change and loss of biodiversity, the precautionary principle gives us important guidance.

This principle is of fundamental importance when we have a lack of knowledge. The authorities should not make decisions when we do not know the consequences for biodiversity and there is a risk of serious damage.




Knowledge is **one of the basic fundamentals of the Act**. The Act sends a clear signal that the management of nature shall be based on knowledge.

Official decisions that affect biodiversity, shall, as far as is reasonable, be based on **scientific knowledge**.

Furthermore, the authorities shall take into consideration traditional knowledge that is **based on many generations of experience**.

I strongly believe that if you can't agree on facts and numbers, it is almost impossible to agree on appropriate measures. This is the main reason why Norway actively supports the establishment of an Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) in the upcoming UN General Assembly in September 2010 in New York.

Priority species



Modernization -
species and their
habitats in context

Establish functional
ecological areas for
species

Ecological functional
areas are not static

Active measures

Abolish priority

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Cucujus cinnaberinus

Photo: Stefan Olberg

We are now moving up in the pyramid and the new tool priority species and functional ecological areas for these species.

Priority species is a **modernization** of the species management in Norway. The Act sees species and their habitats in context. In earlier legislation it was forbidden to pick protected flowers, but legal to destroy the flower's habitats, for instance through development projects.

To protect the priority species habitat, we now can **establish functional ecological areas for species**. We consider such areas as sustainable use, although the priority species itself is protected.

Ecological functional areas are not static. If species move to another place, the areas follow the species. This is demanding and requires a precise management and a lot of knowledge.

Active measures shall be taken if this is necessary in order to ensure the conservation of the species.

If the species no longer are threatened , the Ministry can abolish the priority. This may be the case if a specie is in good condition and there is no longer any need for active measures.




Selected habitat types are also a new and important tool in the Act. It is the sectors and not the environmental authorities that have the main responsibility to take care of these habitats.

Selected habitat types means that we for the first time have **got common rules for the management of biodiversity outside protected areas.**

To take care of these selected habitat types, **special account** shall be taken by the authorities so as to avoid reduction of the range of the habitat type or deterioration of the ecological status of the areas.

The governing of selected habitat types will be achieved through **sustainable use** and **gives a clear signal that some biodiversity outside protected areas are more important than others.**

Actions plans and grant schemes



Action plans: Where active management or other measures are essential to the maintenance of the selected habitat types and priority species

Grant schemes to stimulate to actions

Blue dragon

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Photo: Marianne Gjerv

The photo shows a flower called Blue dragon, which is suggested as a priority specie.


For both selected habitat types and priority species, the state shall present an action plan to safeguard the habitat type or species.

This plan will help landowners, right holders, organisations and local community to take care of habitat types and species based on knowledge.

Grant schemes for priority species and selected habitat types are a new economic tool. Of course we have had economic tools for nature outside protected areas, but not so closely connected to a law.

This is not compensation, but money that will stimulate landowners, rights holders, organizations and municipalities to take care of these species and habitat types.

Genetic resources




Access to Norwegian genetic resources

Benefit sharing

Genetic material from other countries

Fungus
(*Tolyposcladium inflatum*) basis for
Cyclosporin A.
Found on
Hardangervidda



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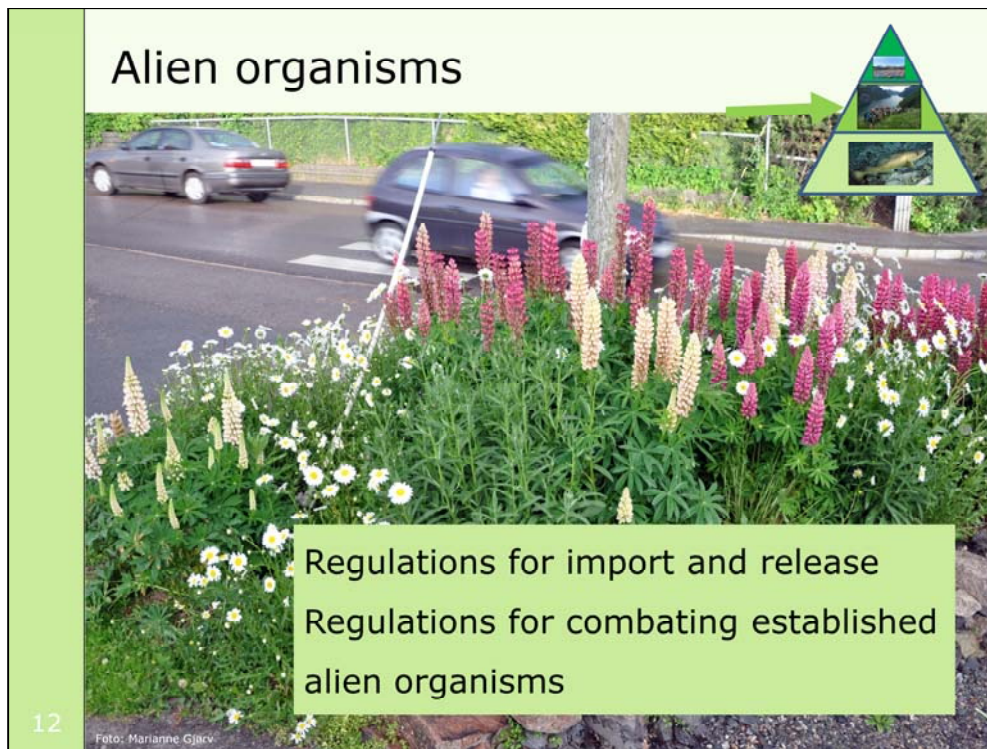
Photo: Novartis

The Nature Diversity Act will give us an **entirely new set** of regulations concerning the utilisation of genetic material. This is very useful for the ongoing negotiations on a Protocol to the Convention on Biological Diversity on access and benefit-sharing related to genetic resources.

The Act says that **access to Norwegian genetic resources requires a permit from the authorities.**

The authorities shall take appropriate measures for sharing the benefits arising out of the utilisation of genetic material (and in such a way as to safeguard the interests of indigenous peoples and local communities).

Moreover, the Act says that the Norwegian State has to enforce conditions set out by other countries, when Norwegian subjects use foreign genetic material in Norway. Norway is, as far as we know, the first country in the world to have such "user country measures".



The Nature Diversity Act gives us **for the first time a set of coherent rules governing the introduction of alien organisms.**


These provisions will ensure that there are common principles and norms for all kinds of introduction and for all types of organisms.

All import and release of alien organisms needs a permit from the authorities. No permit shall be granted if there is a reason to believe that the import will have substantial adverse impacts on biological diversity.

It is the applicant that has the burden of proof in these cases. This implies that the applicant has to document that the import does not have negative impact on biodiversity.

For alien organisms already established in Norwegian nature, **the Act has rules for combating and actions** needed to get rid of or to reduce the impact from these organisms.

Protected areas



Approximately 16% of the Norwegian mainland is protected

An increased focus on management and maintenance of protected areas

- Strategic management plans
- Operational management plans
- Increased funding

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Photo: Torkjell Morset

Protected areas has been and will still be an important tool to take care of valuable nature. **Approximately 16 % of the Norwegian mainland is protected.**

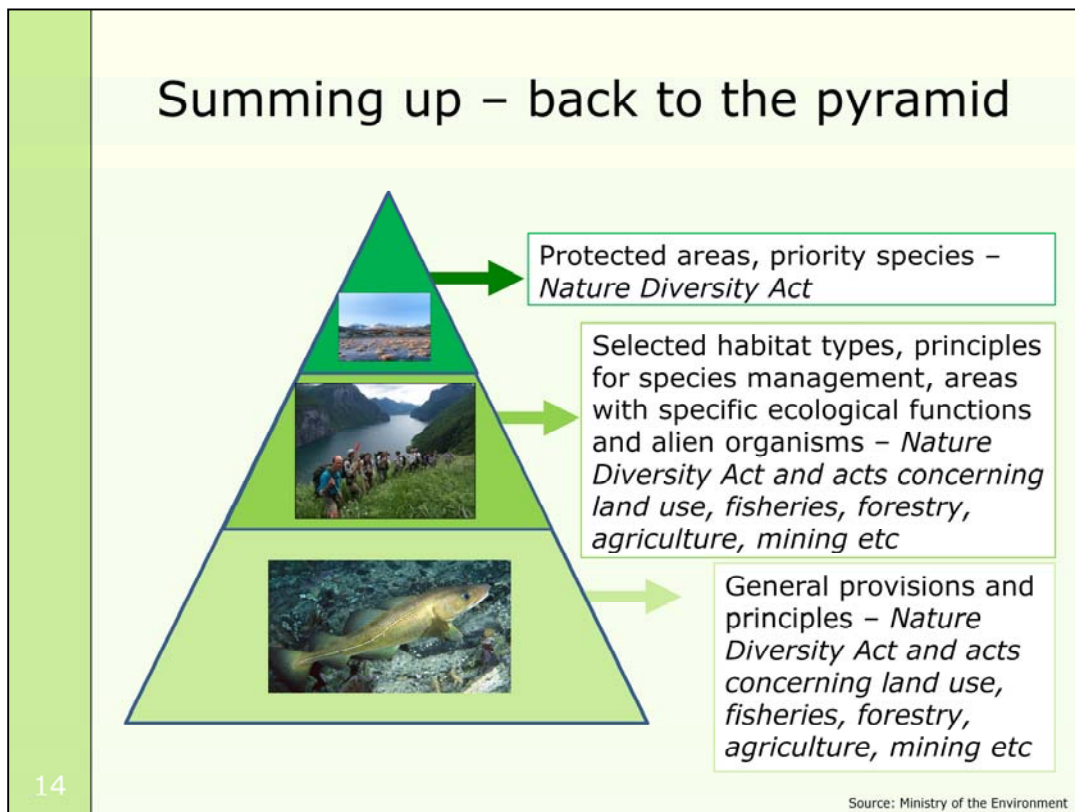
We are completing two major protection plans in 2010, the National Park Plan and a specialized protection plan. In addition, we have to increase the protection of forest and establish marine protected areas.

In all the protected areas we will have an increased focus on management. In 30 to 38 % of the protected areas, biodiversity is threatened. We have to do something about this.

Strategic management plans are required for large protected areas. This is a new demand in the Nature Diversity Act for national parks and protected landscapes.

Where sustainable use is essential to achieving the purpose of protection, an **operational management plans** shall be prepared. This is also a new demand in the Act.

Funds under management plans have increased substantially in recent years. This funding is essential if we shall be able to improve the status or trends for species, habitat types and ecosystems in protected areas.



Now let's go back to the pyramid. It illustrates how the purpose, management objectives and the key principles constitute the foundation wall. If the key principles are followed up, we have ensured a minimum standard in the management of biodiversity. While the management objectives show where Norway wants to go in the management of nature.

It also shows that the better job municipalities and sectors do with biodiversity in general, there will be less need for the active use of middle-bracket measures and to make decisions on protection of areas. This applies in the same way higher up the pyramid; if the instruments in the middle-bracket works, the less need for protection.

For us this concludes why The Nature Diversity Act is truly about sustainable use and protection of nature.