

HISTORICAL URBAN STUDIES



The European City and Green Space

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Peter Clark

The formation of National Urban Parks: a Nordic contribution to sustainable development?

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The world is today facing a rapid urbanisation process – by the year 2005 it was estimated that about half of the global population lived in cities. Coupled to these changes, there is a widespread concern about how to protect valuable natural and cultural resources in proximity to urban settlements. These resources can yield biological diversity, deliver ecosystem services and be areas for recreation, physical activity and health – all aspects closely connected to one of the major challenges for humankind: how to create sustainable cities?

In December 1994 the Swedish Parliament unanimously decided to establish the green area Ulriksdal-Haga-Brunnsviken-Djurgården (27 sq. km), in the municipalities of Stockholm, Solna and Lidingö, as a National Urban Park (NUP) (see Figure 9.1).¹ It has been claimed that the first NUP in the world was thereby formed.² Soon after, the concept spread to Finland which established its first NUP in Hämeenlinna/

¹ Regeringens proposition 1994/95:3. Nationalstadsparken Ulriksdal-Haga-Brunnsviken-Djurgården (Stockholm); Riksdagen. Bostadsutskottets betänkande 1994/95:BOU06. Nationalstadsparken Ulriksdal-Haga-Brunnsviken-Djurgården (Stockholm).

² The claim comes from tourist information sources in Stockholm (see <www.ekoparken.com>). However, whether it is the first National Urban Park (NUP) in the world is an open question and deserves to be the subject for a developed cross-cultural study. When, for instance, was NUP used for the first time as a legal term? Furthermore, what meanings are connected to this term? It is clear that NUP in Sweden differs from a National Park (NP) in that the state does not necessarily own the land of the NUP, while this is a prerequisite in the case of a NP in Sweden. Also, no exploitation may take place in a NP, whereas that is possible under certain conditions in a NUP. The claim that it is the first NUP in the world most likely comes from these distinct differences, the fact that it had no conscious prototype elsewhere in the world, and that what has been supposed to be a unique legal construction (see further information in the text) was coupled to the name 'National Urban Park' which then appeared to be completely new. However, at the same time it is clear that NPs situated close to or within urban areas exist elsewhere and most likely did so before the NUP in Stockholm was formed.

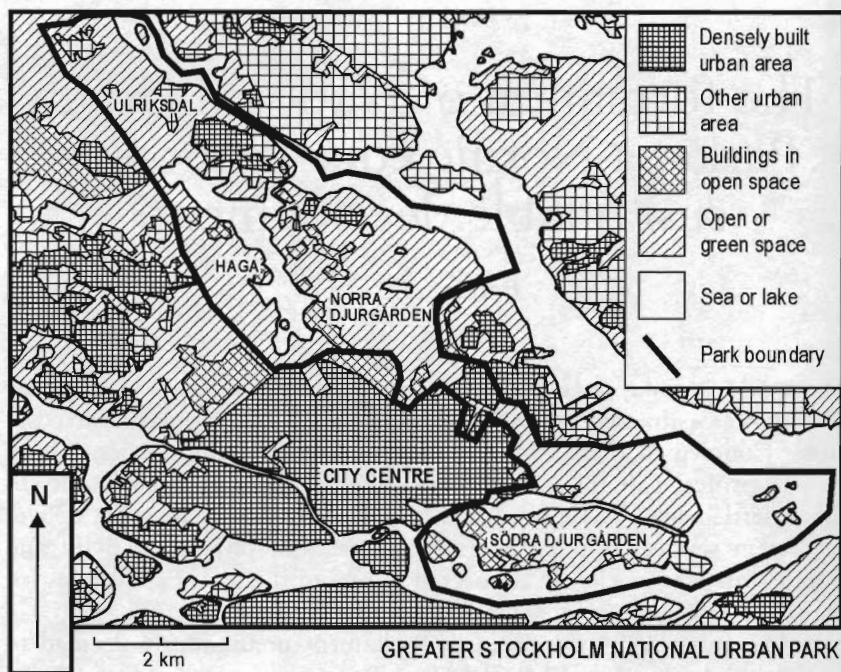


Figure 9.1 Stockholm National Urban Park

Tavastehus in 2001.³ The National Urban Park in Sweden, with its diverse natural and other resources, its ecology, and function as a place for sport, leisure and other activities, can be viewed as a model, a microbiosphere, of the basis for sustainable development (see Plate 20). Development may take place but only as long as certain boundaries are not passed, inasmuch as a limit between the activities of humans and the environment has been set.⁴

What are the lessons that can be drawn from this experiment? Some answers are given in this study, which focuses first on the NUP in Greater Stockholm. After discussing the NUP's background, the process of its creation, and the legislation involved, the significance of biodiversity and cultural heritage in the area, as well as the usage and implementation of the law are described. In a further section, National Urban Park developments in Finland are briefly examined.

³ Miljöministeriums beslutsprotokoll nr 1/5541/2000 angående inrättande av Tavastehus nationalstadspark (Helsinki).

⁴ S. Westerlund and B. Hamdahl, 'Om lagen och möjliga utvecklingslinjer' in L. Holm and P. Schantz (eds), *Nationalstadsparken – ett experiment i hållbar utveckling* (Stockholm, 2002), pp. 23–9.

Concerned citizens formulate an agenda

The parks of Djurgården, Haga-Brunnsviken and Ulriksdal are integrated in an old agricultural and natural landscape near the centre of Stockholm. For many centuries this landscape has been a spacious and beautiful recreation area with a complex of biotopes and a wealth of cultural heritage, well preserved, due not least to royal privileges hampering urban development. The proximity to the city has made this area easily accessible to the urban population, but at the same time attractive for other types of land use, and during the twentieth century it has been exploited step by step, despite the often expressed contrary wishes of Parliament.⁵

In the 1960s a number of land use conflicts emerged in Sweden, and in order to avoid such problems in the future a national planning authority (Statens planverk) was established in 1967.⁶ National physical planning was developed and one of its features was to evaluate different areas from the point of view of natural, cultural and outdoor-life qualities and to establish which areas might be considered to be of national interest. In that process Djurgården-Haga-Brunnsviken-Ulriksdal became classified as a cultural environment of national interest by the National Heritage Board.⁷ With changes in the planning and environmental legislation in 1987, areas of national interest won protection under the Act on the Management of Natural Resources.⁸ At the same time, planning powers were given to the municipalities through the Planning and Building Act.⁹ The national interest in the planning process was to be safeguarded by the County Administrative Boards, which would scrutinise all plans suggested by the municipalities and rule out plans in conflict with national interests.

One of the ideas behind transferring planning powers to the municipalities was to facilitate the democratic involvement of citizens. But how well in practice did the reforms and new laws of 1987 function? One indication that not everything functioned well was that at the beginning of the 1990s there was a substantial number of development

⁵ Riksdagen. Jordbruksutskottets betänkande 1991/92:JOU10. Miljön kring Djurgården-Haga-Brunnsviken-Ulriksdal (Stockholm) pp. 3–4.

⁶ M. Almstedt, 'En plats i planeringen. En studie av områden av riksintresse för det rörliga friluftslivet' (Geografiska Regionstudier 37, Uppsala University, PhD thesis, 1998), p. 50.

⁷ Riksdagen. Jordbruksutskottets betänkande 1991/92:JOU10 (Stockholm), p. 26.

⁸ Regeringens proposition 1985/86:3 med förslag till lag om hushållning med naturresurser m.m. (Stockholm).

⁹ Regeringens proposition 1985/86:1 med förslag till ny plan- och bygglag (Stockholm).

plans for Ulriksdal-Haga-Brunnsviken-Djurgården, despite its status as an area of national cultural interest. Proposed development amounted to a building area of a million square metres.¹⁰ One explanation was that Sweden at the end of the 1980s experienced a real estate boom. Another is that, unexpectedly, new planning tactics soon surfaced in many municipalities. Construction companies took the initiative in suggesting development on municipal-owned land, and more or less secret contracts or letters of intent were exchanged before the official democratic process could take place. These types of negotiation quickly led to conflict.

During the autumn of 1990 the critical situation for the park landscape was recognised by concerned citizens. Their contacts with Members of Parliament (MPs) help explain three petitions in 1991 (from MPs representing the Left, Green, Social Democratic and Centre parties) urging strong legal protection for the area.¹¹ At the same time, the Office of Governor of the Royal Palaces had commissioned an ornithologist to make a report on the situation.¹² The report proposed the royal parks of Djurgården, Haga and Ulriksdal should be placed within a protective framework and its boundaries given the name Ekoparken – the Ecopark.¹³ A clear agenda was thereby set.

The process of formation

The petitions were treated by Parliament in an unusual way. In May 1991 the committee of the Parliament decided to circulate the petitions for consideration to the affected municipalities, to national authorities dealing with management of natural and cultural interests, as well as to non-governmental organisations (NGOs).¹⁴ At the same time, the National Board of Heritage and the National Board of Housing and Planning wrote to the government stating that cultural issues of

¹⁰ Part of them are listed in Riksdagen. Jordbruksutskottets betänkande 1991/92:JOU10, pp. 68–9.

¹¹ Riksdagen. Motion till riksdagen 1990/91:Jo807 av Hans Göran Franck och Jan Strömdahl (s, v), Haga-Brunnsviken-Ulriksdalsområdet som nationell kulturpark; Motion till riksdagen 1990/91:Jo704 av Pär Granstedt och Karin Söder (c), Haga-Brunnsviken-området; Motion till riksdagen 1990/91:Jo727 av Anna Horn af Rantzien m.fl. (mp), Haga/Brunnsvikenområdet m.m., (Stockholm).

¹² Henrik Waldenström, 'Ekoparken blir nationalstadspark. Kampen om Ulriksdal-Haga-Brunnsviken-Djurgården' in B. Hallerdt (ed.), *Samfundet St Eriks årsbok* (Stockholm, 1995), pp. 157–70.

¹³ Naturens Hus. Henrik Waldenström. 1991. Ekoparken – sammanhängande natur – och kulturpark i storstad. Stencil (Stockholm).

¹⁴ See: Riksdagen. Jordbruksutskottets betänkande 1991/92:JOU10, p. 8.

international significance were at risk.¹⁵ This provided an opening for the NGOs. They used it to strengthen the organisational infrastructure of the resistance and to spread information about the situation to important institutions as well as to the mass media. There were a number of debates in newspapers.

In the autumn of 1991 a new coalition government was installed. An environmentally oriented party, the Centre Party, got control of the Ministry of Environment. The Minister for Land Use and Planning was Görel Thurdin, who saw the need for more information about the threat to the parks.¹⁶ The government took over the issue from Parliament and demanded that the municipalities of Solna and Stockholm explain how they intended to take care of the natural, cultural and outdoor-life interests in the park landscape.¹⁷ This step proved to be very important in that it provided legitimacy to the activity of the NGOs and created an open process for handling the problem.

One NGO used a new approach at this time, namely citizen planning.¹⁸ This is a term for collaboration between citizens and professional architects/landscape architects, to produce a plan based more on the perspectives of the citizens. The aim was to demonstrate the positive and constructive attitude of the environmental movement: 'We say no to that, because we say yes to this development of the park landscape.' Heavy lobbying and publicity work by the NGOs and a clear interest from the mass media were other important ingredients in advancing environmental interests.

In 1992 the Conservative, Liberal and Social Democratic parties in the municipality of Stockholm, as well as in the County Council of Greater Stockholm, signed an agreement on the so-called Dennis package, which was the biggest infrastructure programme ever planned in Sweden. This aggravated the environmental conflict, because the plan favoured a more intensive traffic development, and proposed highway tunnels interfering with the park landscape.¹⁹ Nevertheless, during the autumn of 1993

¹⁵ Riksantikvarieämbetet och Boverket. Brev 1991-06-05 till Miljödepartementet: 'Ang. Haga-Brunnsviken-Ulriksdal och kv. Cedersdal', (Stockholm and Karlskrona).

¹⁶ G. Thurdin, 'Nationalstadsparken Ulriksdal-Haga-Brunnsviken-Djurgården' in Hallerdt (ed.), *Samfundet S:t Eriks årsbok*, pp. 147-56.

¹⁷ Regeringen, Regeringsbeslut 15b, 21 November 1991. Dnr M91/2624/7. Redovisning enligt 6 kap 2§ lagen (1987:12) om hushållning med naturresurser m.m. från Solna och Stockholms kommuner beträffande Haga-Brunnsvikenområdet m.m. (Stockholm).

¹⁸ S. Koinberg, 'Drömmen om Haga' in Hallerdt (ed.), *Samfundet S:t Eriks årsbok*, pp. 171-83. See also G. Thurdin, 'Nationalstadsparken', p. 153 and <<http://www.nationalstadsparken.se/kbs/index.html>>.

¹⁹ K. Isaksson, 'Framtidens trafiksystem? Maktutövningen i konflikterna om

came the news that the government planned to make Ulriksdal-Haga-Brunnsviken-Djurgården a National Urban Park (NUP), and the government presented a Bill for that purpose which Parliament passed unanimously in December 1994. The political process undertaken during 1991–94 was the first of the bottom-up type, from concerned citizens and NGOs to Parliament and government, and later of the top-down type, from the government to the municipalities. Important for the process were the openings for debate and discussion created by Parliament and the government. Important new knowledge and perspectives helped to solve some of the development problems, while others remained when the Park Act came into force in January 1995.

Legislation

The criterion for giving an area legal protection as a NUP is that it is of national interest which is significant for the national cultural heritage, and for ecology and recreation in a municipality or densely populated region. The NUP Act appears under Chapter 4 in The Environmental Code.²⁰ This chapter contains regulations concerning development within certain listed areas which are of national interest because of their natural, cultural or outdoor-life values. Section 7 states:

The Ulriksdal-Haga-Brunnsviken-Djurgården area is a national urban park. In a national urban park, new built-up areas and new installations may be created and other measures taken only if this can take place without encroaching on the park landscape or natural environment and without the natural and cultural values of the historical landscape being otherwise damaged.

The regulations for the protection of the NUP are more strict than regulations in the same chapter for other enumerated areas with cultural, natural and outdoor life assets of national interest. New houses or roads or any other thing may be of the greatest importance for the development of the area or local trade and industry. However they are still forbidden within the NUP.²¹ The extension of existing buildings and installations is, however, not precluded as long as it is done within built-up areas and in other ways in accordance with the Act. The NUP contains areas with various landowners, administrations and municipalities. Parliament and government therefore gave the County

rummet och miljön i Dennispaketets vägfrågor' (Linköping studies in arts and science, 231; University of Linköping, PhD thesis, 2001).

²⁰ Miljöbalken (1998:808).

²¹ Westerlund and Hamdahl, 'Om lagen och möjliga utvecklingslinjer', pp. 23–29.

Administrative Board of Stockholm the task of coordinating the care and development of the park in accordance with the aims stated in the Act.²²

Value assets

The whole NUP, including both the green and the built-up areas, is considered as an 'historical landscape'. That term was introduced into Swedish legislation with the NUP Act. It can be compared to the category 'associative cultural landscape' used by UNESCO: 'The inclusion of such landscapes in the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.'²³

What does this mean in the context of the NUP? What are the cultural associations? As a basis for such an analysis in relation to the park a model of the cultural associations as well as material cultural evidence is given in Figure 9.2.²⁴ After the Ice Age the natural landscape rose from the Baltic Sea and during prehistoric and medieval times part of it was transformed into an agricultural landscape. During the sixteenth to eighteenth centuries new forms of land usage were introduced: hunting parks, baroque gardens and English-style landscape gardens were established. Over a time-span of three centuries a royal park landscape was established in Stockholm. Europa Nostra has pointed out that 'each of these park elements represent great values *per se*, and in combination they are a unique document of European park history, representing cultural values of international importance.'²⁵ Coupled to this landscape is a richness of cultural dimensions depicted in non-chronological order in Figure 9.2.

These cultural values were part of the rationale for the long 'cultural struggle' initiated in 1990. In that process two concepts appeared: the

²² Regeringen, Miljödepartementet. Regeringsbeslut nr 7, 1995-01-26, M95/311/7. Uppdrag till Länsstyrelsen i Stockholms län i fråga om skydd, förvaltning, vård och skötsel av nationalstadsparken Ulriksdal-Haga-Brunnsviken-Djurgården (Stockholm).

²³ UNESCO, Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage. Operational Guidelines for the Implementation of the World Heritage Convention. WHC-97/2, February 1997.

²⁴ P. Schantz, 'Det historiska landskapets kulturvården. Hur kan beskrivningarna utvecklas?' in Holm and Schantz (eds), *Nationalstadsparken – ett experiment i hållbar utveckling*, pp. 99–112.

²⁵ Europa Nostra. Executive President Daniel Cardon de Lichtbuer, 21 October 1993. Letter to Sveriges Riksdag, Talman Ingegerd Troedsson (Sveriges Riksdag, Talmannen. 1 November 1993. Diariennr KK2-260).

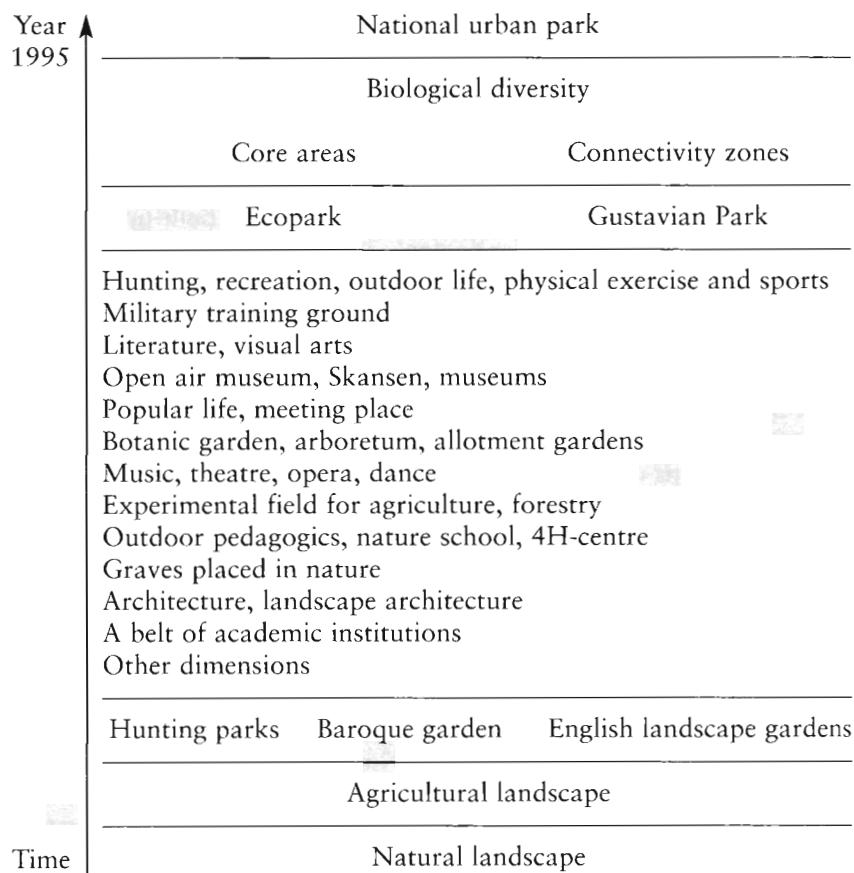


Figure 9.2 Evolution of the Stockholm National Urban Park

Ecopark (Ekoparken) and the Gustavian park (Gustavianska parken). Both derived from the NGOs, are holistic and changed the mental maps of the landscape. The ‘Ecopark’, which includes all of the NUP, reflects the area’s biological values and the increasing emphasis of ecological relationships at the time. The ‘Gustavian park’ stands for the area of Haga-Brunnsviken-Ulriksdal which during the culturally dynamic Gustavian period of the late eighteenth century was woven into a cultural unit through art, landscape architecture, theatre, opera, music, dance and architecture.

In the report on natural values from Stockholm and Solna municipalities, requested by the government in 1991 (see above), more concepts were linked to the landscape. They deal with biological

diversity, a matter of high topicality at the time as a result of the UN conference on environment and development in Rio de Janeiro in 1992. Inventories of flora and fauna were compared with the Swedish list of endangered species. They showed that the park was the habitat for a great number of species on the list.²⁶ Ecologists in the municipalities of Stockholm and Solna argued that preservation of this biodiversity demanded a holistic approach, clearly new for the time. Not only the whole park landscape but also the surrounding landscape was taken into account. The park was divided into biological core areas²⁷ (South and North Djurgården as well as Ulriksdal) and connectivity zones between them. Indeed, the new perspectives led to a ban on some development plans for reasons of maintaining biodiversity.

At the same time, only a few of the different cultural categories described above were included in the official reports from the municipalities to the government in 1992. The predominant categories described were houses and a belt of academic institutions.²⁸ This reflected a widespread tendency among professional experts in charge of formulating asset descriptions in relation to the cultural heritage, to privilege material and cognitive items over immaterial and emotional values. There is also a tendency to particularise rather than to use a holistic approach.²⁹ The need to develop the cultural descriptions of the park was pointed out by the County Administrative Board,³⁰ and the deficiencies described above soon caused problems in relation to the implementation of the law.

The handling of cultural values was in great contrast to the developmental work connected to biodiversity. The latter has continued using an ecological-geographical approach with biotope mapping and

²⁶ One important basis for it is the rich representation of old-growth oak trees, *Quercus robur*, which constitute one of Sweden's most valuable sites for insects living on dead wood.

²⁷ The definition of core area was 'a greater continuous area of nature with high quality, with a diversity of biotopes, a rich fauna and flora as well as a functioning ecosystem' in Stockholms stads fritidsförvaltning and Solna stad (1992), 'Naturvårdens intressen i området Ulriksdal, Haga-Brunnsviken, Norra och södra Djurgården', Stencil (Stockholm and Solna).

²⁸ P. Schantz, 'Om immateriella och materiella kulturvärden. En studie av tre friluftsgravar'; 'De saknade kulturvärdena. En fallstudie av kulturmiljöbeskrivningar för fysisk planering' in Holm and Schantz (eds), *Nationalstadsparken – ett experiment i hållbar utveckling*, pp. 113–25, 147–67.

²⁹ S. Beckman, 'Om kulturarvets väsen och värde' in J. Anshelm (ed.), *Modernisering och kulturarv* (Stockholm, 1993), pp. 61–124.

³⁰ Länsstyrelsen i Stockholms län, Planenheten, *Samordningsuppdraget om Nationalstadsparken Ulriksdal-Haga-Brunnsviken-Djurgården*, Rapport 1996:2 (Stockholm, 1996).

indicator-species being developed.³¹ Indeed that process has thoroughly changed perspectives in Sweden on the potential of urban nature in relation to biodiversity. Green areas in the municipality of Stockholm have been biotope-mapped facilitating more holistic perspectives in planning.³²

Usage

That the green areas of the NUP have been extensively used by Stockholmers is documented since the seventeenth century, but here the focus is on usage from the late twentieth century. In 1957 the renowned Swedish exercise physiologist Per-Olof Åstrand suggested that special trails for physical exercise, for example, running and skiing (motionsspår), should be made in green areas and forests.³³ The idea quickly spread and was realised in most villages in Sweden during the 1960s and 1970s. The same occurred in Greater Stockholm and five such trails can be found in the NUP. Three of them are located in the northern part of Norra Djurgården. The usage of these trails, other paths and adjacent areas has been observed through studies in 1977, 1989 and 1996.³⁴

In 1977 only a few groups of nursery-school children were noted, whereas a clear increase in that group of visitors was seen in the 1990s. In 1996 almost 20 per cent of visitors to the area were in that category.³⁵ This is in line with the efforts undertaken, for instance, by the Association for the Promotion of Outdoor Life (Friluftsrådet) which since 1985 has promoted nursery schools taking part in frequent

³¹ Stockholms stadsbyggnadskontor, Strategiska avdelningen, *Nationalstadsparkens ekologiska infrastruktur*, SBK 1997:8 (Stockholm, 1997).

³² K. Löfvenhaft, 'Spatial and temporal perspectives on biodiversity for physical planning. Examples from urban Stockholm, Sweden' (PhD thesis in Geography with emphasis on Physical Geography, no. 26, University of Stockholm, 2002).

³³ P.-O. Åstrand, 'Per-Olof Åstrand dukar ett motionsbord', *Svensk Idrott* (1957), pp. 320–21; P.-O. Åstrand, 'Historiska aspekter på fysisk aktivitet', *Svensk Idrottsforskning* (2000), 4:4–9.

³⁴ L. Kardell, *Anteckningar om friluftslivet på Norra Djurgården 1975–1996*, Report 75, Department of Environmental Forestry, The Swedish University of Agricultural Sciences (Uppsala, 1998). The method used was an observation study while jogging along a 8.4 km-long path, 84 times per year, one week every month, at randomly selected hours between 8 am and 6 pm. The influence of weather on usage was also studied and corrected for, so as to permit comparisons between the sample years.

³⁵ Kardell, *Anteckningar om friluftslivet*, p. 61.

outdoor activities,³⁶ efforts that have stimulated a greener nursery-school agenda in general. However this positive trend in usage is contrary to what is seen among adults. Between 1977 and 1996 the estimated total number of visitors of this type decreased by 36 per cent. A diminishing incidence of individuals making use of the area for physical exercise, predominantly jogging and walking, may explain this change.³⁷ The estimated annual number of jogging tours in the studied area of the park decreased from 72 000 to 43 000 between 1977 and 1996.³⁸ This secular trend most likely reflects a shift in the physical exercise culture in Sweden, at least in the bigger cities, from outdoor activities to indoor exercise in gyms with weightlifting and aerobics as predominant activities.³⁹ However, other explanations are also plausible. The generations born after 1950 are urban to a greater extent than those before. The establishment of shopping malls and related attractions may also explain why fewer families walked together in the forest during the weekends in 1996 compared to 1977.⁴⁰ The development of summer cottages after the Second World War was already a well-established phenomenon when these usage surveys started, and is therefore not a likely explanation for the secular trends described here.

During the same period there has also been a change in municipal provision of public facilities for physical exercise (other than for sport clubs). This was exemplified in Norra Djurgården by the privatisation of the Fiskartorpet facility during the 1990s.⁴¹ Such change can be said to reflect a post-welfare state syndrome, with the idea that physical exercise is now a matter for individuals and the market to solve.

Another change in the usage of Norra Djurgården during the last three decades is that it has become an arena for large-scale commercial sporting competitions with 10–15 000 participants coming from a wide range of places.⁴² This innovation came with the jogging wave from the

³⁶ P. Rantatalo, 'Skogsmulleskolan' in K. Sandell and S. Sörlin (eds), *Friluftshistoria – Från 'hårdande friluftslif' till ekoturism och miljöpedagogik: Teman i det svenska friluftslivets historia* (Stockholm, 2000), pp. 138–55.

³⁷ Kardell, *Anteckningar om friluftslivet*, p. 113.

³⁸ *Ibid.*, p. 61.

³⁹ *Ibid.*, p. 104; this change is apparent and has also been shown by M. Westerståhl et al., 'Secular trends in sports: participation and attitudes among adolescents in Sweden from 1974 to 1995', *Acta Pædiatrica*, 92 (2003), 602–960.

⁴⁰ Kardell, *Anteckningar om friluftslivet*, pp. 104–105.

⁴¹ The Archives of Stockholm's stads gatu- och fastighetskontor, dnr 1997-410-1435. Fiskartorpet (Stockholm). The decision to sell Fiskartorpet was taken by Stockholm's stads gatu- och fastighetsnämnd, see protocol from 22 January, 2002, § 41.

⁴² See for example: <<http://www.marathon.se/bellman/start/index.cfm>> downloaded 15 January, 2004.

United States in the latter part of the 1970s and started with the Stockholm Marathon in 1979. Again this could be said to reflect the general commercialisation of sports and the growth of an 'event culture' with the high mobility of participants being part of an event's distinctive character.

Impact

During the nine years that have passed since the National Urban Park Act was established there have been positive actions by the municipalities, such as the developmental work in the field of biodiversity, but the net effect of the implementation has been limited. There is a continuing loss of biotopes in biological core areas and connectivity zones, as well as changes in landscape scenery in the direction of more urban elements.

Studies of the impact point to the fact that the preservation of the NUP was not a priority for those municipal bodies in charge of planning; here property owners and construction companies have continued to influence the planning process. Furthermore, the County Administrative Board of Stockholm has treated the implementation of the Act in a too permissive or relaxed way, in terms of maintaining the national interest.⁴³ In studies of the environmental impact assessments and other descriptive material coupled to detailed development plans, there is evidence of a failure to investigate or identify natural and cultural values or environmental impacts and this has been interpreted as part of a strategy to avoid the intention of the law.⁴⁴ However, it appears likely that more negative developments would have occurred without the legislation, though the intention of the NUP Act that 'the development of the National Urban Park should aim at strengthening the area's natural, cultural and recreational values and protecting biodiversity'⁴⁵ remains to be fulfilled.

⁴³ D. Fröberg, 'Implementeringen av lagen. Ett statsvetenskapligt perspektiv' in Holm and Schantz (eds), *Nationalstadsparken – ett experiment i hållbar utveckling*, pp. 51–76.

⁴⁴ Schantz, 'De saknade kulturvärdena'; 'Lagstiftning och rättstillämpning. En granskning av rättsfall'; 'Lagtillämpning och konsekvenser' in Holm and Schantz (eds), *Nationalstadsparken – ett experiment i hållbar utveckling*, pp. 171–209, 213–37.

⁴⁵ Regeringens proposition 1994/95:3, p. 43.

Introduction of the National Urban Park idea in Finland

The creation of the NUP as a legal measure in Sweden was an innovation that quickly spread to Finland, which at the time, in the late 1990s, was in the process of reforming its laws for land usage and planning, with the ambition of integrating modern environmental dimensions. News of the Swedish concept was read by Jukka-Pekka Flander, a civil servant at the Finnish Ministry of Environment, in the *Dagens Nyheter*, a major newspaper in Stockholm.⁴⁶ Flander introduced the NUP idea into the process of law reform and a Finnish formulation of the NUP scheme was suggested by a commission in 1997⁴⁷ and subsequently proposed as a new law⁴⁸ that became effective in the year 2000.⁴⁹ This was followed by decisions to form the first Finnish NUP in Hämeenlinna/Tavastehus in 2001 and in both Pori/Björneborg and Heinola a year later.⁵⁰

Finnish interest in the Swedish NUP concept can be seen in the context of the need for a new dialogue between the Finnish state and the municipalities. On the one hand, urban development in several cities in Finland was not considered ideal from the perspective of the Ministry of Environment. On the other hand, cities had become more aware of the importance of high environmental quality as a part of their competitive strategy versus other cities.⁵¹

The Finnish NUP Act is part of the Land Use and Building Act and therefore an insight into the general objectives of that Act may be of value. The first section of the first chapter states that:

The objective of this Act is to ensure that the use of land and water areas and building activities on them create preconditions for a favourable living environment and promote ecologically, economically, socially and culturally sustainable development.

The Act also aims to ensure that everyone has the right to participate in the preparation process, and that planning is high quality and interactive, that expertise is comprehensive and that there is open provision of information on matters being processed.

⁴⁶ Interview 29 September 2003 with senior adviser Jukka-Pekka Flander, Ministry of Environment, Helsinki.

⁴⁷ Byggnadslagskommissionen, Byggnadslagskommissionens betänkande 1997:16, Den nya markanvändnings- och bygglagen (Helsinki, 1998).

⁴⁸ Regeringens proposition (101:1998) till Riksdagen med förslag till reform av byggnadslagstiftningen, 21 August 1998, (Helsinki).

⁴⁹ Markanvändnings- och bygglagen 5.2 1999/132 (Finland). Chapter 9, §§ 68–71 comprises intentions and regulations for the National Urban Parks.

⁵⁰ Miljöministeriets beslutsprotokoll nr 1/5541/2000, 1/5541/2001 respektive 4/5541/2001 angående inrättande av Tavastehus, Björneborgs respektive Heinolas nationalstadsparker (Helsinki).

⁵¹ Interview 29 September 2003 with senior adviser Jukka-Pekka Flander, Ministry of Environment, Helsinki.

The Ministry of the Environment has formulated four criteria for an area to qualify to become an NUP:⁵²

1. Breadth of content. National urban parks should contain natural areas important for the preservation of urban biodiversity, cultural milieus – including buildings – important for an understanding of national history or of that of the city itself, and parks and green areas of architectural or aesthetic significance.
2. Extent and contiguousness. The parkland or green areas in national urban parks should be extensive and contiguous enough to allow one to walk through them from one part of town to another.
3. Ecology and continuity. National urban parks should facilitate an ecological corridor overlay process that will contribute to species movement and interaction and create direct links with natural areas outside the city and the surrounding countryside.
4. Urban centrality. National urban parks are part of the urban structure. They should begin in the core centre of the city or its immediate vicinity.

The main purpose of the Finnish NUP Act is stated in Section 68 of Chapter 9:

A national urban park may be established to protect and maintain the beauty of the cultural or natural landscape, historical characteristics or related values concerning the townscaping, social, recreational or other special values of an area in an urban environment.

Finnish NUP decisions are dependent on the consent of the local authorities.⁵³ The initiative to create a NUP can, however, come from any municipal councillor. That indeed has been the case in a number of towns in Finland. The regulations concerning the formation of NUPs require an interactive process not least between the local and national governmental levels. Section 70 in Chapter 9 states:

With the consent of the local authority, regulations needed to protect the essential values of a national urban park area may be entered in the decision establishing the park. Other regulations needed for the maintenance and usage of the area are issued in a maintenance and usage scheme drawn up by the local authority in cooperation with the regional environment centre.

The maintenance and usage scheme must be prepared in discussion with affected parties on whose circumstances the matter may have substantial impact.

The maintenance and usage scheme is approved by the competent ministry.

⁵² Presented by Jukka-Pekka Flander to the author on 13 February 2004.

⁵³ This is described in § 69 of Markanvändnings- och bygglagen 5.2 1999/132 (Helsinki).

Indeed, the NUP development in Finland appears to have stimulated interest in the environmental situation in Finnish cities in general and current developments in Helsinki point in the direction of an NUP being established there in the future. Most likely its qualities will be far more distinctive and a wider area included than would have been the case if the NUP concept had not been integrated into the Finnish legal system.⁵⁴

Conclusion

The establishment of the Swedish NUP Act and the first NUP took place in the context of serious environmental conflict. Although some matters were resolved prior to the Act, others remained and became test cases for the legal system it created. Important conclusions can be drawn from what happened. These include the importance of agenda setting and the creation of arenas and time for open processes with the opportunity to improve knowledge about the issues and establish reviews of the situation.⁵⁵ This is of value for all parties involved: the civil servants, the politicians, the public and the NGOs. Indeed, the importance of civil society in complementing the role of the authorities is also clearly shown. In this context, NGOs and the public represented flexibility, diversity of knowledge, a drive to get an overview as well as a holistic approach.⁵⁶

Other lessons that can be drawn are that a high level of legal protection may not always be sufficient. An analysis of the problems in the implementation of the Act points to basic imbalances in the powers provided over land use and the system of checks and balances connected to it. Staffan Westerlund and Bengt Hamdahl, two leading Swedish lawyers,⁵⁷ have stated that a weakness of the legal construction of the NUP is that no public representative can bring cases to court, for instance, over detailed development plans. At present, court actions depend on citizens directly affected by such plans, and clearly there are

⁵⁴ Interview 29 September 2003 with Jukka-Pekka Flander.

⁵⁵ This is discussed in a related study of civic participation in environmental assessments in traffic planning in Stockholm, by R. Murray, 'Citizens' Control of Evaluations. Formulating and Assessing Alternatives', *Evaluation*, 8 (1)(2002), 81–100.

⁵⁶ The ethnologist Ulf Stahre, who has studied social movements in Stockholm during the 1990s, came to similar conclusions in his book *Den gröna staden. Stadsomvandling och stadsmiljöförändring i det nutida Stockholm* (Stockholm, 2004), pp. 309–16. He also stresses the importance of NGOs for the viability of democracy.

⁵⁷ Staffan Westerlund is Professor in Environmental Law at Uppsala University and Bengt Hamdahl was formerly Chairman of the Supreme Administrative Court and Chancellor of Justice.

many places in the park where no such conditions exist. Although the NUP Act stands for a positive and new trend, the technique used in the measure to achieve environmental goals was traditional, prohibiting only negative activity. A more modern, and possibly more efficient technique would be to set out the desired condition for the park, as well as rules for its administration, and follow-up measures to ensure the aims set out are met – in other words, so-called ‘adaptive environmental planning’.⁵⁸ Interestingly, the Government has recently proposed changes in the management of the NUP,⁵⁹ and given the County Administrative Board the task to develop a programme for the management and development of the NUP.⁶⁰

The Finnish system is more precise in that its regulations are clearer with regard to the values that are to be protected. Also, unlike the Swedish NUP Act, there are regulations about maintenance and usage schemes (management plans) and how these are to be carried out in an interactive fashion. The Finnish model had the advantage of being established in a context without conflict, and this has resulted in the dissemination of the NUP idea to many cities, including the capital, Helsinki.

Despite the problems described above, one can conclude that the formation of the NUP in Stockholm represents an important step forward in the handling of natural, cultural and recreational resources close to urban areas. It has also had a wider international impact as we can see in Finland. The future will have to answer the question whether the NUP Acts in Sweden and Finland have made a real contribution to sustainable urban development.

This chapter is dedicated to the memory of Katarina Löfvenhaft for her crucial importance in developing a holistic ecological perspective on the biological diversity of the National Urban Park in Greater Stockholm.

⁵⁸ Westerlund and Hamdahl, ‘Om lagen och möjliga utvecklingslinjer’, pp. 24–7.

⁵⁹ Regeringen. Skrivelse till riksdagen 2001/02:173. *En samlad naturvårdspolitik* (Stockholm), pp. 55–6.

⁶⁰ Regeringen. Miljödepartementet. Regeringsbeslut 11. 2003-11-20. M2003/3579/Na. Uppdrag om program för förvaltning, skötsel och utveckling av nationalstadsparken (Stockholm).