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Participation and cultural heritage management in Norway. Who, when, and how people participate

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ABSTRACT

Participation in democracy has been suggested as an inherent value of democracy by allowing citizens to participate in political decision-making. Since the 2000s and, more particularly, after the creation of the UNESCO Intangible Cultural Heritage Convention and the Council of Europe's Faro Convention, there has been a call for a participatory approach to heritage management. In 2008 Norway ratified the Faro Convention justifying the existence of statutory participatory practices and community engagements. This paper assesses these practices as they read at the national legal provisions to evaluate how Norway articulates participative processes regarding cultural heritage management. The results indicate that the legal framework long for an active role of inhabitants in local administration and planning and heritage management but prevent them from influencing governance beyond the elections. Accordingly, cultural heritage management is still far from being considered a 'sharing responsibility' between citizens and authorities as the Faro Convention calls for.

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... participation [is] an inherently political process rather than a technique. (Cornwall 2008, 281)

Introduction

Participation has been suggested as an inherent value of democracy by providing citizens and civil society organisations with the opportunity to be involved in decision-making. Although initially designed with an emancipatory dimension around social justice and political equality (Baiocchi and Ganuza 2014, 2017), participation is also understood as complementary to representative democracy (Fung 2015; Kelty 2017). This is especially the case of the European Union, where participation has been a buzzword during its long and hazardous process of institutional reform, from the Treaty of Amsterdam (1997) to the Treaty of Lisbon (2007). Citizens' involvement has been understood as an opportunity to strengthen the European institutions' legitimacy by improving public service delivery, increasing local government responsiveness and accountability, and improving the efficiency and sustainability of public service delivery. Moreover, in its facet of empowering citizens, participation has been seen as an opportunity to deepen democracy, counter lower turnouts in European elections, and engage citizens disaffected with the supranational integration (Bekemans 2018; Cuesta López 2010; Hertting and Kugelberg 2018; Kohler-Koch and Rittberger 2007; Saurugger 2010; Sloat 2004; Smismans 2003).

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These arguments have led to a participatory turn in many EU policy areas and programmes aiming to develop opportunities for local and regional governments (Batory and Svensson 2020). Its replication in cultural heritage policy came with the formulation of two operational guidelines, the *European Landscape Convention* (Council of Europe 2000) and the *Framework Convention on the Value of Cultural Heritage for Society* (herein, the Faro Convention or only Faro; Council of Europe 2005). Both conventions emphasise community engagement and democratic participation and locate cultural heritage as a social sustainability practice rather than exclusively one aiming to preserve the past for future generations. The Faro Convention reads that heritage-addressed activities shall encourage people-centred, inclusive and sustainable approaches and promote sharing-responsibility models of heritage governance. By doing this, Faro transforms cultural heritage into a means for building democratic societies by enhancing participative practices (Fojut 2009), although the Convention does not explicitly determine how participative democracy should be implemented. Neither does it explain what it means by ‘participation’, who participates, nor the degrees of participation in which citizens and the administration must engage (Colomer 2021). Although not all European countries have ratified Faro, participation has become a buzzword in cultural heritage governance over the last two decades. It is directly or indirectly referred to when developing heritage value-based processes, citizen engagements, co-creative designs, collaborative mechanisms, and community-based projects (Avrami et al. 2019; De Cesari and Dimova 2019; Hertz 2015; Jones 2017; Neal 2015; Tully 2007; Waterton 2015). The resulting experiences are diverse in scope and results, which reflects both how ill-equipped heritage managers are with participatory methodologies and the complex power relations that such practices bring out (Adell et al. 2015; Colomer 2021; Cortés-Vázquez, Jiménez-Esquinas, and Sánchez-Carretero 2017).

Norway ratified the Faro Convention only a few years after its signature in 2008. It was argued that the country already had a tradition of so-called ‘Faro thinking’: ‘[t]he process was hassle-free, mainly because the essence and main objectives of the Convention are very much in line with the established management models and the way of thinking within Norwegian heritage management’, declared Terje Birkrem Hovland (2019),¹ representant of the Ministry of Climate and Environment and project manager of the white paper *New Objectives in Cultural Environment Policy (Meld. St. 16, 2019–2020)*.² Norway has a political trend of delegating decision-making processes away from state institutional structures, especially regarding planning and developing schemes. In the last decade, the country has even gone further into these local democratic schemes enhancing civic proximity. This process has also touched the core of cultural heritage management. The process to democratise the state administration initiated in 2014 involved decentralising some governmental tasks, authority, and responsibilities to strengthen participation. For this purpose, first, the Local Government Act was amended in 2018 to enhance citizen participation at the local level. After, the Regional Reform was put in place in 2020 to strengthen the decentralisation of responsibilities from the national to the regional level. These new legislative tools have laid the foundation for an increased degree of local democracy and expanded the delegation of decision-making authority to administrative bodies closer to citizens. Furthermore, the new participatory schemes provide a better democratic foundation for municipal processes next to representative democracy (Hanssen, Klausen, and Winsvold 2013; Kampevoll, Almås, and Frisvoll 2018). Current policies are seen as a ‘school of democracy’ that support democracy while strengthening local communities (Hanssen, Erling Klausen, and Winsvold 2013). Some authors claim that these administrative reforms have brought a new perspective in understanding administration rationality in Norway, as ‘governance’ has replaced ‘government’ (Hörnström 2013 :432).

Norway is, thus, an interesting case to analyse when it comes to understanding the operativity of participation in cultural heritage governance. National policies are designed to pursue better and equal services for citizens, facilitate sustainable and financially robust local governance, and enhance democracy by extending participatory schemes to secure citizens’ involvement in local and regional management and planning. Because cultural heritage is now managed by the municipalities and is affected by local development planning, participation schemes under the local governance and

planning laws also affect heritage governance. The aim of this paper is to evaluate what exactly means 'participation' in the new legal framework and how authorities determine (or recommend) its implementation by the local government, planners, and heritage managers. Drawing on political typologies of participation, this paper analyses who participates, when participation is allowed, and how far people's voices influence what is open to discussion. By answering these questions, it will be possible to understand the legal and managerial framework in which public participation operates in Norway and its political nature as an institutionalised tool for enhancing democracy and civic involvement.

This paper is organised into five major sections, including the introduction. The following section introduces the typologies of participation upon which the notion of participation is framed in this paper. I have taken three models and used them to structure the three research questions that will explore participation: representativeness (who participates), rationality (what is decided), and legitimacy (how decisions are taken). These categories have guided the qualitative content analysis of the legal and managerial documents. Sections four and five present the analysis of the documents selected and discuss and complement its results to the light of scholarly literature on local governance, participative planning and community heritage management. Finally, the concluding section wraps up the results, positions participation in Norway according to the typologies, and reflects on the resulting limitations to the light of liberal democracies. The ultimate intention of this article is to contribute to the debate on the narrow margins for implementing public participation in cultural heritage management in today's European representative democracies (Adell et al. 2015; Colomer 2021; Cortés-Vázquez, Jiménez-Esquinas, and Sánchez-Carretero 2017; Neal 2015; Sánchez-Carretero et al. 2019) by analysing Norwegian participatory policies.

Typologies of participation

There are many typologies of participation useful for differentiating degrees and kinds of participation. Here, three typologies have been chosen to design the research questions upon which the documents were analysed. The first is Arnstein's ladder (1969) model, chosen because its point of departure is the citizens on the receiving end of participation programs. Arnstein (1969) was the first scholar who analysed participation processes and pictured them in what she called the ladder of participation. Today her model still retains contemporary relevance. It is commonly used to evaluate the degree of participation by defining the public's role in the participatory process depending on the power relationship between authorities and citizens. At the bottom of the ladder are manipulation and therapy schemes, which do not represent genuine participation. The following three levels – informing, consultation, and placation – are forms of tokenism. Tokenism is the most relevant input of Arnstein's work. It named practices promoting participation without any specific interest in implementing it, making participation symbolic. Those without power have chances to communicate their opinions, but their voices are not translated into action. At the higher levels on Arnstein's ladder, citizens' opinions are considered during decision-making. At the partnership level, citizens who have previously been excluded from decision-making now bargain with those in power. Delegated power and citizen control are the highest rungs of Arnstein's ladder. At these stages, citizens' voices affect qualitatively managerial processes.

The second typology selected is the Burns, Hambleton, and Hoggett (1994) double scale of participation. Based on the Arnstein model, their analysis adds the observation that participant empowerment might only happen in irrelevant areas of governance, making participation cosmetic. These authors distinguished two spheres of administrative services, one on delivering services to citizens and another where the governmental power is actually located. They argued that participation might happen in one sphere without affecting the other. For example, a local authority might delegate operational control to participatory bodies within the service delivery sphere yet jealously maintain centralised control over budgeting and policy-making matters. Therefore, these governance spheres have separated ladders of participation depending on which areas of decision-making

citizens have access to and how the spheres are connected, allowing one to affect (or not) the other. Accordingly, when analysing degrees of participation, it is relevant to both clarify in which spheres inhabitants are allowed to participate, and to understand which effects have this double scale of participation in local governance.

Finally, Fung's cube (2006) typology of participation demands further exploring the power structures behind participation by questioning how participative voices are actually listened to and how participation processes move (or not) from 'involvement' to 'influence'. Fung (2006) pictured various participation arrangements within complex governance in a three-dimension relationship and called it the democracy cube. The first dimension or axes of the cube is the participant selection, which typifies who is eligible to participate and how individuals become participants. The second dimension is the communication/decision axis which determines how participants interact within a venue of public discussion or decisions. The third dimension, on authority and power, gauges the impact of public participation in relation to power dynamics: how is what participants say linked to what public authorities or participants themselves do? In the communication and decision axes (i.e. how participants interact so decision-making occurs), Fung positions at one extreme the public hearing and community meetings, where citizens participate as spectators and receivers of information, and the open discussions where participants can express, develop (or even transform) their perspectives and views. These meetings do not attempt to translate participants' views into a collective view or decision. More elaborately, the aggregation and bargaining mode occurs when the decision-making mode aggregates participants' preferences. Finally, deliberative mechanisms often employ procedures to facilitate the emergence of principled agreement, the clarification of persisting disagreements, and the discovery of new options that better advance what participants value. When describing the third dimension, authority and power, Fung defines five categories of institutionalised influence and authority emerge. At one extreme of the axes, a participation mechanism that has little or no expectations of influencing the policy of action but has personal benefits or fulfils a sense of civic obligation. At the opposite extreme, the highest levels of empowerment, where participatory bodies occasionally exercise direct authority over public decisions or resources. In between these extremes, different ranges of influence capacity depend on the authority's capacity to modulate its power position and expertise's authority. This last dimension aims to clarify how decisions are made based on authority and power.

Finally, worth noticing that the degree of participation is also determined by the models of democracy farmed by each state, whether it is a liberal democracy, a deliberative democracy, or a participatory democracy (Knudtson 2018). We will see later that when it comes to participation matters, Norway is participatory and deliberative in the spirit of the law but liberal in the letter of the law.

Research questions and analysis

Following the above typologies, the degree of participation in any engagement process is defined by who is invited to participate (representativeness) and what kind of role the public performs (rationality). In representative democracies, the implementation of participative processes conveys the delegation of decision-making capacity, at least to a certain degree. How authorities and expertise grant people's opinions, observations and claims so it influences (modifies) their planning ideas determine the nature of authority and power in participated public management (legitimacy). The position of these three categories (aka the who, what and how) determines whether participation is tokenistic or becomes a substantial influence. These categories, thus, have guided the analyses by transforming them into the following research questions:

- On representativeness: Who are the actors and stakeholders invited to participate in Norway's planning and managing cultural environments?

- On rationality: What are the management activities that include participation processes? When does participation occur in local governance affecting cultural environment management? In which managerial moments is the public participating? What is to be decided?
- On legitimacy: How do citizens' voices modulate expertise/authority voices? Which opportunities have the public to influence authorities' plans and expert views? How far is the authority delegated, and how do expertise and stakeholders modulate their power position?

A discursive analysis has been conducted on three legal documents, two guides, one handout, and one policy document (see [Table 1](#)). The data collection³ was coded according to the research questions following a process called direct content analysis (Hsieh and Shannon 2005; Lune and Lawrence Berg 2017). Afterwards, the interpretation of the categories generated by the analysis was explored in the light of scholarly literature on local governance, participative planning and heritage management.

This paper analyses the legal provisions and the grey literature (e.g. policy documents, guides and reports) launched by the Norwegian authorities to define and frame participation in managing cultural environments at the local level (see [Table 1](#)).⁴ In Norway, the Cultural Heritage Act dates from 1979. It was amended to place the different ratified international conventions and other national laws affecting its provisions, including Faro. Nevertheless, public participation does not read in the Act; it only includes short references on compensation to landowners of properties containing cultural heritage elements. Instead, participation is articulated as part of the planning process in which listed buildings and monuments, cultural landscapes, and archaeological sites are managed due to urban development. For that, the Planning and Building Act 2008 is the legal reference. On the other hand, the Local Government Act 2018 establishes and sets the framework for all municipalities and county councils as local and regional elected bodies, including the 'inhabitant initiatives'. It provides municipalities with more extensive governance actions, including protecting and managing their local tangible and intangible cultural heritage. Local authorities are now responsible for safeguarding and facilitating cultural environments in land-use and planning, and they encourage developing local cultural heritage plans. The Planning and Building Act is again the legal reference in these cases. Drawing upon these legal documents, the Ministry of Climate and Environment and its administrative body, the Directorate for Cultural Heritage (*Riksantikvaren* in Norwegian), launched guides to encourage, facilitate, and provide tools for implementing participation in local heritage management (e.g. *Riksantikvaren* 2010, 2018, 2020). Finally, in 2019 the Ministry of Climate and Environment elaborated a white paper presenting its proposed new national goals for Norway's cultural environment policy, emphasising democracy, sustainability, and diversity. Approved by the Parliament in June 2020, this document is understood as the primary document for the new Cultural Heritage Act under preparation (2023).⁵ In this article, this policy document will provide the clues under which public participation is visioned among heritage authorities after years of experience implementing provisions, heritage management guides and developing plans.

All this literature will help qualify the analyses' results as the politics of participation after some decades of provision implementation. However, because this paper aims to frame the legal mindset of public participation in Norway and to evaluate how its institutionalisation determines its operativity, no case study has been included to contrast the actual put-in-action of provisions.

Findings

[Table 2](#) summarises the analysis of the policy documents and guidelines following the three dimensions framing participation processes. In general terms, participation is provisioned in two executive moments: throughout the regional and municipal political practice and during the planning practice. The first, also called local democracy (Nyseth and Aarsæther 2002), participation is constituted throughout municipal committees and operates inside municipal bodies' political and administrative structures. On the other hand, participatory planning is instead promoted and ruled

Table 1. List of documents analysed.

Type	Document	Focus and scope
Law	<i>Cultural Heritage Act</i> (1978) https://lovdata.no/dokument/NL/lov/1978-06-09-50	Its purpose is to protect archaeological and architectural monuments, sites, and cultural environments in all their variety and detail, as part of Norwegian cultural heritage and identity and as an element in the overall environment and resource management. It is a national responsibility to safeguard these resources as scientific source material and as an enduring basis for the experience of present and future generations and their self-awareness, enjoyment and activities.
	Planning and Building Act (2008) https://lovdata.no/dokument/LTI/lov/2008-06-27-71	The Act is a broad framework for regulating planning and building activities in Norway, regulating cooperation of the public, municipalities, county institutions, and national public agencies via defined workflows. The Act facilitates the coordination of central, regional, and municipal functions and provides a basis for administrative decisions regarding the use and conservation of resources, including cultural heritage.
	Local Government Act (2018) https://lovdata.no/dokument/LTI/lov/2018-06-22-83	It aims to promote local self-government and provide the necessary frameworks for this. It facilitates the local representative government and a stable representative local democracy with active inhabitant participation. It facilitates the exercise of public authority by the municipalities and the county authorities. It further facilitates that municipalities and county authorities can provide services and engage in community development for the benefit of the inhabitants.
Guides	<i>Urban Heritage Analysis Handbook</i> (DIVE) (Riksantikvaren 2010, 2018)	DIVE is an analytical tool for planning and heritage management focusing on urban heritage qualities as development assets. DIVE analyses may be integrated into urban planning procedures or used as independent knowledge-building tools. The approach encourages cross-disciplinary and cross-sector cooperation and emphasises the importance of public participation, communication and dissemination of results.
	Public Participation in planning (Ministry of Local Government and Modernisation 2014)	A guide presenting principles and case studies of public participation in the planning processes according to the Planning and Building Act 2008. It shows the role of participation in planning processes, focusing on how to facilitate private participation. It aims to provide a better understanding of the opportunities inherent in facilitating good participation while ensuring more targeted planning processes right from the start.
	Cultural heritage, cultural environments and landscapes. Planning according to the Planning and Building Act (Riksantikvaren 2020)	A guide that examines the possibilities to safeguard cultural monuments, cultural environments and landscapes following the Planning and Building Act. It states that the planning processes in the municipalities are arenas for active participation from other administrations, politicians, the local population, associations and other interested parties.
Policy document	<i>Meld. St. 16 (2019–2020) – New goals for Norway's cultural environment policy</i> (Ministry of Climate and Environment 2019)	It is the latest policy or white paper on managing cultural environments upon which the Cultural Heritage Act may be reformed. It defines the new national goals for Norway's cultural environment management. 'Cultural environment' is a collective term for any area where a cultural monument or site forms part of a larger entity or context. It includes cultural monuments, sites, environments, and landscapes (see Box 2.1).

Table 2. Content synthesis regarding the dimensions defining participation processes in Norway.

Document	Representativeness	Rationality	Legitimacy
Cultural Heritage Act 1979	(no actors invited, except for landowners of properties containing tangible heritage)	(no participation occurs)	(compensations)
Local Government Act 2018	Inhabitants (§12–1) Local representatives (in committees) (§5–8):	Direct democracy: (1) inhabitants putting forward proposals (§10–1) (2) authorities setting advisory referendums (§12–2) Local democracy bodies: (1) committees (§5–7) (2) councils of senior people, young people, and people with functional diversity (§5–12)	Local authorities appoint and define matters and authority of committees (§5–8) Function of committees: advisory Final decisions made exclusively by local councils
Planning and Building Act 2008	Invitation to affected groups, including inhabitants, stakeholders and authorities (§4–1, 5–4) Information to interested groups (may participate)	Comment and public scrutiny of proposals (§5–2) at the proposal phase. Public hearings are decided and designed by proposers. A municipality shall make sure that this requirement is met (§5–1, 10–1, 11–2) Regional planning forums by invitation (§5–3) Steering committees and reference groups composed of experts and acting as forums of discussion, especially when assessing capability (Stage 3) Stakeholders can present and discuss views and priorities (Stage 4). Public participation is a source of information on the historical character of the area (Stage 1) and its historical significance (Stage 2). Public meetings, surveys, blogs, or workshops depending on the context and available resources (2010, 12)	Public comments are non-binding inputs to the discretion of proposers (§11–4, 12–2) Final decisions made exclusively by local councils
DIVE (Riksantikvaren 2010, 2018)	People selected according to knowledge (2010, 12) People selected according to the composition and interests of the local community (2010, 12) Stakeholders (2010, 9)	Stakeholders can present and discuss views and priorities (Stage 4). Public participation is a source of information on the historical character of the area (Stage 1) and its historical significance (Stage 2). Public meetings, surveys, blogs, or workshops depending on the context and available resources (2010, 12) Aim to collect information and opinions (e.g. from questionnaires to workshops) in-person and digitally. Occurs at the proposal phase (2014, 14–15). Proposers decide and design public hearings (2014, 14–15).	Procure information and gain ideas for a legitimate proposal (2010, 12) Project leaders for becoming agents and mediators in participatory processes (2010, 9) The final report is approved by those with the relevant expertise and responsibility (2010, 9) Participatory processes are not necessary if they are implemented during the planning process (2010, 9)
Participation guides (Ministry of Local Government and Modernisation 2014; Riksantikvaren 2020)	All parties concerned (2014, 19)	Aim to collect information and opinions (e.g. from questionnaires to workshops) in-person and digitally. Occurs at the proposal phase (2014, 14–15). Proposers decide and design public hearings (2014, 14–15).	Participation is seen as a well-functioning and efficient planning process and a solid basis for decision-making (2014, 8). Public comments are non-binding inputs to the discretion of proposers. However, these inputs must be cited in the final planning proposal before submission. Societal relevant role in creating, transferring, and disseminating knowledge (Section 40–41) and cultural environment management (42).
Meld.St. 16 (2019–2020)	Everyone has the right to take part in the cultural heritage of their choice while respecting the rights and freedoms of others (23 & 39) Individuals can exercise participation in organisations and through regulated participation processes (40)	Voluntary groups (41) Cultural & heritage associations (41) Tailored mechanisms, like digital platforms for recording the community's knowledge and skills (42–46)	

by local authorities. Moreover, it can involve private proposers and, therefore, as a process, is not exclusively governed by regional and municipal structures.

The Local Government Act

The Local Government Act is the essential document concerning participation governance in Norway: 'The Act shall facilitate the local representative government and a strong representative local democracy with active inhabitant participation' (§1–1). Participation is regulated via direct democracy and local democracy. Inhabitant initiatives determine the possibility that local inhabitants can put forward proposals concerning the municipality or county authority's business. Democratic inhabitant initiatives could take the form of referendums proposed by the municipal or county councils. Local democracy, instead, is provisioned as part of the regional and municipal administrative structures through the constitution of appointed committees. These committees could be responsible for a geographical part of the municipality, but the municipal council appoints them and determines what kind of matters the committee shall deal with. Municipal councils elect the members of the committees among elected local members and interested inhabitants. The statutory provisions state that committees are only advisory bodies. Finally, section 5–12 of the Local Government Act determines the creation by the municipal council and the county council of a council for senior citizens, a council for persons with disabilities and a youth council or another representative body for young people. They are advisory bodies for the municipality or county authority and have the right to comment on matters concerning senior citizens, persons with disabilities and young people, respectively. Summarising, the municipal and the regional councils are the decision-maker authorities. Local democracy bodies have only consultive functions and rarely can decide on municipal and regional matters unless the councils delegate that authority.

Although the Local Government Act offers a significant degree of freedom to organise other channels of citizen participation (e.g. collect signatures, submit alternative plan proposals, put matters to the municipal council agenda, organise advisory referendums), most Norwegian municipalities follow the association-based local committee model. 'Association-based local' includes all selections that are formally linked to one delimited territory in the municipality, and which is either created by the municipality or with which the municipality has a formal collaboration. The created local committees at the sub-municipal level are perceived as mediating bodies between civil society, its local organised communities, and the municipality. It means that local democracy schemes act mainly as civil society's consultive partners, as means for increasing the quality of local government's documentation and knowledge. In practice, local authorities are the actual decision-makers. When these schemes work well, politicians find them as tools to improve their political legitimacy. Asking locals for advice gives political solutions greater legitimacy, which can facilitate the implementation of measures (Hanssen, Klausen, and Winsvold 2013; Kampevoll, Almås, and Frisvoll 2018). Monkerud and Klausen (2020) argue that Norway is an equity and accountable representative democracy where free and fair elections give the elected representatives a mandate to make decisions for the entire community, where everyone has the same opportunity to determine the composition of the elected body. Furthermore, because the elected body must be able to be held responsible for its own decisions, the final decision lies only with the elected representatives. One consequence of this is that all participating schemes must be considered advisory. Local democracy schemes strengthen the closeness between voters and elected officials but do not necessarily mean that citizens hold the final decision moment on governmental matters (see Knudtzon 2018, on the liberal tradition of Norwegian representative democracy).

Analysing voluntary municipal policy, Trætteberg et al. (2020) point out that local organisations may want to influence local political decisions, but the division of spheres of influence does not permit it. Authors analysing local democracy schemes regarding migration and migrant associations conclude that these citizens are underrepresented in essential arenas where political decisions are made. This absence is interpreted as that these groups and their voluntary associations are not

integrated into the 'political Norway' and are invited to discuss migration matters only (Enjolras and Wollebæk 2010; Ødegård and Bergh 2014; Ødegård and Fladmoe 2020). Consequently, migrant associations do not participate in local democracy schemes and cannot influence municipal policies (Trætteberg et al. 2020). This absence of actual influence in local politics affects all associative life. In fact, most voluntary organisations' purposes and incidences focus on organising and offering activities. They have little or no interaction with their local municipality authorities regarding political decisions. In fact, two spheres of municipal action co-exist, one focused on policy development (ruled by the political bodies) and another focused on policy implementation (i.e. service and activities provider). Most voluntary associations develop their activities in the latter sphere, lacking influencing and participation in the policy development sphere (Trætteberg et al. 2020). Ringholm, Nyseth, and Hanssen (2018) reached similar conclusions when analysing participation structures and processes in Norwegian local governments.

The Cultural Heritage Act

The Cultural Heritage Act determines that those in charge of cultural heritage management are the competent authorities at the national or local level depending on other legal dispositions, like the Planning and Building Act, the Local Government Act, and the Regional Reform. In Norway, cultural sites and objects that date from before 1537 (the Reformation) and buildings that date from before 1650 are automatically protected by law.⁶ The Act also enables the listing of buildings and cultural environments of particular national value. What is managed and regulated goes from the registration of protected structures, the delimitation of security zones, approval of changes and any development affecting cultural heritage, examination of cultural heritage by excavation or other professional means, determination of compensations to landowners affected by cultural heritage and any expropriation measure, expropriate protected objects, design and order protected and conservation measures, grant permission for development and construction, and the regulation all kind of measures affecting cultural heritage. When planning, the responsible manager or the responsible authority is obliged to investigate how the planning and building measure affects automatically protected cultural monuments, and inform the Ministry of the measures to promote them or to investigate them before possible freeing (§9). The Act does not include any reference to the role of citizens or inhabitants in any of these management and regulation processes, except for when they affect them as owners of cultural heritage objects or landowners of properties containing cultural heritage elements (entitled to compensation). The Planning and Building Act is invoked because cultural environments and cultural monuments management are affected by planning processes.

The Planning and Building Act

The Planning and Building Act (2008) is the statutory provision that frames participation in planning development. Chapter 5 of the Act is exclusively concerned with public participation. Participation pursuant to the Planning and Building Act requires public and private proposers of plans at the regional and municipal levels to reach all inhabitants so they can express their opinions on designed plans. The municipality is responsible for ensuring active participation, especially regarding groups requiring special facilitation (i.e. children and youth). Those who may participate are framed as 'groups presumed to be particularly affected'. Affected might be understood (following the Administrative Act) as those persons to whom a decision is directed or to whom the case otherwise directly applies. Affected includes inhabitants but also national governmental bodies and other stakeholders. Those groups and individuals interested in the planning proposal in a broader sense should be informed about the starting of a planning process and invited to participate. Participation occurs only during the proposal phase of any planning program, whether it involves regional and municipal planning strategies, regional and municipal master plans or municipal zoning plans, and shall also be implemented when formulating impact assessments to assure environmental and social

sustainability. The Act determines two public participation proceeds: comments and public scrutiny, but it does not explicitly define how public comments and detailed examinations would qualify the planning process, except that proposers should show how comments received have been assessed, what significance they were assigned, and their impacts in the final plan proposal. Finally, decisions and approval concerning planning are always and uniquely determined by the regional or municipal councils, which are not open to public participation according to the Local Government Act.

The 2008 version of the Planning and Building Act added two crucial elements to ensure public participation compared to its previous version: it requires broad communication means to inform affected and interested public parties that planning processes are about to happen and that private proposers should also design participation tools to collect the opinion of those affected at early stages of the project design, and to state in the final project proposal how their opinions have been evaluated/incorporated (Falleth and Hanssen 2012; Falleth and Saglie 2011). In 2007, surveys among municipalities showed that participation measures were beyond the minimum required but likeable when organised. Local associations considered that the opportunities for participation in regular planning needed to be better: the hearing came too late to bring changes to the plans, their roles were reduced to being reactive and critical, and their inputs were not necessarily considered. Private developers saw instead participation as a leverage strategy to gain political acceptance for the plans, but also as an intrusion (often referred to as NIMBY' or 'not in my backyard') to planning negotiations and agreements made previously with the authorities (Falleth, Hanssen, and Saglie 2008). The Planning and Building Act 2008 came thus to amend these shorts by strengthening participation principles, at least as 'an ideal' (Hanssen 2013, 18) when the Act's purpose that 'planning and administrative decisions shall ensure transparency, predictability and participation for all affected interests and authorities' (§1–1). Hence, what entitles participation is vague. The planning law committee set to investigate the Act in 2001 for its reformation noticed that the notion of participation is ambiguous. The committee specified that 'by participation is meant the right of individuals and groups to be able to participate in and *influence* decision-making processes' (NOU 2001, 7, 98, cited by Knudtzon 2015, 93, italics added). However, this civil society's capacity to influence was not finally incorporated into the 2008 version of the Act. With very few exceptions (e.g. Nyseth, Merete Ringholm, and Agger 2019), planning experiences after the Planning and Building Act entered into force confirm 'the letter of the law': developers continue to have an influential and proactive role, the planning authorities agree with markets actors the framing of the planning problem at very early stages and later approve the proposals submitted, and the civil society have a reactive role in all this process, if any (Ringholm, Nyseth, and Sandkjær Hanssen 2018). Monno and Khakee (2012) name this planning practice tokenist participation.

Both the guidelines for participation in planning (Ministry of Local Government and Modernisation 2014), and the guide published to better inform municipal authorities on planning according to the Planning and Building Act considering non-portable cultural heritage (Riksantikvaren 2020) are tools to facilitate public participation in municipal and regional planning. They praise participation as an excellent mechanism for planning because it secures 'well-functioning and efficient planning processes' and is a 'solid basis for decision-making' (2014, 8). These documents mainly 'translate' to practitioners what it reads in the provisions clarifying who participates, when to participate happens and how it is done according to the Planning and Building Act 2008. They do not mention, however, the existence of a local democracy scheme, as defined under the Local Government Act, as a potential tool for participation, considering that cultural heritage is now managed at the local level.

Urban Heritage Analysis Handbook (DIVE)

Urban Heritage Analysis Handbook (henceforth cited as DIVE) is instead of different nature and purpose. Published by the Directorate for Cultural Heritage in 2010, it is used by experts in cultural heritage management to value heritage's significance as a development resource in sustainable

urban planning.⁷ Heritage professionals use it to highlight the qualities and potential of cultural heritage in the future development of an area or to draw attention to essential historical features in simple or complex areas. DIVE frames participation as an 'open process for inquisitive, critical and creative ideas (...), thus ensuring the legitimacy and desired impact of the work (...). The participation process contributes to the analysis by providing knowledge from individuals and groups with different local knowledge, expertise and viewpoints' (Riksantikvaren 2010, 12; 2018, 8). DIVE designs several steps of valuing, involving in each step different participation tools and agents, from public meeting and surveys to reference groups. Regarding representativeness, DIVE invites parties involved or concerned, selected according to 'knowledge' and 'to the composition and interests of the local community'. These might be 'politicians, municipal administration, regional heritage authorities, state interests, owners, property developers, residents or other affected parties' (Riksantikvaren 2018, 19). It encourages the constitution of steering or reference groups comprised of 'professionals from municipal authorities' agencies, authorities, history teams, organisations and other stakeholders parties' (Riksantikvaren 2018, 8). Participants are invited after listing those relevant for each participation meeting: the public is perceived as a source of information on historical characters and the significance of cultural environments (participating in Stage 1 and Stage 2), whereas interdisciplinary expertise voices are invited to present and discuss views and priorities at stages of the analysis confronting or aligning heritage environments with other societal values and developing interests (participating in Stage 3). In stage 1 and 2, the words used to refer to participants is 'people', whereas in Stage 3 and 4, the words used are 'actors with expertise' and 'affected parties with interest in development needs' (Riksantikvaren 2018, 31 and 35). Finally, the proposal coming out should obtain the approval of the actors with the relevant expertise and responsibility for follow-up. Interestingly, the document finishes the section dedicated to participation by saying that 'DIVE analyses may, of course, also be carried out without too much emphasis on the participatory process in situations where there is a need for a purely academic knowledge base or where the participatory component is ensured in other parts of the process' (Riksantikvaren 2010, 9).⁸

Some research has been published on engaging the public in local heritage planning and whether this new role has a mobilising effect on heritage protection. Analysing two Norwegian municipalities, Swensen et al. (2012) concluded that cultural heritage managers do not take into account the local opinions (gathered through surveys and meetings with local heritage organisations and inhabitants) in the process of constructing the municipal heritage plans, which it generates frustration and dissatisfaction among participants. This exclusion is because local heritage values do not fit established expertise's judgments on what heritage is (understood as 'Authorised Heritage Discourse' after Smith 2006) regardless of the extent of local participation (see also Fageraas 2016; Mydland and Grahn 2012). Furthermore, in an article exploring cultural heritage's role in creating urban development in four medium cities in Norway, Swensen (2012) also concluded that heritage managers are consulted too late in the planning process to exert real influence. Their objections are considered appropriate only in precarious preservation situations where unique heritage assets, like buildings, are at stake. The development of large areas formerly occupied by a conglomerate of heritage assets, like industrial plants and harbours, is seldom considered a situation where legal action is justified (see also Skrede and Berg 2019). In short, '[c]ultural heritage management has an ascribed role in the formal planning process to which it conscientiously attends. However, regarding discussions during the initial stages when ideas are launched, the choice of discussion partners is selective. New and complex forms of cooperation within the context of urban development are sometimes hidden from public view and debate. The cultural heritage managers are rarely invited to partake in the initial discussions [between planners and local authorities]' (Swensen 2012, 386). Summarising, scholarly literature suggests that when provisions are put into practice, the value and role of cultural heritage in planning designs are determined by expertise and authorities' voices and that the inhabitants and local heritage associations are perceived as knowledge providers. Furthermore, cultural heritage managers have limited power in determining the nature and

directions of planning processes. Their practice is primarily reactive and receptive to development plans that planners and local authorities agree upon. Altogether puts participatory practices in cultural heritage governance at a very tokenist level.

Meld. St. 16 (2019–2020) – new goals for Norway’s cultural environment policy

Meld. St. 16 (2019–2020) is a document sent by the government to the Parliament presenting its proposed new national goals for Norway’s cultural environment policy, emphasising community involvement, sustainability, and diversity. This white paper describes the work done to achieve the existing national targets for cultural monuments, sites and environments. Furthermore, it describes challenges, possibilities and future actions in the cultural environment policy. The Parliament approved the document in June 2020, and it is understood as the basis for the new Cultural Heritage Act currently under discussion. The document presents broad new ideas, concepts and considerations (e.g. the new notion of cultural environments), aligning Norwegian cultural heritage national goals with the twenty-first century’s cultural, social and environmental realities, as well as to international frameworks, particularly the European Landscape Convention, the Faro Convention, and the UN’s Sustainable Development Goals. As a white paper on cultural heritage management, it politically frames democracy echoing Faro Convention principles of ‘shared responsibility’, which implies a balance between the respective functions of institutional experts and of citizens. Section 8 on Involvement recalls the Faro Convention again before discussing participation and democracy (section 8.2). It refers to chapter 9 of the Regional Reform to argue in favour of the importance of strengthening the role of local democracy in issues concerning the use and protection of cultural heritage. Finally, the policy document supports ‘broad participation in all parts of civil society’ as an essential element for democracy and democratisation processes: ‘[t]he goal that everyone shall have the opportunity to get involved in and assume responsibility for the cultural environment expresses a wish for increased citizen participation and greater democratisation of the cultural environment sector’ (Ministry of Climate and Environment 2019, 23). However, when participation is positioned in the Norwegian context, public engagements are seen (and illustrated) as tools for knowledge and expertise provisions, and as skilled crafts workers in the field of conservation of tangible and intangible cultural heritage.

Discussion

All legal provisions analysed refer to participation as a process involving all Norwegian inhabitants (not only citizens). Later, the Administrative Act, and consequently the Planning and Building Act and the Cultural Heritage Act, divided these participants into ‘those affected’ and ‘those interested’, giving each group a different type (and quality) of involvement. The formers are invited to comment, whereas the latter will be informed of an initiated process and might ask to be invited and scrutinised it. These groups of participants are different from experts and authorities. Policy development documents like DIVE reinforce this division by defining two different types of invited actors: local inhabitants, voluntary heritage associations, and other interested parties, on one side, and heritage experts and interested parties, mainly politicians and developers, on the other. Altogether, it creates categories of participants, which undoubtedly marks a double scale of public participation in representativeness.

The rationality of the participation processes reinforces this double scale of actors invited. The Local Government Act, for example, determines referendums put forward by inhabitants and local democracy committees. Then it establishes that, if organised, only referendums can decide matters: local democracy schemes act mainly as civil society’s consultive partners. Therefore, although local democracy is the common participative mean in local and regional government, local committees do not have decision-making capacity. They are seen only as tools to improve political legitimacy in representative democracy. In this regard, participating in consultive committees could be seen as

fulfilling a sense of civic obligation towards the community rather than a tool for citizen empowerment. Likely, literature on the political capacity of voluntarism and local associations to influence and participate in policy development spheres proves these two spheres of municipal action, one focused on policy development (ruled by the political bodies), and another focused on providing service and activities (ruled by the civil society).

This double scale of representativeness and rationality occurs also during the implementation of managerial tools. DIVE, for example, is an acknowledged method for identifying values in heritage assets. It includes voices and experiences from local inhabitants, voluntary heritage associations, and other interested parties, providing opportunities to exchange views to achieve a common understanding of the heritage place's values. However, DIVE focuses on the dialogue between heritage experts and interested parties, mainly politicians and developers, aiming to balance heritage values and capability with planning and developing concerns. The public is essential for identifying values and legitimate decisions based on knowledge creation, but they rarely influence expert voices in heritage management. Similarly, the Planning and Building Act provides the basis for participation but hardly defines the mechanisms to modulate expertise/authority voices in practice. Citizen's voices are listened to through participation tools designed by private proposers, but how these opinions affect the final project design is unclear. In fact, when there was the possibility of interpreting participation as influencing decision-making processes (NOU 2001), this capacity was not incorporated into the provision. Consequently, the legitimacy of any planning and management project affecting cultural heritage lies and is agreed upon between experts and local political authorities.

Summarising, Norwegian national legal provisions promote participation without any specific interest in implementing it, making participation symbolic. This tokenism reinforces experts' and developers' political-economic status quo rather than fully extending citizen's empowerment, at least according to the legal framework. However, legal provisions are always generic enough to leave some room for interpretation. The next step will be to analyse reality in case studies to understand the actual state of affairs in real-world situations. It will prove that some managers and authorities stick to the letter of the law while others are more imaginative in interpreting it.

Conclusions

The primary research aim of this article has been to determine how participation is defined and articulated through the Norwegian legal provisions concerning and affecting the management of non-portable tangible cultural heritage. It has unpacked these provisions and related guides for implementation and policy documents following political models of participation and the resulting democracy models. The results show a gap between ideals of participation and the existing legal framework, between a very encouraging narrative and restricted lawful schemes. This gap is evidenced between the purpose of the laws analysed here and their provisions: the spirit of the law longs for an active role of inhabitants in local political and heritage governance, but the letter of the law prevents them from influencing beyond the elections (after Ringholm, Nyseth, and Sandkjær Hanssen 2018). In a representative democracy, inhabitants are credited as significant actors with the right to participate in and influence democratic processes only during elections. What happens between elections is framed as local democracy, which allows inhabitants to participate in the political-administrative apparatus of the municipalities (via local committees) but reserves to them only a consulting role. Similarly, in planning and valuing/managing cultural heritage, local communities are invited to give their opinions and share their local-ground knowledge. However, they are seldom actively involved in decision-making processes. In this context, public participation is mainly understood as a complementary tool to representative democracy, that is, a tool for increasing the quality of local government's documentation and knowledge to legitimate municipality's responsibility in decision-making. What results then is a participation scheme exclusively based on securing both information for civil

society and the exchange of information between those affected (the civil society) and those projecting (developers and planning authorities) and authorising the planning (elected officials), excluding any clarification of what participation aims to mean and any operationalisation by the law of its implementation (Knudtzon 2015). Although policy narratives aim for a more contributing role of public participation when recalling social sustainability and democracy, the legal provisions and the handbooks containing the tools for implementing the law are short and presume tokenist practices. The scholarly literature analysing participation in urban planning and heritage management confirms this scenario.

Nowadays, calls for participatory approaches to cultural heritage are standard in cultural heritage governance, from UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage (2003) to the Norwegian legislation, including the Council of Europe's Faro Convention ratified by Norway in 2008. However, what is understood as 'participation' is intentionally vague and imprecise in all these documents. In UNESCO's Convention, the participatory shift uses 'non-enforcing language' (Bortolotto et al. 2020), whereas the Faro Convention leaves it to the 'discretion' of signatory counties (Colomer 2021). In Norway, there was a particular *momentum* to exclude the capacity of civil society of 'influence' when framing the notion of participation (Knudtzon 2018). All this creates uncertainties, limiting practices and disappointments that are used to argue against participatory democracy as a privileged space for civic learning and for the redistribution of political capital in today's liberal approaches to democracy. Accordingly, analysing participatory experiences in cultural heritage governance requires determining what exactly means 'participation' in terms of who decides what, what is to be decided, and how decisions will be made. It might result that participation is not as participatory as the term semantically and politically signifies.

Notes

1. Unless the reference included is published in English, all quotations originally in Norwegian are translated by the author.
2. In the European context, Norway has a peculiar managerial division between non-portable tangible heritage, on one side, and portable heritage and intangible heritage, on the other side. Two different ministries conduct these two spheres of heritage. The Ministry of Climate and Environment is primarily responsible for the management of non-portable tangible heritage, that is, listed monuments and buildings, archaeological sites (known as cultural monuments) and cultural environments (including cultural landscapes). The Ministry of Culture and Equality oversees museums, portable heritage, archives, intangible heritage, libraries, media and performance arts, and public art. Depending on each of these ministries, there are two central administrative bodies governing cultural heritage, the Directorate for Cultural Heritage (*Riksantikvaren*) and the Arts Council Norway (*Kulturrådet*). The Ministry of Climate and Environment guarantees integrated governmental climate and environmental policies and the management of marine, natural and cultural environments. As promoters and coordinators to ensure that the authorities in the various sectors implement environmental policies in their particular areas, the Minister's departments work closely with the planning authorities from the Ministry of Local Government and Regional Development and the Ministry of Transport. Accordingly, the management of non-portable tangible cultural heritage in Norway develops along with building, urban planning, and environmental developments, and consequently it is subsidiary of the planning and building provisions. As in Norway, this paper focus and refers to non-portable tangible cultural heritage when uses the terms cultural heritage or cultural environments.
3. Data collection elaborated in collaboration with Paloma Guzmán (NIKU), as part of the FarNor project (2022).
4. Norwegian literature on local planning and urban development uses the term 'medvirkning' to refer to the English term 'participation' (e.g. Aarsæther et al. 2012; Klausen et al. 2013; Hanssen 2013). Equally and when referring to non-portable tangible heritage, managers use this term to refer to participatory schemes for valuing cultural heritage significance (e.g. Riksantikvaren 2018, 2020). However, literature on portable heritage and intangible heritage uses instead the term 'deltagelse' or 'deltakelse', which might translate as 'participation' in the sense of 'taking part' as an attendee (e.g. Haugsevje, Hylland, and Stavrum 2016). This last term, and its semantics, is also used to refer to voluntary organisations collaborating in cultural and heritage activities (e.g. Enjolras, Steen-Johnsen, and Ødegård 2012).
5. NOU (2002,1) is another governmental document calling for preparation of a new cultural heritage act arguing several relevant shortcomings of the Act. However, this document has not been included in the analysis because it is previous to the ratification of the Faro Convention.

6. It includes also all Sámi cultural heritage from the year 1917 or older.
7. The 2010 version referred to here is the English edition. The 2018 edition is the latest updated version, only available in Norwegian.
8. This advisory role is further emphasised by Riksantikvaren when advising local councils on cooperation with volunteers on cultural heritage plans: 'Clarify roles and expectations: Voluntary cultural preservation organisations can give input but must not determine the priorities in the cultural heritage plan. Be clear that it is the municipality's responsibility.' (retrieved from <https://www.riksantikvaren.no/veileder/kutruminneplaner-gode-rad-for-samarbeid-med-frivillige-om-kulturminneplaner/>)

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