

**INPUT FROM NORWAY**

**TO THE**

**THEMATIC REPORT FOCUSING ON GOOD PRACTICES IN THE IMPLEMENTATION OF  
THE RIGHT TO A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

**FROM THE**

**SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND THE ENVIRONMENT**

Answers to questions in the Questionnaire:

1. *Please provide, in detail, examples of laws, regulations, policies and programmes that specifically incorporate the human right to a safe, clean, healthy and sustainable environment (acknowledging that different terms may be used to describe this human right).*

[Section 112 of the Norwegian Constitution](#) states:

*“Every person has the right to an environment that is conducive to health and to a natural environment whose productivity and diversity are maintained. Natural resources shall be managed on the basis of comprehensive long-term considerations which will safeguard this right for future generations as well.*

*In order to safeguard their right in accordance with the foregoing paragraph, citizens are entitled to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out.*

*The authorities of the state shall take measures for the implementation of these principles.”*

Section 112 has not been formulated to provide individual rights in the traditional sense. Instead, the first and second paragraphs express principles regarding societal aims with regard to environment, conservation of nature and management of natural resources.

The legal content follows from the link between the first two paragraphs and the third paragraph, formulating a constitutional duty addressed to the authorities of the Government – the parliament (Storting), the government and the public administration. As a matter of principle, this duty exists irrespective of whether corresponding rights are provided to private individuals and whether these may be enforced and reviewed by the courts.

The interpretation of Section 112 of the Constitution forms part of a current dispute before Norwegian courts between two environmental organisations (Greenpeace and Nature and Youth) and the Norwegian Ministry of Petroleum and Energy. The case concerns the validity of a decision made by the King in Council on 10 June 2016, awarding new petroleum production licenses in the Barents Sea South and in the Barents Sea South-East. The organisations argue that the environmental consequences of the decision are so severe that

they constitute a breach of a substantive limit under Section 112. In the alternative, the plaintiffs argue that the decision rests on inadequate assessments of environmental impacts and economic prospects, in breach of the requirements under Section 112 of the Constitution and Section 17 of the Law on Administrative Procedures.

The Government has argued that the decision to award production licenses is valid. The decision has a clear legal foundation, and was made following extensive processes of scientific, administrative and political nature, carried out in accordance with the requirements under the Constitution as well as statutory law. Section 112 of the Constitution does not contain such a substantive threshold as invoked by the plaintiffs, and even if this were the case, the decision in question would not constitute a breach. The administrative procedure has complied with all requirements regarding assessments set forth in statutory law as well as established practice in this field, which elaborate the content of the principles Government in Section 112 of the Constitution.

The Oslo District Court found in favour of the state on 4 January 2018.

The plaintiffs appealed the judgment. There will be an oral hearing before the Court of Appeal starting 5 November 2019.

The authorities of the state have taken comprehensive and ambitious measures to achieve a healthy, productive and diverse environment for current and future generations in accordance with the principles in Section 112 of the Constitution. These measures are described in the answers to the questions below.

2. *Please provide specific examples of good practices in the implementation of the human right to a safe, clean, healthy and sustainable environment. Examples may include practices related to: guaranteeing procedural rights (e.g., access to information, public participation in environmental decision-making and access to justice and remedies); protecting the substantive elements of the right (including: clean air; access to clean water and sanitation; healthy and sustainably produced food; a non-toxic environment in which to live, work, study and play; a safe climate; and healthy biodiversity and ecosystems); monitoring adverse impacts on the human right to a safe, clean, healthy and sustainable environment; promoting the enjoyment of the right to a safe, clean, healthy and sustainable environment; regulating business activities in accordance with the UN Guiding Principles on Business and Human Rights to protect the right to a safe, clean, healthy and sustainable environment; and remedies that have been provided for victims of violations of the right to a safe, clean, healthy and sustainable environment. These examples may occur at the international, national, sub-national, or local level.*

### *Procedural rights*

Norway aims to achieve a high degree of transparency in environmental policymaking and implementation of regulations. Norway has long and consistent traditions for broad consultation processes to ensure that all relevant considerations are taken, including considerations related to gender children, persons with disabilities, indigenous and marginalized communities.

Pursuant to Section 112 of the Norwegian Constitution, citizens in Norway are entitled to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out, in order to safeguard their right to an environment that is conducive to health and to a natural environment whose productivity and diversity are maintained. Environment in this case is to be understood to also include climate. The notion of citizens is to be understood in the broad sense and is not limited to those holding Norwegian citizenship. It does not distinguish on the basis of age, degree of ability to function or indigenous and marginalized communities. Section 112 obliges the authorities of the state to take measures to implement the principles set out in the provision. Several legislative and other measures have been undertaken for this purpose. [Act of 9 May 2003 No.31 relating to the right to environmental information and public participation in decision-making processes relating to the environment](#) entitles every person the right to environmental information from a public authority on request, subject to specified exceptions that are to be interpreted restrictively. The definition of environmental information is broad and includes information on the status of the climate, factors that affect or may affect climate and human health, safety and living conditions to the extent that they are or may be affected. It also entitles any person receive information from public and private undertakings concerning factors related to the undertaking, including factor inputs and products, which may have an appreciable effect on the environment (including climate). The Act furthermore obliges administrative agencies to make provision for participation by the public in the preparation of legislation, plans and programmes relating to the environment. This shall be done at stages and within time frames that provide real opportunities to influence the decisions that are made, and shall provide the public with the necessary information. More specific provisions on information and participation are set out in the Act of 27 June 2008 No. 71 relating to Planning and the Processing of Building Applications (the Planning and Building Act) and related regulations, including requirements for environmental impact assessments.

Today the representative democracy in itself is not sufficient to ensure local communities as vibrant local democracies in environmental issues. *Public planning pursuant to [Planning and Building Act \(PBA\)](#)* represents subsequently an important democratic tool between the local elections to promote sustainable policies implementing UN and EU policies of sustainable development.) The preamble of the Planning and Building Act (PBA) is to promote sustainable development in the best interest of the citizen, the society and future generations. The planning solutions, whether they are at a national, regional or municipality level, shall ensure transparency, predictability and participation for all authorities and interests concerned. The principle of universal design, and the group interest represented by the children and adolescents and their living conditions are underscored as democratic premises for ensuring a sustainable development path. Accessibility to a safe, clean, healthy and sustainable environment can be supported and ensured by a democratic planning process taking into special account the well-being and interests of the children and the adolescents who need special protection. Public participation in the Planning building Act allows for the local community as citizens and civics to advocate for planning solutions that are in line with democratic and sustainable societies protecting their living environment. All planning is subject to inclusiveness and accessibility and shall include public participation. The PBA understands the public participation in the planning as an individual's or a group's right to

take part in and contribute to the assessment and decision-making processes. A [national guide on public participation in planning pursuant to PBA](#) was elaborated in 2014 enfoldng methods to ensure representative arrangements, with special attention to the specific human rights protecting and promoting the interests of the vulnerable groups, cf. article 5-1 in PBA. Guidelines for climate- and energy planning and climate adaptation have also been established. A national geodata strategy and action plan is also in place.

The [Norwegian Public Health Act](#) has provisions concerning municipalities', county authorities' and central government health authorities' obligations to have knowledge and consider and assess environment and health conditions and positive and negative factors that may influence health status and conditions, in accordance with the purpose of the Act. The purpose of the Act follows from Section 1, which reads as follows; *"The purpose of this Act is to contribute to societal development that promotes public health and reduces social inequalities in health, and to . Public health work shall promote the population's health, well-being and good social and environmental conditions, and contribute to the prevention of mental and somatic illnesses, disorders or injuries."*

Legislation regulating activities of specific types or with specific effects also contain requirements on information and participation.

These Acts and provisions serve to implement Norway's obligations as a Party to the UNECE Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

In addition to the generally applicable legislation concerning access to information and participation, specific provisions, mechanisms and arrangements are implemented to safeguard these rights for persons, groups, indigenous peoples and communities in particular situations or with specific needs.

In Norway, the *right of indigenous peoples to participate in decision-making processes was formalized in 2005 by an agreement on Procedures for Consultations between State Authorities and the Sami Parliament (Sámediggi)*. The Consultation Procedures are developed according to the obligation to consult, stated in ILO Convention No. 169 article 6. The Consultation Procedures apply to the Government and its ministries, directorates and other subordinate state agencies or activities. Central Government authorities may also be obliged to consult with other Sami interest groups besides Sámediggi. This applies in particular to matters that directly affect Sami land use such as reindeer husbandry.

The agreement is a tool to ensure that work on matters that may affect the Sami is carried out in a satisfactory manner. The consultations shall be undertaken in good faith, with the objective of achieving agreement to the proposed measures.

In accordance with these procedures, a number of formalised consultations take place every year. In our experience, the numerous consultations have strengthened Sámediggi as a representative voice for the Sami people, and enhanced the awareness and knowledge of Sami issues in Government ministries and agencies.

The consultations contribute to an increased knowledge of Sami issues also in cases where the Government and Sámediggi do not reach an agreement.

In June 2018 the Norwegian Parliament adopted a new *Local Government Act*. The Act obligates all local and regional authorities to establish *three organs to ensure involvement of youth, older persons and persons with disabilities*. Proposals for regulations concerning these three different councils has been subject to a public hearing which ended on the 12th of April 2019. More than 400 answers were received. Regulations will be adopted before the summer 2019. The new Act and Regulations will enter into force this autumn. The proposal for new Regulations largely includes provisions similar to those who are in force today in two specific acts on Council for older persons and Council for people with disabilities. The Ministry of Local Government and Modernisation will establish new guidelines for each type of Council by 9 September 2019, the date of the elections for local and regional authorities.

Norwegian environmental authorities have a long tradition of including civil society in environmental policymaking. Children and youth organizations are represented on the climate and environmental minister's advisory climate council. The council advises the Climate minister on how to strengthen the climate policy and keep Norway on track to become a low-emission society in 2050. The Norwegian Children and Youth Council and the Sami parliament is also included in the delegation to the UN Climate Conferences.

In addition Norway provides annual financial support to a number of NGOs. The Ministry of Climate and Environment also provides financial support for Norwegian NGOs to participate in different international meetings.

Norway has established a system of *administrative complaints* pursuant to the Public Administration Act. Complaints concerning individual decisions by authorities may be submitted to the authority immediately above the authority who adopted the decision. Complaints concerning decisions taken by a Ministry will be decided upon by the King in Council. Legislation in specific fields may contain adjustments to the general system of administrative complaints, and in some fields there are also special complaints organs. There are however no special complaints organs for the environmental field in general. Complaints may also be made to the [Ombudsman](#) who is appointed by the Norwegian Parliament to safeguard the rights of individual citizens in their dealings with the public administration.

*An action against a decision by public authorities may also be brought before the courts*, both by physical and legal persons. An organization or foundation working in the field of climate and environment, may bring an action in its own name in relation to matters that fall within its purpose and normal scope. This means that the lawsuit must deal with a matter that comes within the scope of the organization's objectives or of its operations in practice.

Further information about the administrative complaints and court procedures and requirements can be found in [Norway's 2017 National Implementation Report under the Aarhus Convention](#)."

*Awareness* of issues related to sustainable development has also long been embedded in the Norwegian system of education. Norway takes part in the 2030 Agenda for Sustainable Development and UNESCO's Global Action Programme on Education for Sustainable Development.

Several activities have been initiated to promote awareness on issues related to climate change and disaster risk reduction. These are described in Chapter 9 of [Norway's Seventh National Communication under the Framework Convention on Climate Change](#) and therefore only some of them are briefly mentioned here. The Ministry of Climate and Environment works through many channels to enhance public awareness of environmental issues. News, publications, press releases and other relevant information are published on the [Ministry's website](#). Statistics Norway also publishes [statistics](#) on important natural resources, different types of environmental pressure, pollution such as releases to air and water, and waste management.

#### *Free and easily accessible environmental information on-line*

Information on the state and development of the environment, are found on the website *State of Environment Norway* ([www.environment.no](http://www.environment.no)). The service presents environmental topics in a simple and easy-to-follow way and provides access to more detailed scientific presentations. In addition to articles on a number of topics, the service includes maps and data, and you may download the latest data sets. The website also presents Norway's environmental targets and indicators. The Norwegian Environment Agency has the overall editorial responsibility. The content is produced and quality checked by the respective environmental agencies. The [Directorate for Cultural Heritage](#) is responsible for the topic "The Cultural Heritage". The [Norwegian Polar Institute](#) is responsible for "Polar regions", and [The Norwegian Radiation Protection Authority](#) is responsible for "Radiation". The [Norwegian Environment Agency](#) is responsible for "Fresh water", "Hazardous chemicals", "Climate", "Noise", "Air pollution", "Waste", "Biological diversity" and "Outdoor recreation". A number of different agencies and research institutes are responsible for "Marine areas". [Statistics Norway](#), the [Norwegian Institute for Water Research](#), the [Norwegian Institute for Air Research](#), the [Norwegian Institute for Nature Research](#) and the [Norwegian Institute for Cultural Heritage Research](#) supply the website with data.

Norwegian Environment Agency has created a database that gives [information about sites where there is contaminated soil or reason to suspect contamination](#). The database is linked to the public property register and gives information on the site, type of contamination and assessments if measures have been taken on the area. There is also a possibility to report sites where one suspects that the ground is contaminated.

A test version of an [air quality forecast service](#) was launched in Norway in January 2019. It can be accessed through mobile phones, computers and tablets and provides a forecast for today and tomorrow at all times in the whole country. The forecast includes dust, particulate matter (PM<sub>10</sub> and PM<sub>2,5</sub>), and two gases nitrogen dioxide (NO<sub>2</sub>) and ground-level ozone (O<sub>3</sub>). The forecast is shown in maps and graphs. Health advice is provided for the general public, the elder, children and pregnant women, people with diabetes, asthma, respiratory diseases and cardiovascular diseases.



The goal with the service is that

- the public knows how the air quality is where they live and stay
- it is easier for the public to avoid health damaging air pollution by following the health advice. Especially for vulnerable groups.
- the local authorities for air quality in Norway, the municipalities, get an overview of the air quality in their municipality on a day to day basis with information about which air pollution and which sources that are the challenge
- it is easier for the municipalities to fulfil their duty to inform the public about the local air quality.

The service is delivered by the Norwegian Environment Agency, the Norwegian Public Roads Administration, the Meteorological Institute, The Norwegian Institute of Public Health and The Norwegian Directorate of Health.

[The nature database](#) provides mapped information on selected areas for nature and outdoor recreation, which is useful for municipal planners, landowners and local tourism.

#### *Climate change legislation, regulations, standards, and policies;*

Norway's policies, legislation and other measures to address climate change are described in Norway's input to the thematic report from the Special Rapporteur focusing on human rights obligations related to global climate change.

#### *Biodiversity legislation, regulations, standards and policies;*

[The Nature diversity act](#) is one of the most important instruments that was adopted as a result of Norway's first national strategy for the implementation of the Convention on Biological Diversity. The purpose of the Act is 'to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health and well-being, now and in the future, including a basis for Sami culture'. The Act has been in force since 2009 and implemented on all levels of government.

*National goals and Norway's national biodiversity action plan:* The Government's biodiversity policy is designed to play a part in achieving national and international targets for biodiversity, particularly the Aichi targets under the Convention on Biological Diversity. The Aichi targets are reflected in Norway's three national biodiversity targets, which are concerned with: (1) achieving good ecological status in ecosystems; (2) safeguarding threatened species and habitats; (3) maintaining a representative selection of Norwegian nature (the conservation of areas covering the whole range of habitats and ecosystems). The white paper "Nature for life – Norway's national biodiversity action plan" describes the Government's policy for safeguarding biodiversity in Norway, which is designed to play a part in achieving these targets at both a national and international level. The white paper describes biodiversity-related challenges and threats, and the policy instruments the Government will use to deal with them. An overview of the Government's policy can be found in the [Summary of Norway's White paper 'Nature for life' Meld. St. 14 \(2015–2016\)](#).

*The target of achieving good ecological status* is based on the fundamental idea that well-functioning ecosystems benefit society as a whole, and that we have an obligation to pass on healthy ecosystems to future generations. The Ministry of Climate and Environment appointed an Expert Committee of researchers in 2016 with a mandate to develop recommendations for a comprehensive technical system for the determination of good ecological condition. The Norwegian Environment Agency has started further development and implementation of this system to be operationalized from 2020. Defining good ecological status and assessing the main ecosystems is a first step towards setting objectives that are more concrete and deciding on management actions. More information on management of the main ecosystems can be found in Norway's sixth national report, Section II.

*To prevent the loss of species*, the Government has used and will continue to use both species-based measures such as regulating harvesting, protecting individual species, designating priority species and establishing quality norms, and area-based measures that are intended to safeguard areas with specific ecological functions for a species. The latter include protecting areas under the Nature Diversity Act, identifying areas with specific ecological functions for priority species, designating selected habitat types, and sectoral measures like rejecting license applications for projects that have a negative impact on threatened species.

The Government seeks to further improve the conservation status of threatened species and habitats. This is a long-term effort. The Government's first priority will be to improve the conservation status of threatened habitat types and critically endangered or endangered species in Norway and that meet the additional criterion that substantial proportion of their European population is found in mainland Norway or in Svalbard. To implement this, the Government is considering "a package" of relevant measures necessary for conserving approximately 90 species and 32 habitat types.

The national pollinator strategy is another example. The strategy aims to ensure a continued diversity of wild bees and other pollinating insects. The strategy was launched in 2018 and was developed in collaboration with the main sectors with responsibility for land management including agriculture, transport and municipalities.

Alien species are considered to present a severe negative impact on 48 endangered species and 96 alien species are considered to cause a negative impact on one or several nature types in Norway. Provisions on alien organisms in the Nature Diversity Act, together with new Regulations relating to alien organisms, entered into force as recently as 1 January 2016. These new rules are important for preventing the import and release of invasive alien organisms. There is cooperation throughout the sectors to combat invasive alien species, including national customs authorities. The Ministry of Climate and the Environment, in cooperation with other relevant ministries, will develop a comprehensive action plan for the management of invasive alien species. The plan is to be finalized in 2019. The Norwegian Environment Agency provides also funding to combat invasive alien species and reduce their negative effects on Norwegian biodiversity. Funding has been increased over the last three years. More information on alien species can be found in Norway's sixth national report, chapter nine.



*Maintaining a representative selection of Norwegian nature for future generations*’.

Promoting the conservation of ‘the full range of variation of habitats and landscape types’ is specifically mentioned in section 33 of the Norwegian Nature Diversity Act in a list of the objectives of establishing protected areas. Others include the conservation of endangered natural environments and major intact ecosystems. The Government will seek to achieve both national and international targets for long-term conservation through a combination of protection of areas under the Nature Diversity Act and relevant sectoral measures. The government will launch an action plan to strengthen the management of protected areas In June 2019.

[\*The Norwegian Planning and Building Act\*](#) provides the municipalities with a very important instrument in their efforts to safeguard Norwegian nature and cultural heritage. Together, all the individual decisions made under the Act strongly influence the development of Norwegian society and how successfully biodiversity is safeguarded in both the long term and the short term. Large, robust municipalities with good nature management capacity and expertise can play an effective role in achieving national and international targets relating to biodiversity.

The government has initiated a pilot project on municipal sub-plans as a biodiversity conservation tool. The pilot project was carried out in ten selected municipalities in 2016 – 2018 to which the government has provided financial assistance for the preparation of biodiversity sub-plans since it will incur costs for the municipalities. Work on municipal biodiversity sub-plans will also supplement the work being done at central government level on valuing and safeguarding biodiversity and ecosystem services. It will also boost biodiversity expertise in the municipalities.

The municipalities have extensive responsibilities for land-use management, mainly through plans for land use. The Planning and Building Act regulates procedural rights that strengthen the protection of human right to a sustainable environment. The public and environmental organizations have the possibility to participate through the decision making process, along with governmental environmental authorities. The same groups are also given possibilities for objections in through different channels and in different extent. Regulation of environmental impact assessment ensure knowledge of the environmental impact of a land use plan.

More information on Norway's progress in the implementation of the Strategic Plan for Biodiversity 2011-2020 and towards the Aichi Biodiversity Targets, including relevant national targets can be found in [Norway's Sixth National report to the CBD](#).

*Maintaining cultural heritage sites and landscapes as environmental resources for future generations*

The Norwegian environment management system defines cultural heritage as part of the environmental resources. Cultural heritage sites contribute, alongside other environmental esources, to a healthy and sustainable environment. The Norwegian Cultural Heritage Act regulates protected cultural heritage sites, and The Norwegian Planning and Building Act is

the main tool for managing cultural heritage, cultural environments and cultural historical landscapes.

*Selected Agricultural Landscapes* is a cross-sectoral initiative where the Norwegian Agricultural Authority, the Norwegian Directorate for Nature Management and the Norwegian Directorate for Cultural Heritage cooperate to register and maintain cultural landscapes of special historical and biological value. These historical agricultural landscapes are to be managed in such a way that the historical features, aesthetic values, biodiversity and accessibility are maintained. Two departmental bodies have contributed financially and earmarked a funding for this purpose, based on voluntary agreements between landowners/interested parties and the Government. This is to ensure a satisfactory and long-term administration of the assets shaped by the hard labour of our ancestors for the benefit of both the present and future generations. A substantial diversity of different cultural landscapes are represented among the selected agricultural landscapes, including the Sami's agricultural history. The municipalities will be responsible for the coordination from 2020.

### *Management of the ocean*

Norway's extensive use of the ocean and its resources creates a responsibility to manage it in a long-term and responsible way. Norway has for many decades based its use of the ocean on the sustainability principle. Important tools for Norway in this respect are its integrated management plans for marine areas, with ecosystem considerations a concern throughout. They reflect Norway's ability and willingness to manage its marine areas in a sustainable manner, and have helped make Norway a driving force among nations for comprehensive, ecosystem-based management. Sharing experience and knowledge gained from its system of integrated marine management plans is one important way in which Norway can contribute to international marine management. The system's cross-sectoral approach is a particularly important feature. Work on the management plans brings together all relevant parts of the public administration, and the measures advanced cover all sectors active in Norwegian waters.

Sustainable management requirements and regulations that take climate and the environment into account are also set forth in applicable Norwegian sectoral legislation. Ocean-based industries today are managed and regulated largely by sector. It is important to obtain a state of healthy coexistence among the various marine and coastal industries, some of which may have overlapping and competing interests relating to resource exploitation and utilisation.

Norway's resource management system is effective and prudent, and the ecological status in Norwegian marine areas is generally good. Norway's application of sound management on the domestic front is essential to ensuring that we can continue using the ocean and harvesting the riches along our coastline and in areas close to Norway in the years to come. It produces valuable expertise that we can use internationally to press for the sort of development that promotes growth by conserving the marine environment.

Further information can be found in the [Summary of Norway's White Paper "The place of the oceans in Norway's foreign and development policy" \(Meld. St. 22 \(2016-2017\)\)](#) and the [Government's website on management plans for marine areas](#).

### *Waste management*

In Norway, littering is illegal according to the Pollution Control Act. Norway has a well-functioning *waste management system*. Municipalities have a duty to collect and ensure proper treatment of municipal waste. In line with the polluter pays principle, the waste producer has the responsibility to ensure collection and proper treatment of the waste from commercial activity. More than 80 % of waste is recycled or used as energy. Where landfills are used, they are designed and monitored to prevent run-off, discharges to air and spreading of litter.

In Norway, 85 percent of *waste electrical and electronic equipment (WEEE)* is recovered and used to develop new products instead of using new raw materials. WEEE may be delivered free of charge to municipal waste treatment facilities or to distributors who sell similar products. Distributors are required to take back WEEE and to inform consumers that they do so.

*Marine litter and microplastics* is one of the fastest growing environmental concerns of our time, posing a threat not only to marine ecosystems, but also to marine food sources across the world. The Norwegian government is taking additional measures against marine litter and microplastics on a national, regional and global level including the United Nations system. . At the Fourth UN Environment Assembly in Nairobi in March (2019), Norway put forward a resolution on strengthened global governance on marine plastic litter to work towards the long-term elimination of all discharge of plastic litter into the ocean.

Norwegian authorities have worked systematically to identify possible measures and actions to prevent *marine litter and microplastics* from entering the ocean, as well as to *include the public and relevant stakeholders* in this process through input meetings and the submission of public comments. The process leading up to the Norwegian government's 2017 White Paper on waste policies in a circular economy provides a good example of such involvement. During 2016, the Norwegian Environment Agency provided two analyses of possible measures against marine litter and microplastics. The Norwegian government hosted an input meeting specifically aimed at receiving comments for the plastic strategy that would form part of the white paper. A similar meeting was hosted for the other policy areas of the white paper, and the public was also invited to submit written comments.

The resulting white paper on waste policies in a circular economy, which includes a Plastic Strategy to reduce marine litter and microplastics, was considered by the Parliament in 2018. The government is now following up on the policies presented in the white paper through concrete measures nationally and internationally, relying on open processes where civil society is involved.

### *Chemicals policy*

The purpose of Norway's *chemical policy* is to reduce the risk of damage to health and the environment associated with discharge and the use of chemicals in general. In order to achieve this Norway works at a national and international level. At a national level the [Pollution Control Act](#) and the [Product Control Act](#) are important means. Norway also works closely with the EU and under different conventions for stricter regulations of chemicals. One example on Norway's chemical policy is [the priority list of substances that pose a serious threat to health or the environment](#) continuously, and the goal is to work towards eliminating them completely by 2020. The priority list makes it clear which substances are given priority. The priority list includes more than 30 named substances and groups of substances. The first version of the priority list was published in 1997, and since then releases of many priority substances have been substantially reduced. Norway has taken action at national level to reduce or eliminate releases of nearly all priority substances through stricter requirements in emission permits for industry and waste management. In 2019 the list was updated when flame retardant dechlorane plus and water and stain repellent PFBS was added.

### *Investments in, requirements and expectations for the business sector*

#### *Expectations state owned enterprises*

The expectations towards the state owned companies are expressed in the White Paper Meld. St. 27 (2013-2014) Diverse and value-creating ownership. You will find all the expectations regarding CSR (Corporate Social Responsibility) in the following link:

<https://www.regjeringen.no/contentassets/899ac257df2648d788942b78c6d59787/eng/pdfs/stm201320140027000engpdfs.pdf>

The most relevant expectations are:

#### *General expectations:*

The government expects that:

- A commitment to CSR is embedded in company board work, that boards play an active and prominent role, and that they account for significant aspects of CSR in their annual report.
- The companies should be frontrunners in the commitment to CSR in their sectors. The companies actively abide by, and assist in elaborating, best corporate practices in areas of relevance for their business.
- The companies prepare guidelines for their work on CSR and the guidelines are publicly available. The companies incorporate their commitment to climate and environment, human rights, employee and worker rights, and anti-corruption in their guidelines.
- Companies with international operations sign up to the UN Global Compact. All companies are expected to be familiar with and commit to observance of the Global Compact's ten principles and to consider signing up to the UN Global Compact.
- Companies with extraterritorial activities or international supplier chains familiarise themselves with and follow the recommendations of the OECD Guidelines for Multinational Enterprises.
- Companies adopt the ILO's eight core conventions as the foundation for their activities.
- Companies report on their CSR performance, placing emphasis on key challenges, and target and performance indicators.

### *Climate and environment:*

The government expects that:

- Companies have a sound understanding of the risk posed to their activities by climate change and climate policy measures.
- Companies are at the forefront in climate and environmental performance in their sector, including initiatives to reduce greenhouse gas emissions.
- Companies are well-informed of the benefits to be reaped from early adaptation to new climate and environmental requirements.

### *Human Rights:*

The government expects that:

- Companies in which the state has a holding respect universal human rights as they are defined in international conventions, in all their undertakings, and in their dealings with suppliers and business partners.
- All companies in which the state has a holding incorporate relevant human rights aspects in their activities.
- Companies carry out human rights due diligence in line with the UNGP recommendations to prevent their involvement in adverse human rights impacts and to account for how they address the company's human rights impacts.

### *Government Pension Fund Global (GPFG)*

The objective of the Fund is to achieve the highest possible return with an acceptable level of risk. The Fund shall be managed responsibly within the overarching financial objective. The management mandate laid down by the Ministry of Finance states a premise that good financial returns over time will depend on well-functioning markets and sustainable development. As part of the Fund manager's (Norges Bank's) responsible management efforts it is expressed clear expectations within certain areas to the companies the Fund is invested in. More details about the responsible management efforts of the GPFG, including expectations on climate risk and human rights, is available in the annual report on the topic.<sup>1</sup> Furthermore, the Norwegian Ministry of Finance reports annually to the Parliament on the work on responsible management.<sup>2</sup>

The Ministry of Finance has established ethically motivated guidelines for observation and exclusion of companies from the fund.<sup>3</sup> The Executive Board takes the final decision on the observation and exclusion of companies, based on recommendations from the Council on Ethics.<sup>4</sup>

### GPFG - Environment

The management mandate from the Ministry of Finance to Norges Bank refers to internationally recognised standards for responsible management. These principles and

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<sup>1</sup> <https://www.nbim.no/contentassets/e1632963319146bbb040024114ca65af/responsible-investment-2018.pdf>

<sup>2</sup> <https://www.regjeringen.no/en/dokumenter/meld.-st.-20-20182019/id2639311/> (especially chapter 6).

<sup>3</sup> [http://etikkradet.no/files/2017/04/Etikkradet\\_Guidelines-eng\\_2017\\_web.pdf](http://etikkradet.no/files/2017/04/Etikkradet_Guidelines-eng_2017_web.pdf)

<sup>4</sup> <https://etikkradet.no/en/>

standards from the OECD and the UN express expectations for how companies should address environmental and social issues. Norges Bank expects the companies in the Funds portfolio to strive to respect these principles and standards.

Norges Bank expresses its expectations towards companies in which the Fund is invested in through documents and company dialogue. The expectation documents<sup>5</sup> express how Norges Bank, as a financial investor, expects companies to address specific issues in the course of their business. Expectation documents have been published on many topics, including climate change, water management and ocean sustainability.

Norges Bank also contributes to further developments of international standards and to research on environmental issues.

In 2009, the Ministry of Finance decided to establish specific environmental-related investment mandates. The normal scope of these mandates are currently quantified as NOK 30-60 billion. In June 2019, it was decided to allow the fund to invest in unlisted renewable energy infrastructure within the environmental mandates. At the same time, it was decided to increase the upper limit for these, from NOK 60 to 120 billion. The environment-related investments are subject to the same risk and return requirements as apply to the other investments in the GPFG. At yearend 2018, the market value of the assets (equities and green bonds) encompassed by the environmental mandates was about NOK 56.7 billion. These can be categorised as investments in renewable energy and alternative fuels, energy efficiency and nature resource management.

The ethically motivated guidelines on the observation and exclusion of companies from the GPFG include exclusion criteria based on what companies produce or on their conduct. A conduct-based criteria on severe environmental damage was introduced in 2004, under which observation or exclusion may be decided for companies where there is an unacceptable risk that the company contributes to or is responsible for severe environmental damage.

With regard to GPFG and climate, we refer to Norway's input to Question 3 for the thematic report from the Special Rapporteur focusing on human rights obligations related to global climate change for further information.

#### GPFG – Human rights

Norges Bank, as a financial investor, expects companies to respect human rights, and address human rights issues in their business practices. Human right risks are integrated in the Fund's work on developing standards, exercising of ownership in companies and handling of risks and opportunities.

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<sup>5</sup> <https://www.nbim.no/en/publications/expectation-documents/>

Norges Bank has developed a set of expectations towards companies with regards to human rights<sup>6</sup> and childrens' rights.<sup>7</sup> The UN Guiding Principles on Business and Human Rights establishes a starting point for companies' strategies with respect to human rights. The guiding principles moreover provides a reference point for businesses in understanding what human rights are; how their own activities and business relationships may affect them; and how to ensure that businesses prevent or mitigate the risk of adverse impacts on human rights.

Companies may also be excluded from the Fund, based on the ethical guidelines, if they contribute to or are themselves responsible for serious or systematic human rights violations.

3. *Please provide evidence related to the effectiveness of the measures identified in your responses to Questions #2. For example, evidence could involve measured decreases in air and water pollution, a growing proportion of the population with access to clean water and adequate sanitation, increased production of renewable energy, declining greenhouse gas emissions, a growing percentage of land in terrestrial and marine protected areas, declining use of pesticides and/or other toxic substances, lower body burdens of toxic substances such as PCBs and lead, and declining rates of deforestation.*

[The Nature Index](#) measures the condition of biological diversity in Norway in the main ecosystems mountain, woodland, wetland, open land below the tree line with natural or semi natural vegetation ("cultural landscapes"), freshwater, coast, and ocean. There are variations but the status of Norway's ecosystems is in general relatively good. Much has already been done to safeguard the natural environment, and Norway has introduced a wide range of legal and economic instruments that can be used in building up a sound, ecosystem-based management system. However, Norway still has work to do in this field.

[The Norwegian Red List of Species](#) and the [Norwegian Red List of Ecosystems and Habitat Types](#) are the lists of species and habitat types that have a risk of going extinct in Norway. The revised assessments resulted in a slight decrease in the proportion of assessed species that are red-listed. From 2010 to 2015, the proportion of red-listed species dropped from 22 % to 20 % and the proportion of threatened species from 12 % to 11 %. In all, 723 species have been moved to a lower category of threat because they are considered to be at lower risk of extinction in Norway in 2015 than in 2010. On the other hand, 344 species have been moved to a higher category because they are considered to be at more serious risk of extinction.

The 2018 edition Red List for ecosystems and habitat types in Norway is the second publication of this list. The first came in 2011. In 2018, a total of 75 habitat types are classified as threatened (CR, EN and VU), while 39 are classified as near threatened (NT). Because of changes in the methodology, the two publications cannot be used to draw conclusions on development of threatened ecosystems and habitat types in Norway.

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<sup>6</sup> <https://www.nbim.no/contentassets/0ff34e35ba1a44c3b6c2039466ccbec7/human-rights-expectations-document2.pdf>

<sup>7</sup> <https://www.nbim.no/contentassets/f5f7addcb20945dfa3560183f6f89d01/childrens-rights-expectations.pdf>



Please consult section III Assessment of progress towards each national target in [Norway's sixth national report to the CBD](#) for a more detailed description and documentation on the assessment of the measures described under question 2.

The *Selected Agricultural Landscapes* initiative started out in 2009 with 20 areas, and by 2018, the list had expanded to cover 41 areas. The overall budget has increased from 12 mill. NOK in 2016 to approximately 32,7 mill. NOK in 2019.

4. *Please specify any challenges your Government, business, or organization has experienced in fulfilling its obligations relating to the human right to a safe, clean, healthy and sustainable environment.*

Based on Norway's experience from the development of measures to safeguard the environment and thus implement the principles concerning the right to a healthy, productive and diverse natural environment and to information to safeguard this right as set out in Section 112 of the Norwegian Constitution as such are the complexities of the driving forces behind environmental degradation, the interlinkages between the different aspects of the environment and policies and measures to address them, the interdependencies of measures and effects in different countries and the difficulties in striking the right balance between competing interests. Safeguarding the environment and reducing environmental degradation and its impacts require extensive knowledge, broad cooperation between national authorities with responsibilities for policies in all relevant fields, coordinated and consistent positions of states in all relevant international fora and processes and involvement of all relevant stakeholders nationally and internationally.

*Land use change* is one of the most important drivers for biodiversity loss. Decisions related on land use change are often not seen in the context or in relation to the total negative influence of different types of activities over time. The cost of land use change, though loss of species or habitat or reducing an ecosystem's condition is often descriptive as it is hard to quantify especially in monetary values. The economic profit of a plan or commercial activity on the other hand is easier to quantify and because of this is often given more weight in the decision making process. More detailed information on obstacles to achieving the national targets is described in section II in [Norway's sixth national report on to the CBD](#).

At the global level, it is clear that there are huge gaps in the current response to combat *marine litter and microplastics*. We believe that we need a stronger framework in place to assist countries in dealing with this issue and support policy-making. In a challenging time for multilateralism, achieving global agreement on a comprehensive approach to marine litter and microplastics is demanding.

5. *How are the rights of those who may be particularly vulnerable to violation of their right to a safe, clean, healthy and sustainable environment (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities), through either environmental degradation (e.g. air and water pollution,*

*exposure to toxic substances, climate change impacts) or lack of access to environmental amenities (e.g. safe drinking water, adequate sanitation, waste management services, access to natural spaces), provided with heightened protection?*

As described under Question 2 above and 9 below, both generally applicable procedural rights and other measures and procedural rights specifically developed for and applicable to vulnerable groups are in place in Norway.

We refer to Norway's input to Question 8 for the thematic report from the Special Rapporteur focusing on human rights obligations related to global climate change for information on protection for populations who may find themselves in circumstances in which they are particularly vulnerable to climate change.

Article six in the ILO Convention 169 on Indigenous and Tribal Peoples states that indigenous people have a right to be consulted in matters concerning them and their interests. Norwegian authorities has established an agreement of consultation with the Sami parliament and relevant Sami interest groups in matters which may affect Sami interests directly. This includes matters concerning nature and nature management. For example policy for and management of protected areas or large predatory animals. Where it is relevant there is Sami representation in management boards for national parks and large protected areas with administrative authority.

The agreement of consultation with the Sami parliament and relevant Sami interest groups also apply to the management of *cultural heritage*, which is defined as environmental resources within the Norwegian management system. Sami cultural remains are automatically protected by law when they are from 1917 or older. The Directorate for Cultural Heritage has over-arching responsibility for managing Sami cultural remains, while The Sami Parliament is the regional authority for this task. *The preservation programme for Sami remains* is an example of good practice where the Sami Parliament and the Directorate for Cultural Heritage cooperated to get an overview of the Sami buildings that are automatically protected by law. Between 2011 and 2017, more than 800 buildings were registered, and the goal is to develop a plan for preserving and maintaining these buildings. The Sami cultural heritage must be understood in close relationship with its surroundings such as the landscape and the natural resources. In combination, they provide us with important insight to how the Sami used and related to their environment. This knowledge is also an important part of the Sami's right to maintain and develop their culture.

The five national minorities (Jews, Ovens, gypsies/Roma, Forest Finns and travellers/Romani) as well as other minority groups and more recent immigrant groups have also left a variety of traces that are important elements of the Norwegian cultural history and thus our environmental resources. The Directorate for Cultural Heritage aims to select a number of these cultural remains for lasting preservation, in cooperation with the minority groups themselves. Establishing a network with the different minority organisations and the regional authorities has been a central component of this work.

People with disabilities or people with non-western immigrant background are prioritized groups in the government's national policy for outdoor recreation.

6. *How do you ensure that the rights of environmental human rights defenders are protected? What efforts has your Government, business or organization made to create a safe and enabling environment for them to freely exercise their rights without fear of intimidation, violence or reprisal?*

Norway aims to have a high degree of transparency and broad involvement in environmental policymaking and implementation of regulations. As described under Question 2 above, Norway's Constitution and legislation establishes procedural rights in environmental matters.

Accordingly, Norwegian environmental authorities have a long tradition of including the civil society in environmental policymaking. For example, Norway provides annual financial support to a number of NGOs listed in the Government's annual budget.

Legal proposals (laws and regulations) are generally subject to open hearings where civil society can voice their opinion. Civil society can also interact with the government and the Parliament in relation to other policy tools, such as budget proposals and white papers. In 2014 the Ministry of Climate and Environment established a climate council ("Klimarådet") to provide advice related to climate policies, including advice on how Norway can become a low emission society by 2050. The council has participation from business, labour organisations, environmental NGOs, local government and the research community.

The Ministry of Climate and Environment also provides financial support for NGOs to participate in different international meetings. Norway also aims to involve the NGOs in the preparations for such meetings, and to give them the possibilities to contribute actively during the meetings. NGOs are represented in the official Norwegian delegation under UN Climate Negotiations, and under UNEP's board meetings.

The protection of environmental human rights defenders is therefore a key priority in Norwegian climate and environment policy. Under Norwegian leadership, the UN has adopted far-reaching resolutions on environmental human rights defenders. The most recent, adopted unanimously by the UN Human Rights Council, recognizes their key contributions to safeguarding climate and biodiversity, and the responsibility of governments and companies to protect their security and human rights.

We refer to Norway's input to Question 9 for the thematic report from the Special Rapporteur focusing on human rights obligations related to global climate change for information on support for measures for environmental human rights defenders under Norway's International Climate and Forest Initiative.

7. *What are ways in which high-income States should assist low-income States in respecting, protecting, and fulfilling the human right to a safe, clean, healthy and sustainable environment?*

In line with the 2030 Agenda, Norway takes a holistic perspective on our development efforts. However, in order to be effective, we concentrate our bilateral aid on key thematic and

geographical priorities. Both Human Rights, Climate and environment are among our key priorities. A summary of the White Paper presented to the Norwegian Parliament in April 2017 on the sustainable development goals and Norway's development policy can be found [here](#).

Norway's development efforts addressing climate change, including climate finance and [Norway's International Climate and Forest Initiative \(NICFI\)](#), are described in Norway's input to Question 6 for the thematic report from the Special Rapporteur focusing on human rights obligations related to global climate change.

We are constantly striving to take a more coherent approach so that measures relating to climate and environment are integrated as far as possible into measures in the fields of health, sound natural resource management and business development. All development projects are screened for possible negative impact on among others climate, environment and human rights. We also promote delivering aid in a way that can catalyse private sector investments, for example through public-private cooperation. Climate-smart agriculture is an important field for us in the years ahead – both from a business perspective and from a climate perspective.

The Norwegian government has launched a *program to combat marine litter and microplastics in developing countries*, amounting to 200 million USD over the next four years. The funds will be targeted towards those regions most affected, aimed at improving prevention and waste management systems. It is estimated that more than 50% of marine plastic litter in the ocean stems from populous countries in South-East Asia due to the lack of proper waste management systems. A stronger global governance framework will also assist countries in developing national policies to combat marine litter and microplastics, and contribute to the fulfilment of the right to a safe, clean, healthy and sustainable environment on a national level.

Most of Norway's development funding is channeled through multilateral institutions. In the field of climate and environment the most important channels are The Green Climate Fund, the Global Environment Facility and the United Nations Environment Programme.