# Communication between Swedish public administrations and other organizations within the context of nature and culture conservation

**Faculty of Natural Resources and Agricultural Sciences**
**Department of Urban and Rural Development**
**Uppsala**

Lilly Kristensen & Ivan Majzlik

**Authors:**          Lilly Kristensen & Ivan Majzlik

**Title:**            Communication between Swedish public administrations and other organizations within the context of nature and culture conservation

**Keywords:**         aesthetic, ambiguity, cemetery, communication, culture conservation, definitions, nature conservation, power, safety, understanding

# ACKNOWLEDGEMENTS

# SUMMARY

Communication is a fundamental part of human interaction. Organizations are constituted by people and therefore proper communication is a prerequisite for the organization's functionality. This thesis sets its goal in an analysis of this phenomenon between a number of organizations within the scope of cemeteries in Sweden. The main focus is on the relations between nature conservation and culture conservation.

Semi-structured interviews with actors representing different levels of the hierarchy of the Swedish public administration as well as other organizations were conducted in order to investigate what the communication in the chosen topic looks like. The interviews were transcribed and categorized for the purpose of communication analysis. Several word categories comprising the respondents' answers were created in order to systematize all gained data. The most relevant parts of these answers were used as direct quotes to support the findings in the chapters Analysis and Discussion. These findings were interpreted by application of various theories regarding nature conservation, culture conservation and communication.

We conclude that there is an insufficient communication concerning the Swedish cemeteries. Shortcomings in both vertical and horizontal communication have been identified as well as an unequal relation between nature conservation on one hand and culture conservation plus other values such as safety and aesthetic on the other.

# TABLE OF CONTENT

# ABBREVATIONS

| | | |
|---|---|---|
| CAB | County Administrative Board | Länsstyrelsen |
| FSK | The Association of Cemetery Managers | Föreningen Sveriges Kyrkogårdschefer |
| | Habitat Protection Areas | Biotopskyddsområden |
| | The Heritage Conservation Act | Kulturminneslagen |
| SEPA | Swedish Environmental Protection Agency | Naturvårdsverket |
| | The Burial Act | Begravningslagen |
| SKAO | The Church of Sweden Employers´ Association | Svenska kyrkans arbetsgivarorganisation |
| SBA | The Swedish Board of Agriculture | Jordbruksverket |
| SNHB | The Swedish National Heritage Board | Riksantikvarieämbetet |
| | The Swedish Environmental Code | Miljöbalken |
| | The Swedish Work Environment Authority | Arbetsmiljöverket |
| | Work Environment Act | Arbetsmiljölagen |

# 1. INTRODUCTION

This master thesis is one out of many degree projects within the project "Environmental Issues in Church Yard Businesses" (SLU Movium n.d.). The suggested topic was within the scope of the authors´ background as students in the master program Environmental Communication and Management.

## 1.1 Background

Once upon a time it was a windy day somewhere in Sweden. Suddenly a tree fell down on a cemetery and unfortunately one person was hit and seriously injured. The owner of the land, the cemetery administration, was aware of that the tree was in bad condition. The cemetery administration had earlier reported it to the County Administrative Board, henceforth CAB, and consequently asked for a permission to cut it down due to safety. The application was dismissed and it was said that the tree had to be saved since it was important to keep it for other reasons. Despite the cemetery administration was aware of the potential risk, the tree had to be kept. The consequence of the accident was that the vicar, who had the vicarious liability, had to turn up in court since he had neglected his responsibilities on the property. Fortunately this story is made up, but according to respondents representing several actors on cemeteries, described in sub-chapter 1.2, this could be reality.

According to the Heritage Conservation Act (SFS 1988) permission is always required for significant alteration on a church site. Whenever a cemetery administration wants to change something on the cemetery they have to send in an application to the CAB. The application is received and processed by the CAB culture conservation department. If the alteration affects biological values the nature conservation department is consulted. The CAB nature conservation department has to consider the Environmental Code (SFS 1998a) in their decisions.

In the Environmental Code (SFS 1998a) chapter 7 § 11, Habitat Protection Areas are described to be protected. The decree SFS 1998:1252, Appendix 1 defines the Habitat Protection Areas which have to be taken into account (SFS 1998b). In order to help the CABs on how to interpret chapter 7 § 11, a handbook was issued in 1995 by the Swedish Environmental Protection Agency, henceforth SEPA (Naturvårdsverket 1995). Conditions changes as time goes on which meant the handbook became more and more out of date. The intention of SEPA was to start to work on a new handbook but it was delayed several times.

The delay forced some nature conservation administrators on CAB to somehow improve the situation. An informal project was started up by administrators from different CABs with the aim to make their own interpretations of the Habitat Protection Areas. The result of their work was a handbook covering important aspects they considered have to be taken into account (Miljösamverkan Sverige 2010). This handbook is used by the CABs until a new handbook is published by SEPA.

Today the Swedish Environmental Protection Agency, SEPA, is working on a new handbook for Habitat Protection Areas. An unofficial draft for the third section of the handbook was sent out in 2010 to a smaller group of actors for comments (Naturvårdsverket 2010). Two of the actors represented in this work sent their statements to SEPA in September 2010 (Svenska kyrkans arbetsgivarorganisation 2010; Riksantikvarieämbetet 2010). The unofficial draft contained ambiguities which the actors have commented upon. They also believed areas that were not considered before will be affected by Habitat Protection Areas according to the new handbook (Svenska kyrkans arbetsgivarorganisation 2010; Riksantikvarieämbetet 2010). The ambiguities in the unofficial draft in combination with months of silence have made the actors to wonder what is going on.

The scope of this thesis is limited to cemeteries where the Church of Sweden are principals and the Habitat Protection Areas avenues and stonewalls described in SFS 1998:1252 (1998b) Appendix 1.


## 1.2 Interviewed Actors

The actors listed below represents nature conservation, culture conservation and cemetery administrations. They are all in some way affected by Habitat Protection Areas on their workplaces. For this paper, respondents from Swedish public administrations and other organizations were contacted with the purpose to find out how they perceived the situation.


### 1.2.1 Swedish Environmental Protection Agency

The Swedish Environmental Protection Agency (SEPA) works on behalf of the Swedish government. SEPA for example assists when it comes to develop environmental policy by providing the government basis for decisions. SEPA also works with environmental policy implementation and also with the Swedish Environmental Code and achievement of the national environmental objectives (Naturvårdsverket 2011). In this thesis SEPA represents nature conservation on cemeteries.

### 1.2.2 The Swedish National Heritage Board

The Swedish National Heritage Board (SNHB) works on behalf of the Swedish government. SNHB is responsible for heritage and historic environment issues they also have a coordinating role in heritage promotion efforts and to ensure that the historic environment is preserved (Riksantikvarieämbetet 2008). SNHB works with the Heritage Conservation Act on a national level (Riksantikvarieämbetet 2009). In this thesis SNHB represents culture conservation on cemeteries.

### 1.2.3 County Administrative Board

Sweden comprises 21 counties and a County Administrative Board (CAB) is a government authority in each county. The CAB work as a link between people, municipalities, central authorities and government and its duties, for instance, comprise implementing national objectives and safeguarding the rule of law (Länsstyrelserna 2009a). The CAB ensures regional environmental objectives and environmental objectives decided by the government are implemented in the county (Länsstyrelserna 2009c). They are for instance also responsible for the cultural heritage in churches and on cemeteries as well as in the cultural landscape. When it comes to culture conservation, the CAB mainly works with the two laws the Heritage Conservation Act and the Environmental Code (Länsstyrelserna 2009b). There are both nature and culture conservation departments represented on a CAB and representatives from both departments were interviewed.

### 1.2.4 Church of Sweden Employer´s Association

The Church of Sweden Employers´ Association (SKAO) works for example with collective labour agreement, education, guidance and service within the areas of vicarious liability, cemetery administration and property management (Svenska kyrkans arbetsgivarorganisation n.d.a). In this thesis SKAO represents the cemetery administrations.

### 1.2.5 The Association of Cemetery Managers

The Association of Cemetery Managers (FSK) is a non-profit organization for professionals in leading position within cemeteries. The organization´s aims are for example to work for a sound cemetery culture, rational administration and organization as well as effective working methods within the burial area (Föreningen Sveriges Kyrkogårdschefer n.d.). In this thesis FSK represents the cemetery administrations.

## *1.3 Societal context*

The Church of Sweden Employers´ Association mentioned the new handbook regarding Habitat Protection Areas would include land with local plans (detaljplan) (Svenska kyrkans arbetsgivarorganisation 2010) and the Swedish National Heritage Board believed it would affect both land with local plans and land set aside for buildings (tomtmark) (Riksantikvarieämbetet 2010). If the handbook for Habitat Protection Areas comes into legal force and the interpretations are correct, more citizens and organizations in Sweden are believed to be affected. The risk is that they will not be aware of the protection and unintentionally break the law. Before carrying out any measurements a landowner has to apply for every exemption and in connection with that pay a fee. The processing of exemptions will most probably increase the administrative work for the authorities involved. But if exemptions always are approved the result is that landowners waste their money and it also implies unnecessary extra work for the administrators (Riksantikvarieämbetet 2010).

If the new handbook becomes valid, many trees on cemeteries will be protected and no actions or activities can take place within Habitat Protection Areas. Digging and soil preparation are examples of activities that cannot be carried out too close to a tree (Naturvårdsverket 2010). Depending on how the handbook is interpreted the consequence could be that it is more or less impossible to dig graves on small cemeteries.

## *1.4 Problem formulation*

Five actors were introduced above. No matter if we call them organizations, institutions or simply parts of the different levels of a 'bureaucratic system'. The structure which they are part of resembles a living organism. Each of these actors could be described as a single body organ and its employees as the organ's cells. If the employees, human beings, do cooperate and communicate between each other, the organ works and operates. But this is not enough to keep the whole living organism alive. The indispensable condition lies in the mutual cooperation and 'communication' between all organs. If they cooperate, everything is more or less all right and the organism flourishes. On the other hand, divergences, malfunction or even total absence of cooperation leads to problems and if not treated, to death.

We argue that in this case, communication between the actors has as pivotal role as in the above mentioned parallel with the living organism. We also believe that when it comes to people, the functional communication is a key basically to all problems. And since we as human beings do communicate all the time, it is impossible to avoid failures in

communication. But as Seneca, a Roman Stoic philosopher, said "Errare humamun est" (To err is human). Nevertheless, his idea further continues by words "sed in errare perserevare diabolicum" (but to persist in the error is diabolical).

The aim of this thesis is therefore to explore what communication in the chosen issue looks like. How do the actors perceive the situation? Do they want to change the present state or do they feel satisfied with it?

We have interviewed different people with different opinions and backgrounds in order to get an overview of the whole situation. How do they perceive their own roles and what are their opinions of the other actors? Do they feel their voice is being heard enough when cooperate and communicate with the other actors? What are their wishes or suggestions for the future? The following pages describe how their answers were processed, analyzed and connected with relevant theories in order to investigate the phenomenon of communication pertaining to this issue.

## 1.5 Research questions

- Does the communication between actors representing nature conservation and culture conservation affect the situation on cemeteries?

- What are the consequences of the actors' communication?

- How do the actors perceive their own roles and is that perception shared by the other actors?

## 2. METHOD

A qualitative study has been carried out using Kvale & Brinkmann (2009) as a baseline for how to conduct the interviews and process data. Theories described in chapter 3 are applied to the processed data in Analysis, chapter 4, and are the means to answer the research questions described in sub-chapter 1.5.

### *2.1 Conducting interviews*

The authors conducted six semi-structured interviews in one month period from 29th March - 28th April 2011. Each interview lasted 45-75 minutes and was undertaken in the respondents' respective workplaces. The respondents represented different public administrations and organizations and were located in six different provinces in the southern and middle part of Sweden. The diversity of locations demonstrates the importance of the issue for the whole Sweden and not just for one province or city. The respondents represent different levels of the hierarchy when it comes to legal matters on cemeteries, see table 1. The reason behind the two interviews with SNHB was that the first respondent suggested an interview with a colleague since not all questions were answered. Respondents' personal details are excluded due to ethical reasons.

The interviews were conducted in English which is not mother tongue neither for interviewers nor the respondents. If the respondents got stuck they had an assistance to translate from Swedish to English. The questions were adjusted to fit respondents from different organizations although the core of questions was the same. Reasons for changes were for example different questions order for the purpose of better understandability, omitting no longer relevant questions and implementation of new questions. The interviewers also got more experience to conduct the interviews which also to some extent most probably affected the outcome. One organization answered via e-mail on own request and the answers had to be translated from Swedish into English.

The number of prepared questions for each interview varied from 18 to 20. The questionnaire for the organization which answered via e-mail comprised 15 questions. Some of the original questions are enclosed as a general overview, see Appendix 1. To just read them could however cause a misleading impression, because not all findings are answers to the original questions. The prepared questions served just as a framework and a way to get deeper into the issues of interest. In order to understand and expand the answers subsidiary questions were asked and are not among the prepared questions. Kvale & Brinkmann (2009:

135-136) described different types of questions, for the interviews follow-up and probing questions were used with the intention to get more information and knowledge. It would be very complicated, if not impossible, to try to write them all down in order to provide the complete overview of all questions.

Table 1. English and Swedish names on the organizations that have been interviewed.

| English name | Swedish name | Remark |
|---|---|---|
| Swedish Environmental Protection Agency | Naturvårdsverket | 1 interview |
| The Swedish National Heritage Board | Riksantikvarieämbetet | 2 interviews |
| The County Administration Board | Länsstyrelsen | 1 interview Nature conservation 1 interview Culture conservation |
| Church of Sweden Employers´ Association | Svenska kyrkans Arbetsgivarorganisation | 1 interview |
| The Association of Cemetery Managers | Föreningen Sveriges Kyrkogårdschefer | 1 interview |

## 2.2 Processing interviews

All interviews were transcribed and processed with focus on meaning according to Kvale & Brinkmann (2009). As a support to understand on how to categorize the interviews a method described in Granskär & Höglund-Nielsen (2008) chapter 10 was used as a model. Units of sentences were extracted from the transcribed interviews and compiled in a table. The sentence units were condensed and narrowed down to categories. The categories were used to get a clearer picture of the collected data. The work to go through the transcriptions and categorize was first made individually. To increase the reliability, the transcriptions were worked through together a second time. Even though this is not a critical discourse analysis, Winther Jörgensen & Phillips (2002) figure 3.1 was used as a tool for understanding and interpretation of the collected data.

# 3. THEORY

Different theories applied in the Analysis and Discussion are presented in this chapter. The theory was used as a tool to explain and understand the findings from the interviews.

## *3.1 Theory regarding nature conservation and culture conservation*

According to Elling (2008) one limitation of science is that the ones controlling the process decide who is allowed to participate in the discussion and who is not. Another limitation is that other values, for instance aesthetics and culture are most likely excluded which is also mentioned by Schön (1991). Schön (1991) says we are trained to fit our worlds to science and technology, or as the author explained it, to Technical Rationality. Science and technology can only work if there are problems to solve in analytical or empirical ways. The problems have to be fixed and with clear ends, if not, there is nothing to solve. Technical Rationality provides us with specific answers which are limited by rigor or relevance. Experiments are repeated and data is presented. The disadvantages are that Technical Rationality cannot handle complexity and there is no space for discussion or reflection. We believe nature conservation is one illustration of Technical Rationality.

Sundin (2001) explains there is a close relation between the discourses of nature conservation and culture conservation in the Swedish landscape and there are difficulties to agree upon criteria for what is worth to preserve or to agree upon what is of national interest. The relation between them is problematic and one reason to the tensions is that both discourses gradually have enlarged their mandates and because of that there are more obvious contacts between the two in the landscape. They both have roots in the early 1800s and both are and have been closely connected to the state and the law-making and represent a scientific expertise. Despite their relations they have developed parallel and with no deeper contacts during the 1990s. Both discourses believe that there has been an earlier 'original' landscape, even though the interpretations differ, and have focus on protection and maintenance.

There is an administrative division of the landscape with a regionalization of the responsibility. Nature conservation and culture conservation are coordinated on county and municipality level but that has however not unified the two discourses and at the same time the two discourses are not enough to describe reality.

The theories mentioned above also relates to Sandström (2008: 32) who describes the modern nature conservation discourse and its four main characteristics

according to the following. "i) give government officials the prerogative to define what it is valuable to conserve, why and how ii) focus on preserving biological diversity values and downplaying other values e.g. cultural and economic values iii) establish and support institutions for nature conservation mainly through establishment of protected areas and through economic compensation iv) exclude others from taking part in the decision making process".

In a case regarding the Coastal Ring, Kustringen, where local people wanted to manage an area there was an issue with authorities and the modern nature conservation discourse. The local people criticized the nature reserve administration and one reason was that the authorities did not consider cultural history and local traditions. The local people also experienced ambiguities regarding the legislations since their case was interpreted differently by different authorities (Sandström 2008).

## 3.2 Theory regarding communication

Charon (2010) talks about the importance of taking the role of the other in communication. He also mentions the connection between the imagination and the ability to take the role of the others. It is evident that for functioning communication is the ability to see the world from the point of view of the others' crucial. Charon (2010) deals with the Symbolic Interactionism and therefore argues that taking the role of the other means that we are using symbolic framework of someone else – our classmates, friends, partners, colleagues, people we cannot stand or even our enemies, simply everyone we interact with. This is of course sometimes tricky and complicated. And since we are human beings and err is human, the communication process is not always flawless as we would like to be.

One way how to avoid some failures in the communication is presented by Rosenberg (2003; 2005) who describes how to communicate with the specific method called Non Violent Communication. The core idea of this method lies in Rosenberg's opinion that behind all human action, both constructive and destructive, there is an unmet need motivating that action. And if the communication evolves into a conflict, it means that it is also caused by unmet need. Non Violent Communication is about using meta-communication (communication about communication) and how to create an arena to make problem solving possible, as Rosenberg (2005: 2) describes "creating the conditions whereby everyone's needs will be met". Both Rosenberg (2003) and Charon (2010) emphasize the role of empathy for the successful communication. Rosenberg (2005: 4) further stresses out that "all human

beings have the same needs" and the only difference between us lies in the way we use for fulfilling these needs. Non Violent Communication is a way to give power to the participants involved and to make them understand that every voice matters. It is not about having a winner or a loser which would be the outcome of a conflict. However, when the communication fails, there is a need to retrace the origin of the conflict and try to solve such a situation.

Based on the different definitions of conflict, Daniels & Walker (2001) present the essential features of conflict situations. They also stress out the inevitability of conflict in human relations pointing out that conflicts occur within the social interaction. This finding brings us back to Charon (2010) and it means a failure in attempt to use someone else's symbolic framework. Glasl (1999) also presents the fundamentals of social conflicts. He deals with an assertion that social conflicts are based on differences, but at the same time, not every difference means automatically conflict. What matter is the way how such differences are handled and how do people experience them. Glasl further describes the role of personalities in conflicts, explains how conflicts escalate from a low intensity – small argumentation to a high intensity – fights and wars. He talks about the conflict resistance and the conflict resistance of the organizations.

When it comes to solution of conflict situations, one of the ways could be the usage of mediator. Bush & Folger (1994) describe two different ways of mediation. The first one is "problem solving" which is focused on problems solutions and settlements. This approach tends to be directive and tangible outcome oriented. The second one is "transformative approach" which is focused on empowerment (encouraging actors to define the issues and seek for the solutions) and recognition (recognizing the other actor's needs and understanding of the needs of the others) of the actors, instead of settlements. Whereas the first approach has become dominant, the second one received less emphasis during the last years. But according to Bush & Folger just "transformative approach" should be the prevailing approach in the future.

# 4. ANALYSIS

Nineteen different categories were identified in the interviews, see table 2. Nine categories were chosen for analysis. The selection was made with the aim to answer the research questions. Significant parts from the interviews were used as quotes to illustrate the respondent's perception of the situation.

Table 2. Identified categories from the interviews.

| Categories used for analysis | Categories not used for analysis |
|---|---|
| Ambiguity | Acknowledgement |
| Communication | Actors |
| Definitions | Denial |
| Desire | Duty |
| Power | Economy |
| Recognition | Enforcement |
| Responsibility | Information |
| Safety | Organization |
| Understanding | Regulation |
| | Values |

The following sub-chapters have the headlines where each of them is represented by one or two categories used for analysis, see table 2. Every sub-chapter contains one or more parts and these parts are named after a brief quote from the interviews. The respondents' words described the content better than anything else and the quotes also expressed the respondent perception of the situation.

## *4.1 Power*

This sub-chapter deals with the issue of power relations between the nature and culture conservation. Does science prevail in cemeteries or are the cultural values at the same level with nature values?

### 4.1.1"...nature issues in the society have a very strong voice."

Schön (1991: 39-40) describes the professional practice from the Technical Rationality point of view. For him, it is a process of problem solving – we solve the problems of choice or decision through the selection from available means. As one of the respondents said:

> *"Sometimes it's more about the culture, sometimes it's more about the nature. It depends on the situation."*

The word 'situation', mentioned in the quote above, is crucial here, because as Schön (1991: 40) further argues, with this emphasis on problem solving, that there is a tendency to ignore problem settings "the process by which we define the decision to be made, the ends to be achieved, the means which may be chosen". This tendency was also apparent during the interviews.

*" Yes, I think that you have to look at, as I said in the beginning, at the landscape as a landscape. And this is a part of landscape, it is man-made. And if you have that view, then it's a little bit easier, to penetrate the question. But if you go, if you put on your nature binocular, then you are going only look at the nature and if you have only your culture binocular, you are going only look at the culture."*

One of the fundamental features of the Technical Rationality lies in its relation to complexity, uncertainty, instability, uniqueness and value-conflict. According to Schön (1991: 39) such phenomena "do not fit the model of Technical Rationality". He further explains (1991: 41) that the Technical Rationality is dependent on agreement about ends. It means that when we can see clear and fixed ends, then "the decision to act can present itself as an instrumental problem". But on the other hand, when ends are unclear and conflicting, there is "as yet no 'problem'" to solve. This aspect plays an important role in the relation between culture and nature, because whereas nature conservation fits into the model of the Technical Rationality the culture conservation is outside of this 'science discourse'.

*"I think that it's much easier for those who are working with nature that their issues are more absolute."*

This also fits to one of the four main characteristics for the modern nature conservation discourse where it was described to "focus on preserving biological diversity values and downplaying other values e.g. cultural and economic values" (Sandström (2008: 32). This was also demonstrated by one respondent who described that the nature conservation had a strong voice and therefore the last say in the decisions.

*"But it always tends to be that issues from the nature department are always absolute as I said. They have always the last saying. And I think that is about how politics works. That nature issues in the society have a very strong voice."*

One perceived problem for the cemetery administrations was that the protection of Habitat Areas sometimes restricted them from carrying out their work. They believed their duty was to conduct burials and a cemetery was a place of repose.

*"The parishes, their first duty is to take care of dead people."*

The respondents also stressed there are several values besides nature and culture that have to be taken into consideration. How the modern nature conservation discourse affects safety on cemeteries is explored in sub-chapter 4.5.

*"So it´s a lot of categories. It´s not only nature and culture for the ones involved in this."*

## 4.2 Definitions

No matter what discourse has a stronger voice, there is still an issue of definitions. While the clear definition could clear things up, the vague one could create confusion. Vague definitions lead to many different interpretations depending on numerous unpredictable circumstances and therefore decrease transparency and strengthen the frustration of those who are affected by such interpretations.

### 4.2.1 "Definitions are very much needed in this case"

In order to avoid ambiguities, clear and unequivocal definitions are necessary. In the present state, there are definitions of terms differing from institution to institution. One illustration is the term 'avenue' which according to one respondent could be interpreted in many ways.

*"What stirs up the conceptual framework regarding cemetery issues, biotope protection is that the concept of avenue is interpreted like it is synonymous with a tree garland (trädkrans). According to the avenues concept it is enough to have certain number of trees in a row. And around a cemetery it is plenty of trees in a row. But we do not call that an avenue. Do you understand? But according to their regulations and their mapping of concepts several trees in a row means an avenue and then...this is here it begins somehow."*

There were also ambiguous definitions of the terms 'landscape' and 'road' which could be also interpreted differently as illustrated in the example below.

> *"This is the problem with all of this because you haven´t got the help, what´s an open landscape? How open? If you have a small forest or hurst or something like this. Is that not open because this is shadowing or whatever. And what is a road? Is it just a road when a car... or is it a road that the visitors walk on to their graves? Is that a road? And that are some of the questions we have asked many times but we didn´t get any reply."*

The handbook issued in 1995 regarding Habitat Protection Areas (Naturvårdsverket 1995) was described as an old tool. The respondents believed a new handbook with clear definitions was one way to sort things out. It was perceived as negative by many respondents with too much space for interpretation since it resulted in different decisions from different CABs, see sub-chapter 4.4.2. The whole issue could be summarized by one respondent's call for clear definitions:

> *"A relatively vague and non-specific legislation with old general advice lead to significant spaces for interpretations."*

## 4.3 Ambiguity

Clear definitions are, however, just one part of the puzzle. Another crucial element is a clear and unambiguous legal framework. Its essentials lay in the unequivocal definition of the sphere of action and legal force of every single piece of law. This principle of jurisprudence can be called a 'legal certainty' and guarantees to all legal subjects that they can be sure about the demands that the law makes of them. The principle of 'legal certainty' is one of the principles of the legally consistent state.

### 4.3.1 "So it could be laws in layers"

Some respondents explained there were ambiguities regarding the different legislation that have to be considered. This kind of ambiguity was also experienced by the actors in the case of the Coastal Ring (Sandström 2008: 35). The ambiguities were a source of frustration since different authorities made different interpretations, see also sub-chapter 4.2.

Four different laws were mentioned by one or more respondents during the interviews; the Environmental Code (SFS 1998a), the Heritage Conservation Act, (SFS 1988), the Burial Act, (SFS 1990) and the Work Environment Act, (SFS 1977). The respondents

were not able to answer which one was superior even though they had their own interpretations of it.

"*So it's a little bit complicated because none of the laws are above each other, they are beside each other.*"

If cemetery administrations sent in an application for exemption it was not obvious what the outcome would be since the laws could be interpreted differently. The mutual relation between laws was a matter of interpretation.

"*So, the rules how they connect, it is a question of importance for us.*"

This was not in line with what one of the authorities answered. They stated that it had to be the same interpretation for the whole country but what their role was to make it possible was not answered.

"*They are therefore dependent on clear guidance on how the rules should be applied in order to be confident in their exercise of authority, and for provisions to be applied in a uniform and due process in the various counties. The assessment of an application for exemption shall normally not be different depending on where you live.*"

This state of 'legal uncertainty' results in confusion and difficulties for the affected actors. And the cemetery administrations all around Sweden were aware of the laws could be interpreted differently depending on where the application was sent in which they believed was not satisfactory.

"*It´s going to be difficult for the owners of the cemeteries I think. It´s a problem. And it´s going to be clash between those different laws.*"

In the light of above mentioned facts, it is understandable that the actors require someone to sort out these ambiguities. They also wanted to know if there was one law that could be considered as superior.

"*...you have to have some kind of process between these different laws and try to come to an understanding.*"

## *4.4 Responsibility*

When it comes to the organizational structures containing several levels and complicated relations, such as public administration, it is crucial to clearly define the spheres of competence. Actors at each level have to know exactly what they are responsible for. If these definitions are unclear, there is a high probability of 'pushing down' of decision-making to lower levels in the structure. When there are no clear directions the risk is that the actors on the lower levels do not have enough information or different information and therefore are not able to carry out their work in a satisfactory way, especially when there also is an issue with definitions, see sub-chapter 4.2.1, and other perceived ambiguities. The outcome of such mixture is the inability to communicate with other actors and exercising power over actors on the lower levels of the structure.

**4.4.1 "... it has to be the same sort of handling in the whole Sweden."**
Elling (2008) describes there is a lack of communication between colleagues within ministries in the Danish Parliament and also a lack of communication between different ministries. This can be argued to take place also in this case between the authorities SEPA and SNHB. Actors who relied on the decisions from the governmental authorities were not satisfied with the outcome and expressed there had to be some kind of coordination between these two institutions.

"*Yes, the Church of Sweden has taken up this issue, by themselves. They think that the state has to talk, must coordinate itself.*"

The respondents expected the authorities to for example acknowledge the problems and questions the actors had on the lower levels. They wanted the authorities to discuss the issues at their level first and communicate a uniform answer to the lower levels in the hierarchy later on.

"*And SEPA and SNHB have to pick up the issues that come from the whole Sweden and discuss them at that level.*"

Since there was no uniform answer communicated, the next level in the hierarchy, represented by the CABs, had to come up with the answers which SEPA and SNHB were not able to provide. Despite the lack of support, the CABs had to be responsible and deal with the issues within their own organization. This is also explored in sub-chapter 4.4.2.

**4.4.2 "… every CAB is a little own country"**

**Interviewer:** *"So if you apply for something about trees to one CAB..."*
**Respondent:** *"Yes."*
**Interviewer:** *"So you get a yes-answer perhaps from the culture side..."*
**Respondent:** *"Yes"*
**Interviewer:** *"And no-answer from the… [nature side]"*
**Respondent:** *"Yes. If it is really bad, it can be like that."*

Sometimes the nature conservation and culture conservation departments of the same CAB did not give the same answer regarding the same matter. It was possible to have different answers from the same CAB depending on how the communication worked in the county. This finding corresponds to Sundin (2001) and his explanation that the regionalization of the responsibility have not unified the discourses of nature conservation and culture conservation. This has been also observed by one of the respondents outside CAB.

> *"There are different departments in the CAB. And sometimes they talk to each other and sometimes they don't."*

There is one nature conservation and one culture conservation department at the 21 different CABs and they could interpret a case differently which meant that it theoretically could be 42 different answers for the same question. It is obvious that the actors on lower levels require a coherency in CABs' statements.

> *"CAB has to know. We can´t have… we simply cannot have different answers from different CABs."*

The different answers between different CABs or even within the same CAB was not satisfactory for the cemeteries since they expected to get the same answer regardless where in Sweden an application for exemption was sent in.

> *"They must... from the CAB, there must be one answer!"*

Even though some respondents overall perception was that there were different answers from the CABs it is necessary to add that some CABs were aware of their responsibility to speak with one voice.

> *"So, our first main work is to discuss here internal in CAB"*.

The importance of balance between the culture conservation and nature conservation was also stressed out by one of the authorities. There was obviously a bias between the authority's and other actors' perception of reality. What kind of support the CABs had been offered was not elaborated.

> *"It is important to have well-functioning procedures for consultation on issues affecting both nature and culture conservation, so that both natural and cultural values can be preserved as much as possible. The CAB is the operational supervisor and their organization includes both nature and culture conservation departments and both departments should be involved in issues with to common values such as cemeteries."*

Another finding indicated that some CABs were exercising power over actors on the lower levels. Two respondents for instance mentioned a document called "The Action Plan for Trees with High Conservation Values" issued by Naturvårdsverket (2004). This document was a recommendation from SEPA to the CABs on how to deal with old and from a biological point of view valuable trees. The CABs sometimes referred to this recommendation in their decisions.

> *"When we apply for permission from CAB according to the Cultural Heritage Act to for example remove a tree and they use the Action Plan for Trees with High Conservation Values in their decision. To us as a third party it becomes a legal act and enforcing so to say."*

The main difference between recommendation and legislation lies in the fact that the recommendation cannot be enforceable by action. But in a decision from an authority it is not possible to distinguish the two since a cemetery administration has to obey.

**Respondent:** *"..and that is what CAB should know. It is not a law."*

**Interviewer:** *"And do they know?"*

**Respondent:** *"Yes, in a way they must, but they act and work like it is a law. And that's a great difference!"*

On the other hand, it is quite understandable that this was a matter of misinterpretations. As mentioned in the previous sub-chapter, SEPA and SNHB made the CABs more or less responsible for the issues they cannot influence. Since both a 'supreme authority' and guidance were missing, it was not unexpected to hear that someone mentioned it.

*"There is no umbrella, not that I can see. No. So we wait for someone to tell us to what to do, to solve the problems. "*

This is, however, in contradiction with the description of SEPA's role in the issue. SEPA pointed out that their task was to give the actors guidance.

*"SEPA´s task is to guide the CABs and municipalities regarding how the Habitat Protection Areas should be applied to ensure that the statutory protection of natural environment with its fauna and flora are met."*

The question is what institution should become such 'supreme authority'? Should it be some 'central CAB' or a completely different, new and independent institution? Or perhaps SEPA and SNHB are the ones that are the 'supreme authorities' even though they did not exercise their power in a transparent and, for other actors, understandable way. One of the respondents suggested SEPA to take the role of 'supreme authority'. But it is obvious that at least this respondent did not perceive the consistency between SEPA's words and action.

*"I would like them to be the spider in the web, the one who is going to take in the CABs problems and then try to do something that we can use. That's the role I wish SEPA would take."*

In a statement from SEPA they presented their own authoritative role as more or less according the suggestion mentioned above. How they communicated this message was not explored.

*"It is important that SEPA consults and communicates with other relevant agencies..."*

It is apparent that some coordination of all CABs also was missing in this case. One respondent did not know what the role of the other CABs was in the process of creating the handbook regarding Habitat Protection Areas.

*"I would like to be in very early in process like this. But perhaps some from CAB have been...we don't know. I don't know who has done this or whose sitting in the reference group."*

## *4.5 Safety*

Neither nature conservation nor culture conservation comprise aspects such as safety. However, on cemeteries, this aspect cannot be left out. The following sub-chapter describes how safety is dealt with in our case.

### 4.5.1 "Grave yards trees that could fall down and hurt people"

Sundin (2001) mentions that the two discourses nature conservation and culture conservation were not enough to describe all values which in this case meant that for example safety aspects were not covered which also is highlighted by Schön (1991: 43). Schön argues that one of the consequences of applying the Technical Rationality even carried unacceptable risks to environmental quality or human safety and health. Safety on cemeteries was perceived as a very important issue by several respondents. As mentioned by one actor:

> *"We can´t take those trees down we can´t take branches away and they are falling down and they are falling on the heads on people that are going to the church yard".*

The model of the Technical Rationality represents a special way of thinking; one could perhaps say 'scientifically rigid', and is not able to handle the complexity of some problems. The cemetery administrations were responsible for safety and work environment on cemeteries. This was not taken into consideration by the CAB since they were able to force a cemetery to keep a tree on the cemetery, despite the fact it was considered as dangerous. One suggestion from CAB on how to deal with safety aspects was to build a barrier to prevent people to enter the danger zone.

> *"The problem is that we have the responsibility if something happens. Even if we are told not to remove one tree. So if something happens the authorities will not take any responsibility. It is we that are responsible to rope off but I do not believe that you can rope off cemeteries."*

Depending on where the barrier was situated the CAB actually forced the cemetery administrations to break another law. Grave right holders have the right to visit their graves according to the Burial Act (SFS 1990) and a barrier must not restrict the visits which actually could be the case.

*"… because I don't think they really understand the meaning of churchyards when it comes to practical work. I mean in Sweden we have the holder of grave right, that right is very strong in Sweden and we are talking about coffin graves and urn graves."*

In one answer from SEPA safety aspects was said to be considered regarding protected trees. What kind of support SEPA provided the CABs to make necessary decisions was not elaborated and how safety should be considered is a matter of interpretation.

*"Regarding protected trees, there is a safety aspect to consider because of the risk of falling branches or whole trees increases when the trees get old."*

A CAB had to consider both the biological values and safety aspects and the cemetery administrations were well aware of this. But from a cemetery administration's point of view the safety aspect was more crucial and had to be dealt with.

*"I can understand that there are high biological values but at the same time it is a working place, a place for people working here or visiting the cemetery."*

Even if there were issues on how to deal with safety, another authority had the mandate to supersede public administrations representing nature conservation and culture conservation and in special cases put a stop to further discussions. The Swedish Work Environment Authority stressed that safety aspects according to Work Environment Act (SFS 1977) were superior and had the last say. This highlights that laws are in layers as mentioned in 4.3.1.

One respondent representing culture conservation expressed this is not a way forward. The tension between culture conservation and culture conservation has to be dealt with. Otherwise the actors are prevented from seeing other values on cemeteries that also have to be taken into account.

*"At that side we have the safety side, we have the Swedish Work Environment Authority. And they can say that you must take the tree down or something like that. It can´t be like that I think. It´s not a way to go."*

## *4.6 Desire and Recognition*

As mentioned above, the complicated organizational structure can be very tricky. Such structures are prone to unfair treatment of the actors on the lowest levels. Those who are being disregarded of course feel the need to be regarded as equal and to be recognized as legitimate actors.

### 4.6.1 "The cemetery people very much would like to have a say"

Regarding the communication internally within the cemetery administrations one respondent stated that it works well.

> *"Generally speaking the cemetery organization has a good dialogue internally. We speak a lot with each other."*

When summarizing comments and facts one finding was that the cemetery administrations' external communication could be improved. If the external communication was improved it could strengthen their position as an important actor.

> *"So, the Church of Sweden is very strong part and they want to have their voice heard."*

One distortion in the external communication was how the Church of Sweden and cemeteries were organized. It was perceived as unclear which made authorities to hesitate who to address.

> *"… the cemeteries are a complicated organization in Sweden so they have told me they don´t know who to invite."*

In a report from 2007 the Swedish Work Environment Authority presented that the organizational structure and the responsibility distribution within the Church of Sweden was unclear regarding work environment (Svenska kyrkans arbetsgivarorganisation n.d.b). Even if the Church of Sweden has solved the work environment issue, the question is if it perhaps affected other parts of their organization such as communication with and transparency for other actors. As an illustration of the non-transparency, we were not able to find an overview where all cemetery administrations were presented on internet. As a citizen or an organization such tool could be useful to have when searching for information regarding the more than 700 cemeteries connected to the Church of Sweden.

*" This organization has a lot of members out in the country. It is over 700 parishes that are members here."*

The respondents pointed out that cemetery administrations sometimes were restricted by CAB when it came to management of trees. On the other hand it could be argued that cemetery administrations sometimes applied for exemptions too late since there already was a problem and the situation was hard to solve. For instance, small cemetery administrations with a limited number of employees, might need extra help to be able to start their actions at an early stage.

*"But out on the country there is only a priest and an organist and one caretaker."*

The CAB wanted the cemetery administrations to work with maintenance in a structured way. To be able to plan for the future the employees needs to have the right knowledge and also have time to work continuously with the issues on a cemetery.

*"Because of that we want them to work systematically with a cemetery. To produce a tree maintenance plan or a plan for the structure or for gravel paths."*

The Association of Cemetery Managers highlighted this matter on their homepage and said that maintenance of the cemeteries to a large extent had been carried out by seasonal workers and this was a disadvantage when it came to for example the competence among the employees (Föreningen Sveriges Kyrkogårdschefer n.d.). In fact, a lack of competence could also affect other actors' perception of cemetery administrations and consider whether they were legitimate actors or not. It could also be the answer why the cemetery administrations in some cases applied for exemptions when it was too late.

On the other hand, there has to be reasons why cemeteries were perceived as valuable biotopes. How the cemetery administrations have managed them throughout the years could be one answer to this. If the Church of Sweden was more transparent it might be the case that the knowledge within the organization also could be a resource available for other actors.

*"Because the people working on cemeteries are very good to work with biotopes, trees and avenues. That´s why we have very good environments. And if you listen to this people you could learn a lot from that I think."*

## *4.7 Communication*

Maintaining communication is an eternal process and creation of a communication process between actors representing two seemingly incompatible views is a real challenge. It is common that opinion divergences or even conflicts occur and then there is a question how to solve such situations in a satisfactory manner. Another point is a situation where one side perceives the other side's communication as insufficient.

**4.7.1 "There is sometimes obviously conflict between nature and culture."**

One of the questions for respondents was if they did see a conflict. When analysing the data we realised the answers did not correspond to the question. Our perception of a conflict was not shared by the respondents. The word conflict was not defined in the same way by all involved in the interview situation. One respondent managed to reflect upon the question and on own words. In the beginning of the interview the respondent talked about a situation where the conflict took place.

> *"… and there is the conflict. Because it is coming from the upper levels. It's not a conflict out in the real work when it comes to the practical work."*

Later on during the interview the respondent was hesitating regarding the statement and did not want to use the word conflict again. A short passage of the transcribed interview is quoted in order to demonstrate this:

**Interviewer 1:** *"Do you think there even is a conflict between the nature conservation and culture conservation?"*

**Respondent:** *"Well, I think I have used that word before, but it´s maybe, it's too strong. Give me give me a milder word for it, what can that be, not a conflict... a big discussion."*

**Interviewer 1:** *"Like a goal divergence? Or different goals it´s one point and conflict is stronger..."*

**Respondent:** *"Conflict is stronger, yes."*

**Interviewer 1:** *"So that's why we were..."*

**Respondent:** *"Maybe we shouldn't use that word, it's... it's too strong."*

**Interviewer 2:** *"OK."*

**Interviewer 1:** *"So the different goals or goal divergence is better"*

**Respondent:** *"Yes, that's better."*

**Interviewer 2:** *"Different opinions."*

**Respondent:** *"Yeah, opinions."*

This respondent unwittingly stressed out the importance of the clear definition of words such as conflict. It was obvious that for this respondent, conflict is a strong word and most likely with a negative connotation. Such an interpretation is quite common and understandable, because in the moment of its occurrence, most of the conflicts are interpreted as a trouble or at least an inconvenience. But in spite of the capability of human behaviour which could be characterized by famous Plautus' idea "homo homini lupus" (man is a wolf to his fellow man), generally most of the human beings strive for a life in a peace and harmony. Seneca described this as "homo homini sacra res" (man is something sacred for man).

But on the other hand, from the long-term perspective, some of the conflicts can have a positive impact on the situation and strengthen the relations between the actors. Daniels & Walker (2001: 26) describe conflict as "incompatibility involving issues, parties, processes and outcomes" and they continue with stressing out Folger's et al (1997: 12) assertion that "conflict is one of the most dramatic – and sometimes traumatic – events in life". Daniels & Walker (2001: 26) make another important remark and say that conflict is "an inevitable part of human interaction". The authors (2001: 27) also mention McCorkle & Mills (1992) finding, that from the Euro-American cultural point of view, conflict is by definition negative. This could be demonstrated by the respondent's opinion above. But at the same time, Daniels & Walker (2001: 28) explain that according to the leading scholars "conflict is neither inherently positive nor negative" and "rather, it has the potential to be either". Based on the different definition of conflict, Daniels & Walker (2001: 28) indicate the inevitability of conflict in human relations and collected some key features of conflict situations. These are "perceived incompatibility; interests, goals, aspirations; interaction; communication; negotiation; strategy/strategic behavior". They (2001: 33) further argue that "conflicts do not occur in a vacuum". Daniels & Walker (2001) support their assertion by mentioning Deutsch's (1973) remark that conflict is a social interaction and therefore take place in a social environment.

When it comes to a conflict management, Daniels & Walker (2001: 35) explain that its strategy "must be responsive to the particular situation in which conflict occurs" and that most of the complex conflicts cannot most likely be resolved to the satisfaction of all actors involved. More likely, such situations can be managed well enough, so they will not

turn into destruction later on. Daniels & Walker (2001: 35) argue that "improvements in the ways that we manage a conflict situation constitute progress"

**4.7.2 "...we haven´t heard anything yet."**

SEPA explained the handbook regarding Habitat Protection Areas is worked through in different steps. The first two sections of the handbook were sent out to a reference group and comments have already been collected. The third section, which is in focus for this thesis, was sent out to a smaller group for comments and the official reference group has not seen it yet. SEPA also explained that the handbook itself is delayed due to heavy workload and reorganization and that this was communicated to the other actors.

> *"We have during some occasions informed about that the work is delayed."*

Even though SEPA has informed about the present state about the handbook it can be considered as insufficient. One respondent explained that the only communication from SEPA's side rested in the confirmation of the respondent's suggestions had been received.

> *"They gave me one reply that they have received it, but not more than that. And I am eager to know what they are doing with it!"*

In other cases the actors were not aware of the information that delay have been communicated and are still waiting for some kind of action from SEPA.

> *"I got this in July 2010 and then the plan was that it should be on submission for comment in the fall the same year, but we haven't heard anything yet."*

At the same time the respondents were aware of it takes time to process a document. They also administrate their own issues and knows how long it can take before everything is finished.

> *"We have our own letters of comments and we give the other institutions and organizations two months for their statements and then we have to look into it and do something, write it in a new way and it takes time, it does. So it's not unusual, not at all."*

They also came up with their own explanations and suggestions on why the process was slowed down and, as Charon (2010) explains it, took the role of the other.

> *"But of course it could also be other personal reasons that people quit or the authority should move, so a lot of things could be the reason."*

The respondents expressed a wish to be involved in the process in one way or another in the future and wanted their suggestions to be considered. This wish is to some extent planned to be met by SEPA. They explained that when they start up the work again, other actors will have an opportunity to comment upon the document.

> *"When this takes place, those who have commented will be contacted when needed to discuss/clarify the questions. Communication whether their views have been considered or not will also take place."*

## *4.8 Understanding*

The key element of all communication lies in ability to listen and the proper interpretation of what has been said by the other side. But this can be very hard, especially when it comes to sides representing two seemingly incompatible views, as mentioned above. Nevertheless, there are ways how to manage such task.

### 4.8.1 "More listening… more dialogue… from their side"

When listening to the interviews or reading the transcriptions, one could easily get an impression that something very important was missing. Some of the answers revealed the respondents had limited abilities to take the perspective of the other side and to see issues from that person's angle. It has also been indicated by respondents themselves.

> *"This is of course difficult for culture heritage people to realize because they could not understand that the landscape is so changed and depleted and that these trees only are on our graveyards."*

> *"Because I don't think they really understand the meaning of churchyards when it comes to practical work"*

One case was explained where the nature conservation departments from different CABs had limited abilities to understand their own colleagues' point of view.

*"Some of the CABs don't think that this is a big issue, because they can't understand why our nature department is so hard about this"*.

There were also situations when the people within one nature conservation department could have such an incompatibility and limited understanding.

*"It's the same between nature people, if you are ornithologist...if you are a bird person or a plant person, botanist."*

It was obvious that the ability to take the role of the others, to see the world from another point of view was crucial in this case. Blumer (1969: 82) talks about Mead's concept of taking the role of others that "the individual seeks to ascertain the intention or direction of the acts of others. He forms and aligns his own action on the basis such interpretation of the facts of others." Charon (2010: 104) says that taking the role of the other "involves using symbols, because taking on a perspective means we are using someone else's symbolic framework". Lack of this could be expressed by one respondent's statements.

*"And they have also different knowledge about the problems or they are from the nature side and we are from the culture side. We do not have knowledge of each other."*

*"Because I think it´s maybe problem with communication between nature and culture and different peoples because they don´t talk the same language."*

*"Yes you could see that we have a problem. Or if they do not see it as a problem. Maybe from their point of view it is not a problem."*

Charon (2010: 104) further mentions the connection with taking the role of the other, mind, symbols and the self and that "nature of the human beings depends on these four socially created qualities". This theory means that this nature is not biological but a product of social interaction. The importance of the ability to take the role of the others, no matter if good or bad action, Charon (2010: 106) demonstrates by this statement "The successes of Adolf Hitler...or Mother Theresa...depend on their ability to take the role of other". It is also related to social intelligence and include emotional components such as an ability to take on emotions of the others and understand their feelings or/and develop our feelings about them. This is also sometimes referred to as the aspects of so-called emotional intelligence (EQ).

During the interviews some of the respondents themselves took the role of the other. One respondent representing the culture conservation saw the importance of the handbook for the people working with nature conservation.

*"Yes, because I have understood that these guidelines for nature are very important for their work."*

Another respondent representing the nature conservation reflected upon how the culture conservation interprets the landscape.

*"But then it's the view of landscape in a park, with a castle....there you must see to the historical, and we can do that. So in many ways, in many cases, we don't have a problem."*

But there was still one question hanging in the air. How to improve this situation? The answer could be also found in the opinions of the respondents. They all expressed a wish for communication and to work together with other actors to improve the present situation.

*"If we listen to each other it could become something good about it. We could learn from each other and make compromises. "*

The respondents were aware of other values represented on a cemetery beside their own. It also seemed to be very important to openly communicate about the values even though it affected or had an impact on their own field of work. But to be able to handle the values in the future the actors have to coordinate their actions.

*"Because it's a misunderstanding if people think that culture does not care about nature. That's not the thing... but you have to put it into a place, in the situation."*

*"So we are not against biodiversity but you must have it, you must look at both sides you can´t just look at one side."*

Such words could provide 'empowerment' as well as 'recognition' to the other side and make the whole process to run smoother. Both terms will be elaborated on in detail within the scope of the chapter Discussion.

### 4.8.2 "...it could clear out when it is valid or not."

To summarize chapter 4, the respondents were talking about different issues that in one way or another were connected to each other. Even if they did not express it explicitly the overall impression was that this stalemate had lasted for a long time and therefore we believe the actors were stuck in their roles and did not know how to continue. In this case the handbook regarding Habitat Protection Areas seemed to be a trigger that made people to react. Again they were facing ambiguities, too much space for interpretations and lack of definitions. The respondents expressed a need for a change.

> *"I think they have to straighten out and be clear regarding when and where it is valid."*

In general no one expressed they were against Habitat Protection Areas. All respondents mentioned during the interviews that biodiversity is important.

> *"The purpose is good. I think it´s good things actually in this one."*

Rather, we believe the lack of transparency, communication and human interaction have caused the respondent reactions. The actors wanted to be invited to a discussion with SEPA since there already were questions they believed had to be taken into account. The actors wanted to have their voices heard but were hesitating regarding who to address. This is corresponding to Elling´s (2008) theory. He explained that in the name of science the ones controlling the process restrict who are allowed to participate in discussions. To exclude actors is a way to exercise power and also a way to enlarge the mandate in the landscape (Sundin 2001).

This thesis, as mentioned before, is only valid for cemeteries and two out of seven Habitat Protection Areas. The respondents explained during the interviews there are a lot of other actors not operating on cemeteries that will be affected by the handbook and they all have their own demands and special cases. The other actors most probably also want be listened to and how a participatory process could look like is elaborated within the scope of the chapter Discussion.

# 5. DISCUSSION

Some of the findings from the chapter Analysis are discussed on the following pages. The possible drawbacks of the thesis are also mentioned as well as suggestions for the future such as the ways how to improve the communication process.

## *5.1 Critique on own study*

We are aware of the fact that interviews are socially constructed situations (Kvale & Brinkmann 2009) and the interaction affects the outcome. The validity depends on interaction between the authors and the respondents which has consequences for the document and how it should be read. One interview was carried out via e-mail which means its outcome differed from the other interviews. The main difference lies in the fact that it was not possible to use subsidiary questions which leaves more space for misunderstandings and even misinterpretations of the answers.

All actors involved can use a strategy to leave out information referred to as 'black boxing' (Hajer 1997) and select what information to present. With this method it is possible to manipulate and ensure that your own agenda is prioritized. It might also be the case that respondents had an agenda that was in conflict with ours. Another way to own the agenda is to choose the actors to be committed (Hajer 1997). We were recommended by one of the actors to contact the respondents since they in one way or another were involved in the case. One way for us to challenge a possible hidden agenda was to contact people that were not recommended. By doing so we found out that those people were not aware of the phenomenon described in the thesis.

In all cases, except for one, just one person from each organization was interviewed. For this case we do not believe more interviews would have resulted in more information, we realized that the respondents were confirming each other's statements. This thesis is, however, a snapshot of reality since the respondents cannot possibly provide us with the full picture during one interview.

## *5.2 Downplayed values*

Safety was perceived as one of the most important things that have to be handled. Despite all actors agreed upon that, the decisions sometimes diverged from their statements. To sort things out, safety has to be communicated coherently through the hierarchy. It has also to be declared what priority safety has compared to other aspects.

One respondent suggested one way to deal with safety. The suggestion was to invite actors to a sensory experience and see what it looks like on different cemeteries. Direct observations are also mentioned by Hajer (1997) as a way for actors to see how it is in reality.

*"And try to communicate on realistic examples, not just in theory. Go out on a churchyard and have a discussion out there. I think that would be a way to solve it. Not just, you look in a document for permission and you don't take yourself out in the reality."*

In chapter 3 the nature conservation discourse was presented to exclude other values such as aesthetic. It is so because, as Schön (1991) argues, science and technology cannot encompass the complexity and accept the necessity of a space for discussion and reflection. But we argue that aesthetic have to be taken into account on cemeteries. This was also stated by one of the authorities.

*"In the vicinity of churches, other cultural buildings, residential buildings etc, besides a cultural aspect there can also be an aesthetic experience aspect that may need to be considered besides the biological aspects."*

The main purpose of a cemetery is obvious, it is a place of repose. Dead people do not mind what the cemeteries looks like, but those who are visiting their graves do.

*"In the cemeteries it can be perceived negatively by visitors if there are dead trees."*

Sometimes a cemetery visit itself can be pretty depressing even if the surroundings look nice. But if aesthetic values are downplayed and neglected, the visit can have a more negative impact on the visitor than necessary. This is illustrated by a spontaneous reaction of one of the authors during one interview:

*"It looks like dead people, dead trees"*

### 5.3 Who is a legitimate actor?

When processing the collected data there was one answer from SEPA that attracted our attention. SEPA explained that other actors will be contacted and invited to participate in the process to develop the handbook regarding Habitat Protection Areas.

> "*Other actors have had opportunities to influence the content of the Handbook, they have been invited to participate in a reference group to comment upon the text at an early stage.*"

This answer rendered in a new question. Who are 'other actors' and who is excluded? Sandström (2008: 32) describes that the modern nature conservation "exclude others from taking part in the decision making process". Evidently this is still valid and one of the respondents was downplayed and obviously not considered as a legitimate actor. This could be demonstrated by the following quote:

> "*I think they are not listening enough to the people that are affected by it.*"

The respondents also described that actors working in parks and on cemeteries were excluded from the process and have had no opportunity to make their voices heard. This was expressed during the interview.

> "*No people that work with parks or cemeteries are in the reference group.*"

We argue that it is possible to question if SEPA is a legitimate actor and it is a matter of definition. When reading SFS 1998:1252 (1998b) Appendix 1 it is explicitly said that the Habitat Protection Areas are situated in agricultural land. In fact, the Swedish Board of Agriculture (SBA) who works on behalf of the Swedish government is the expert authority regarding agriculture (Jordbruksverket 2010). So is it SEPA or SBA that is the authority to be in charge of the Habitat Protection Areas?

### 5.4 Formal structures – informal communication

A public administration is usually a multilevel and complicated structure with predetermined limits (Hajer 1997). The complexity and formality of the public administration result in a top-down communication and an outcome oriented approach.

When analyzing the processed data one finding was in the formal structure of different institutions there are informal ways to communicate. It starts from the top level and

it is permeating the whole way down. To rely too much on informal communication has disadvantages in formal matters. There has to be a receiver in the other end and therefore informal communication is restricted to the administrators' personal networks.

*"It depends on if you know a person there or not."*

In order to make change in this case we argue that formal ways to communicate have to be both approved and improved. It was obvious the actors hesitated how to address their issues in a proper way. The authorities were encouraged to improve the communication between themselves in an informal way which is one of many steps forward but not good enough.

*"The ministers they always say to us: You must work together with those questions because you can´t stand at one side. You find one person and you and that person have a line between you can´t work like that, you must have a connection between you. So we are trying to have this connection between us."*

The actors on the lower levels of the structure, the CABs, are supposed to perform their duties and to reach goals, very often without a chance to get any guidelines even though they ask for it. Their call for guidance is being neglected while a need to continue to work is persisting. There is a dilemma how to handle such an ambivalent situation. One way is to rely on the informal communication between the actors on the same level. That communication cannot solve the problem completely, but it can at least decrease the level of uncertainty and make work easier.

*"Because we learn when we talk to each other, like administrators and we learn that we don't do the same in all of Sweden. So we wanted to reach some level or agree on what this law would be and then we were six or seven persons from different CABs. And the person from SEPA was supposed to be a part of that project... but she was almost not there I am sorry to say. But we tried to agree on some things, how we should look at this law. And we reached some level, we didn't reach all the way but a bit of the way."*

## 5.5 Suggestion for the future

There are ways to make change and improve the situation. One way is to start a process where communication is the means to improve the situation. A good starting point is the process of producing the handbook regarding Habitat Protection Areas. There are probably other subjects interconnected and will be dealt with at the same time as a bonus. The process has to be prioritized and legitimate otherwise both time and money are wasted. If such process takes place, several topics highlighted in this work could be addressed. First of all the ambiguities have to be sorted out. One suggestion is to start with definitions and reach consensus among the actors. There are several questions that have to be answered. What is an avenue and what type of stone wall is included in the protection? How to define the surroundings and areas to include? Another question is if there is one authority that has the interpretative prerogative on cemeteries and if one out of many laws valid on cemeteries can be considered as superior. How to realize such communication process is proposed in the next sub-chapter.

## 5.6 Ways to communicate

One of the respondents expressed a desire for a seminar where this issue could be discussed openly. We have even been suggested to organize such event.

> *"Maybe you should have a seminar, I think many people should come...before you are finished..."*

This idea could be approached from two points of view – two different roles of those, mediator or facilitator, and who would organize such a seminar. The first role could be called a mediator. This approach is described by Bush & Folger (1994) and deals with the situations where some kind of conflict is perceived by all actors involved. They present a specific case and demonstrate how mediation could work if a transformative approach is applied. There are several key points which need to be taken into consideration in order to reach a successful mediation. The first one came in the very beginning of the process, perhaps even before the event itself. The mediators must not decide on their own who will be invited to participate in such a seminar. This move would dis-empower the actors, even before addressing the issue itself (Bush & Folger, 1994). As Bush & Folger (1994: 119) argue, "empowerment is not limited to giving the parties control over outcomes. It includes giving disputants control over process issues". An opportunity should be given to all possible actors to participate in order to avoid statements such as:

*"But no one that works on cemeteries has been involved to produce ´it´"*.

Another crucial point lied in the clear explanation of the role of the mediator to all actors. They have to be transparent and manage to explain they are not judges. They should be able to emphasize that focus on reaching the tangible outcomes is neither primary, nor the only goal of the seminar (Bush & Folger 1994). Mediators have also to be very sensitive when it comes to identification of an opportunity for recognition when actors use meta-communication. During the interviews the respondents themselves sometimes used meta-communication in their answers.

*"I believe we have tried to tell that we are interested of these questions and we want to have a dialogue. We have not felt that there is a response from the SEPA. We have not had a dialogue. "*

*"From my horizon I would like see to how my opinion has been taken care of."*

Bush & Folger (1994: 123) further stress out the importance of successful recognition "unless such recognition giving statements are highlighted for the parties, they can easily be lost in the rush of the session". Generally, it is possible to say that a problem-solving view causing an excessive emphasis on the tangible outcomes should be suppressed. According to Bush & Folger (1994: 138) the actors should be allowed to "deal with the issues that lay at the heart of the matter for them" and rather than the settlement, "it might have produced terms that dealt with these concerns and that rested on new understanding and commitments". And even if any tangible outcome is not produced, the experience of the successful process could have produced the similar effects and reflect actors' concerns and decisions rather than mediator's (Bush & Folger 1994).

The second role could be called a facilitator. This approach deals with the situations which are not necessarily perceived as conflicting by all actors. If this issue is about to be discussed, such a seminar could be useful in order to provide a global overview of the present situation for all actors involved. Another role of the seminar could be in something which can be called 'planning the future scenarios'. It means what could possibly happen in the future and its consequences for the actors. As we explained in sub-chapter 4.7.1 the word conflict is a matter of definition and if a communication process takes place this has to be sorted out.  However, some of the respondents perceive the present state of the issue as a conflict:

*"But there is sometimes obviously conflict between nature and culture"*

*"There is a conflict between nature and culture at the regional level..."*

But their statements were not consistent. For example, one respondent explained where the conflict took place.

*"...and there is the conflict, because it is coming from the upper levels. It's not a conflict out in the real work when it comes to the practical work..."*

But what happens if a real conflict occurs? In that case, such seminar could be useful in order to strengthen the conflict resistance in the future. Glasl's ideas (1999: 25) concerning "conflict resistance of organization" could be applied here. Another Glasl´s (1999: 6) remark is also relevant in this situation – try to make involved actors "to handle differences, tensions and conflicts constructively" which means build "conflict resistance".

As mentioned above, some actors perceive the present state of the issue as a conflict, some do not. This could cause a problem how to make those who do not see any conflict to participate in such seminar and make them acknowledge its importance. Another challenge for a facilitator is a risk of being an outsider, a facilitator coming from the different part of country, as well as being a foreigner and/or student. Being an outsider could be both difficulty and advantage. Difficulty lies in actors objections that facilitator does not know the actors at all and therefore does not how to help them. This could be however eliminated even before the event itself when all actors agree that they will accept the facilitator and trust him/her. An advantage of being an outsider lies in the fact that such a facilitator has no reason to take part of any actor or even follow some own hidden agenda. Bennet (1997) adds another argument in favor of being an outsider - he says that when the facilitator knows too much about the issue, it could cause doubts among actors. He/she is no longer perceived as a facilitator, but rather as an expert which could decrease the trust in his/her skills and especially creates doubts of his/her impartiality.

When it comes to the outcome of the seminar, it could be very tricky to convince the actors that process itself could be more important and useful than some tangible outcome. The importance of the process is mentioned by Rosenberg (2003; 2005) and Bush & Folger (1994). Rosenberg (2003; 2005) points out the compromises and mutual listening to each others' needs. Bush & Folgers´ (1994: 138) ideas are mentioned above.

Bush & Folger (1994) further stress out that a facilitator should intervene as little as possible and let the actors take the decision by themselves. It is not the facilitator what

really matters. His/her role lies in creation and nurturing such conditions in which all actors can freely discuss and share their points of view. A facilitator should also have very good communication skills including the ability remain silent and simply listen to the actors and also be able to mirror and reflect upon what the actors are saying.

Last but not least there is an issue of power relations. As mentioned above, there is several problems such as ambiguities regarding different authorities having different interpretations, the nature side has the last say, some actors' voices are not being heard enough etc. All these facts would be probably perceived negatively and it is up to facilitator to handle problems arising from this power relations. One of the possible solutions could be to follow Daniels & Walker's (2001: 52) recommendation, that the best strategy should be implemented "through communication interaction in order to deal with conflict constructively".

Ways to communicate in order to make change as demonstrated above could be a research subject for a doctoral dissertation within the field of Environmental Communication.

# 6. CONCLUSION

This work started with a hypothetical story with a falling tree on a cemetery. But such event is just the utmost moment of the chain of events resulting in casualty. We argue that a falling tree is not a cause of the problem, but rather its consequence. It is a consequence of insufficient communication, imbalanced relation between nature conservation and culture conservation and a lack of mutual understanding, which is demonstrated in this master thesis.

# 7. REFERENCES

## Published sources

Bennet J (1997) *Vision 21 Toolkit. Facilitation, Communication, Awareness, Techniques and Tools and Advanced Tools for involvement.* Vision 21: UK

Blumer H (1969 *Symbolic interactionism. Perspective and method.* Prentice-Hall Englewood: Cliffs, NJ

Bush R A B & Folger J P (1994) *The promise of mediation. Responding to conflict through empowerment and recognition.* Jossey-Bass: San Francisco

Charon J M (2010) *Symbolic interactionism. An introduction, an interpretation, an integration.* Pearson: USA

Daniels E & Walker G B (2001) Working through Environmental Conflicts. The collaborative learning approach. Praeger Publishers: Westport

Deutsch M (1973) The Resolution of Conflict; Constructive and Destructive Processes. Yale University Press: New Haven

Elling B (2008) Rationality and the environment: decision-making in environmental politics and assessment. Earthscan: London

Folger J P, Poole M S & Stutman R K (1997) *Working Through Conflict.* Addison-Wesley: New York

Granskär M & Höglund-Nielsen B, ed. (2008) *Tillämpad kvalitativ forskning inom hälso- och sjukvård.* Studentlitteratur: Lund

Glasl F (1999) *Confronting conflict. A first-aid kit for handling conflict.* Hawthorne press: Tyne and Wear

Hajer M (1997) *The politics of environmental discourse: Ecological modernization and the policy process.* Oxford University Press: Oxford

Kvale S & Brinkmann S (2009) *InterViews: learning the craft of qualitative research interviewing.* Sage Publications: Los Angeles

McCorkle S & Mills J L (1992) *Rowboat in a hurricane: Metaphors of interpersonal conflict management.* Communication Reports 5 (2) 57-66

Rosenberg M B (2003) *Nonviolent communication. A language of life.* Puddle dancer press: Encinitas

Rosenberg M B (2005) *We Can Work It Out: Resolving Conflicts Peacefully and Powerfully.* Puddle Dancer Press: Encinitas

Schön D A (1991) *The reflective practitioner. How professionals think in action.* Arena: England

Sundin B ed. (2001) *Landskapet som arena. Vetenskapen, institutionerna och miljön, 1800-2000.* Skrifter från forskningsprogrammet Landskapet som arena. Nr 1

Winther Jörgensen M & Phillips L (2002) *Discourse analysis as theory and method.* Sage: London


**Internet sources**

Föreningen Sveriges Kyrkogårdschefer (n.d.) *Verksamhet* [online] www.kyrkogardschefer.se [2011-04-17]

Jordbruksverket (2010) *About the Board of Agriculture.* [online] www.jordbruksverket.se/swedishboardofagriculture/aboutus.4.6621c2fb1231eb 917e680002485.html [2011-05-10]

Länsstyrelserna (2009a) *What is the County Administrative Board?* [online] www3.lansstyrelsen.se/lst/en [2011-04-17]

Länsstyrelserna (2009b) *Cultural environment.* [online] www3.lansstyrelsen.se/lst/en/cultural_environment.htm [2011-04-17]

Länsstyrelserna (2009c) *Environmental objectives.* [online] www3.lansstyrelsen.se/lst/en/environmental_objectives.htm [2011-04-17]

Miljösamverkan Sverige (2010) *Biotopskydd - bråkiga begrepp.* [online] http://miljosamverkansverige.se/projekt/Rapport%20biotopskydd/Biotopskydd %20-%20bråkiga%20begrepp.pdf [2011-04-21]

Naturvårdsverket (1995) *Biotopskydd. Allmänna råd 95-4.* [online] http://nvv005.naturvardsverket.se/pdf/620-0090-X.pdf [2011-04-28]

Naturvårdsverket (2004) *Åtgärdsprogram för särskilt skyddsvärda träd i kulturlandskapet.* [online] www.naturvardsverket.se/Documents/publikationer/620-5411-2.pdf [2011-04-25]

Naturvårdsverket (2011) *About the Swedish Environmental Protection Agency.* [online] www.naturvardsverket.se/en/In-English/Start/About-the-Swedish-Environmental-Protection-Agency [2011-04-17]

Riksantikvarieämbetet (2008) *Our Mission.* [online] www.raa.se/cms/extern/en/about_us/our_mission/our_mission.html [2011-04-17]

Riksantikvarieämbetet (2009) *Heritage Conservation Act.* [online]
www.raa.se/cms/en/cultural_heritage_586/legislation_and_resposibility/heritage
_conservation_act.html [2011-05-04]

Sandström E (2008) *Reinventing the Commons. Exploring the Emergence of Local Natural
Resource Management Arrangements.* Doctoral Dissertation. Acta Universitatis
Agriculturae Suecia 2008:48. [online]
http://pub.epsilon.slu.se/1798/1/Avhandling_nr_48.2008_tryckfil.pdf [2011-04-
20]

SFS (1977) *Arbetsmiljölag (1977:1160).* [online]
www.notisum.se/rnp/sls/lag/19771160.HTM [2011-05-04]

SFS (1988) *Lag (1988:950) om kulturminnen m.m.* [online]
www.notisum.se/rnp/sls/lag/19880950.htm [2011-05-04]

SFS (1998a) *Miljöbalk (1998:808).* [online] www.notisum.se/rnp/sls/lag/19980808.HTM
[2011-04-21]

SFS (1998b) *Förordning (1998:1252) om områdesskydd enligt miljöbalken m.m.* [online]
www.notisum.se/rnp/sls/lag/19981252.HTM# [2011-04-21]

SFS (1990) *Begravningslag (1990:1144).* [online] www.notisum.se/rnp/sls/lag/19901144.htm
[2011-05-04]

SLU Movium (n.d) *Church Yards.* [online]
www.movium.slu.se/studenter/dokument/101011_Churchyard.pdf [2011-04-17]

Svenska kyrkans arbetsgivarorganisation (n.d.a) *Om Svenska kyrkans
arbetsgivarorganisation.* [online]
www.svenskakyrkan.se/default.aspx?id=646312 [2011-04-23]

Svenska kyrkans arbetsgivarorganisation (n.d.b) *Nationella satsningar på arbetsmiljö.*
[online] www.svenskakyrkan.se/default.aspx?id=641311 [2011-04-17]

## Not published sources

Naturvårdsverket (2010) *Förhandsremiss för delavsnitt ur kommande handbok för biotopskyddsområden.*

Riksantikvarieämbetet (2010) *Yttrande. Handbok för biotopskyddsområden. Dnr 335-1092-2010.*

Svenska kyrkans arbetsgivarorganisation (2010) *Yttrande över förhandsremiss för delavsnitt ur kommande handbok för biotopskyddsområden. Dnr 2010/184.*

# APPENDIX 1

Overview of general questions to respondents

1. Can you see any other factors need to be taken into consideration besides culture conservation and nature conservation?

2. Could you describe how communication between you and the SEPA look like?

3. Do you have any objections to the way how the communication between you and the SEPA concerning the handbook is being conducted so far?

4. Could this communication be improved somehow?
   If so, how? Do you have any suggestions?

5. How do you perceive role of your organization in this issue (handbook)?

6. Do you think that your voice is being heard enough?

7. How do you perceive the role of the SEPA in this issue (handbook)?

8. Will the upgraded version of the handbook affect more land (Habitat Protection Area) than the previous one?

9. How do you communicate with the other actors involved in the issue?

10. Do you coordinate your actions with other actors?

11. Have you had a chance to respond to the letter on the handbook?
    How did you do it?

12. And how was the SEPA's reaction to your comments?
    And was there any?

13. How do you feel/perceives the present state of the issue?

14. Do you have any idea when the handbook becomes a valid document?

15. How would affect you if the handbook is authorized without your comments being take into consideration?

16. Do you think/perceive that there is a different view on the way how to reach the goal between the culture conservation and nature conservation?

17. Do you think/perceive that there is a goal divergence (different goals) between the culture conservation and nature conservation?

18. Or do you think there is even a conflict?