

Management of reindeer husbandry in Norway – power-sharing and participation

Birgitte Ulvevadet

Department of biology, Project Ecosystem Finnmark, University of Tromsø, N-9037 Tromsø, Norway (birgitte.ulvevadet@ib.uit.no).

Abstract. Many governments have come to realize that the best way to manage natural resources is to include the resource users in order to increase legitimacy for governance. For the Sami reindeer industry, the Norwegian government has implemented two different management models in order to meet this challenge. On the one hand, there is a corporative management model where a few democratically elected reindeer owners represent the whole industry in the annual negotiations with the government. On the other hand, there is a co-management model where reindeer owners are represented in boards at the local, regional and national levels where the government has delegated a number of management functions. In addition, there is also a hierarchical administrative management system, with only public officials as employees. Nevertheless, through media, surveys and interviews, there has been observed some dissatisfaction among reindeer owners; they claim that the system is not inclusive. I argue that the election of reindeer owners to the different co-management boards and the election of reindeer owners to the corporative units have been challenging because it is difficult to establish systems of representation that are fair for everyone. I also argue that it is complicated to make such comprehensive systems work in practice, as initially planned on paper.

Key words: co-management, corporativism, user-group involvement, co-operation, politics.

Rangifer, 28 (1): 53 – 78

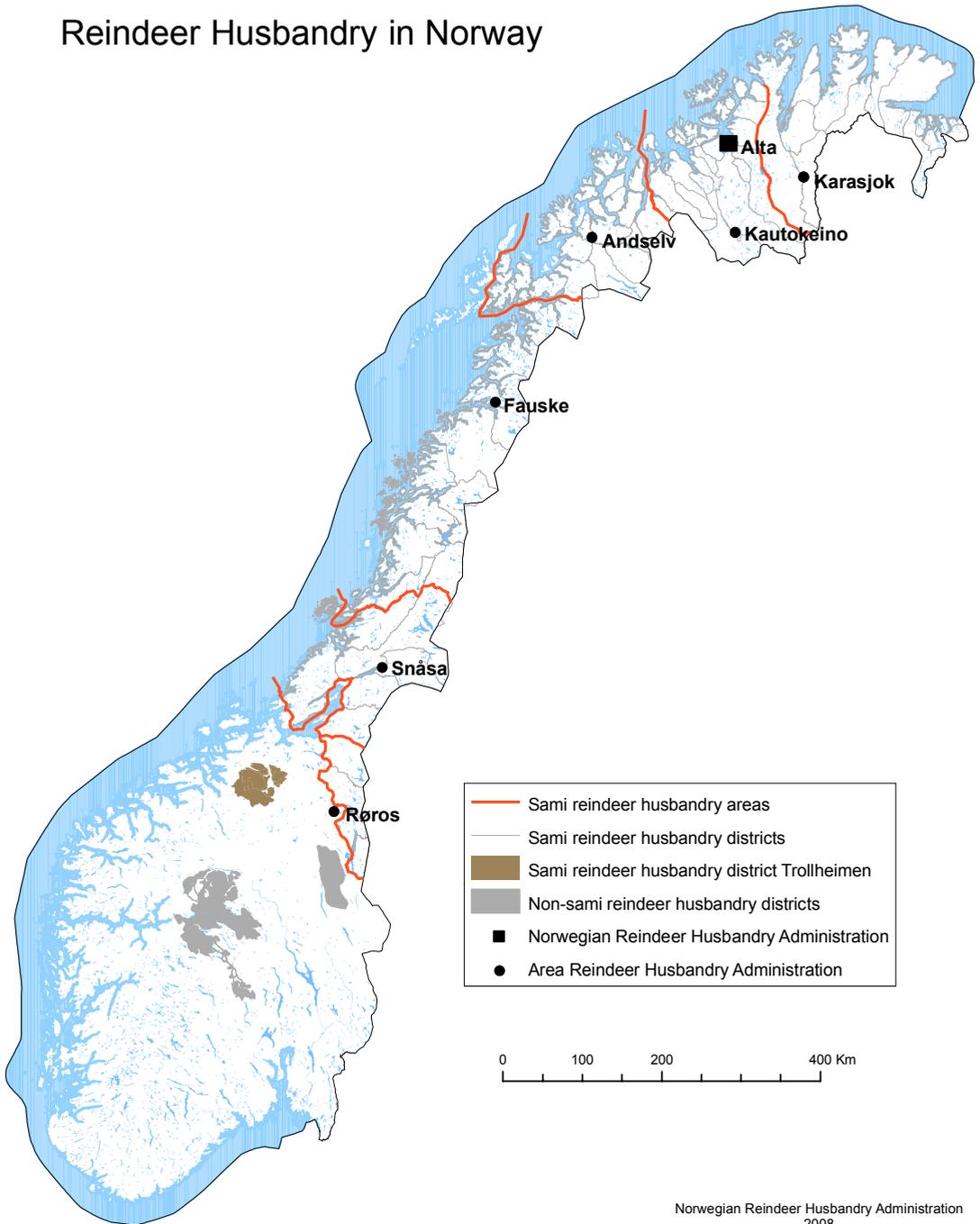
Introduction

Some reindeer owners claim that they are not part of the political and managerial system of reindeer management in Norway. It is difficult to say if this view is caused by lack of actual power among the reindeer owners in the corporative and the co-management systems. The problems could also be attributed to inefficiency in the regime because of a lack of communication and co-operation between the different parts of the co-management organization.

This article focuses on power-sharing, co-operation and participation. 1) It gives a short theoretical overview of the two management

regimes, corporatism and co-management, and the notion of legitimacy. 2) It explores the two management models as they were implemented in the Reindeer Husbandry Law of 1978 (1978 law): The corporative organisation and the co-management organisation. 3) It discusses some main points and trends of the reform process of the previous 1978 law. It will compare the changes suggested by the law committee and the changes subsequently implemented by the Ministry of Agriculture and Food (MAF). Lastly, there will be some concluding remarks regarding power-sharing, user group participation, communication and co-operation (Weiss, 1994:42-43).

Reindeer Husbandry in Norway



Norwegian Reindeer Husbandry Administration
2008

Fig. 1. The reindeer husbandry areas in Norway and the administrative centres of reindeer husbandry management. The six reindeer husbandry areas (regions) denoted from north to south are: East-Finmark, West-Finmark, Troms, Nordland, North-Trøndelag and South-Trøndelag/Hedmark.

Management of Norwegian reindeer husbandry involves a complex co-management system with participation of user groups and stakeholders and power-sharing from the bottom to the top (Jentoft, 1998:179-180). In this regime there are three organizational systems with vertical and horizontal interaction among all its organizational parts.

Firstly, there is the hierarchical administrative office system that goes from the Parliament, through MAF, further through the directorate—the Norwegian Reindeer Husbandry Administration (RA)¹ with its six area reindeer husbandry administrations located within the six main herding areas at the regional level (see Fig. 1). These regional agencies provide reindeer owners with assistance and advice² if needed. (Kalstad, 1999:206; *Reindriftsforvaltningen* [Norwegian Reindeer Husbandry Administration] 2008:1).

Secondly, we have the industrial corporative system that goes from the national interest organization of reindeer husbandry—the Sami Reindeer Herders' Association of Norway (NRL)—to its six regional associations, also located within the six main herding areas (Kalstad, 1999:209). With this type of political system, the most important economic and political decisions are made together with the industrial interest organization and the state after negotiations. The power is often centralized in the hands of a few elected people who use this power to make important decisions on behalf of its members (Schmitter, 1979:20-22; Østerud, 1991:83). There are many different constellations of interests among the members, and all of them have expectations as to the outcome of the negotiations (Rokkan, 1987:104).

Thirdly, we have the co-management system that goes from the Reindeer Husbandry Board

at the national level, through six area boards at regional levels to the eighty district boards at local levels³ (Kalstad, 1999:182; *Reindriftsloven* [Reindeer Husbandry Law], 2007, §43-44, §71-72; *Reindriftsforvaltningen*, 2008:79-164). Reindeer owners are the sole members of the district boards. Members of the area boards are appointed by the Sami Parliament and the County Council (*Fylkestinget*), while members of the Reindeer Husbandry Board are appointed by MAF and the Sami Parliament. The members are, therefore, politically active people with various professional backgrounds and many of them are reindeer owners (see textbox).

Percentage reindeer owners in different boards.

The percentage of reindeer owners varies among the different boards and changes every fourth year when new area board members are elected. From 1996 the area board in Hedmark/South-Trøndelag has usually had about 60% reindeer owners. The area board in North-Trøndelag has usually had about 60% reindeer owners. The area board in Nordland has usually had about 70-80% reindeer owners, but the newly elected area board for 2008-2012 has 40% reindeer owners. The area board in Troms has usually had about 70-80% reindeer owners, but the newly elected area board has for the first time 100% reindeer owners. The area board in West-Finmark has, with only a few exceptions, had 100% reindeer owners. The newly elected area board for 2008-2012 has one non-reindeer owner, the vice-chair. The area-board in East-Finmark has also, with only a few exceptions, had 100% reindeer owners. The Reindeer Husbandry Board also varies from time to time. The current Reindeer Husbandry Board (2006-2009) has for the first time a majority of reindeer owners. There are four reindeer owners and three non-owners.

The government usually delegates these co-management boards some degree of autonomy by giving the board members a number of management responsibilities. The delegation of such power is believed to make resource use

1 RA is located in West-Finmark, which is the largest reindeer herding area.

2 It would be help for instance with applications and to explain rules and regulations.

3 The number of districts often changes because some districts are merged while others are divided (*Reindriftsforvaltningen*, 2005).

ers more accountable and thereby more dedicated to implementing management decisions. The intention of participation and power-sharing is therefore to strengthen the legitimacy of the system and contribute to better co-operation among the resource users (St.meld.nr.28 (1991-92):120; Jentoft, 1998:71-72, 164-168; Kalstad, 1999:189).

All of these systems are intertwined in different ways, resulting in a system where reindeer owners have a say in management of reindeer husbandry from the bottom-level all the way up to MAF. The management system in Norway is unique when compared to management of reindeer husbandry in other countries such as Sweden, Finland, the US (Alaska) and Russia (Ulvevadet & Russell, 2004:154-155).

Despite a high degree of participatory democracy, research demonstrates that there is some dissatisfaction among reindeer owners and they claim that they feel powerless in this political system⁴ (Sara, 1993: 125-129; Sara & Karlstad, 1993:43-45; Paine, 1994:134-167; Hågvar, 2006:177-179). How can this be?

Methodologically, the findings in the article are based primarily on a study of documents. It has a special emphasis on the law committee's recommendation concerning the content of the new Reindeer Husbandry Law (NOU 2001:35), and it also uses some of the committee members as informants (Lofland & Lofland, 1995:71). This study focuses on co-management and the committee focuses on co-management in parts of its revision of the law.

4 There are many reindeer owners who are generally satisfied with the current co-management system; for instance politically active reindeer owners, reindeer owners who do not experience difficulties in their daily activities such as conflicts with farmers or other reindeer owners, or those who have the opinion that the government has good intentions with the industry even though it is not able to satisfy all their needs.

Other informants are chosen for the importance of their position in the administration and boards as well as for their knowledge of some specific aspects of the management regime (Weiss, 1994:34; Lofland & Lofland, 1995:61). Interviews were conducted with representatives from the reindeer husbandry administration (central and area [regional] offices), MAF, the Sami Parliament which does not participate in the reindeer husbandry administrative system, representatives from NRL, representatives from an alternative but currently defunct reindeer husbandry association, some private⁵ reindeer owners, representatives from the Reindeer Husbandry Board, representatives from some of the area boards, as well as two professors—Kirsti Strøm Bull from the Nordic Sami Institute/University of Oslo and Nils Oskal from the Sami University College (Lofland & Lofland, 1995:84-86).

Representatives from MAF and the Reindeer Husbandry Administration (central and area offices), as well as Bull and Oskal are used as supervisors in this work, and their opinions and statements are not personally cited in this study. The rest of the informants are anonymous and their statements are therefore anonymous (Weiss, 1994:131-134; Lofland & Lofland, 1995:43-44, 75-76).

Corporative management, co-management and legitimacy

Centralized participation through corporatism

Schmitter (1979:13) defines corporate management as:

"(...) a system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories"

5 Private reindeer owners means that the owners are talking only on behalf of themselves and about their personal opinions and not on behalf of any organization.

ries, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands.”

Corporatism is a form of social organization in which the most important economic and political decisions are made together between corporative groups and the state. Since the 1970s, a manifold of different interest organizations began to participate at different levels in public councils and decision-making authorities (Østerud, 1991:82). This form of corporatism has emerged through voluntary co-operation between government and organizations. In this regard, there has been much discussion about whether the participating organizations achieve real power in the decision-making arenas or not. The answer to this will differ from case to case, because some organizations and sectors are more powerful than others (Rokkan, 1987:95-110; Østerud, 1991:82).

Another form of corporatism, which is more relevant for this discussion, is interest representation in government administration and management (Østerud, 1991:83). This kind of corporatism is the usual way in Scandinavia of representing the interest of a group of people with common interests. The power is centralized in the hands of a few who use this power on behalf of others. People have influence only through their membership in the corporative organizations they belong to (Schmitter, 1979:13; Williamson, 1989:80; Abercrombie *et al.*, 1994:89-90). A central element in Schmitter's definition is that the interests of a group of people are represented by a limited number of units/organizations. These are groups of people who share common interests within a functional category (Schmitter, 1979:20-22; Williamson, 1989:80), such as the reindeer owners. The reindeer owners are not heard directly by the government; instead

they co-operate and communicate with the administration in the unit, or in our case, the industrial interest organization NRL, which represents the resource users (NRL, 1978). The interest organization communicates and co-operates with its members and organizes their interests into a program or into demands, which the leader subsequently presents to the government (Schmitter, 1979:20-22; Williamson, 1989:80). Some have argued that such a process makes the division between the public sphere and the private sphere vague (Rokkan, 1987:103), and Rokkan argues that a close relationship between the representatives of the interest organization and the bureaucrats can make them less conscious of the members' interests (Rokkan, 1987:104).

According to Schmitter's definition, the industrial interest organization is recognized or licensed by the state, which means that the organization has a legal and formal right to speak on behalf of all the resource users irrespective of membership, and in this way it is granted a powerful monopoly in mediating between the government and the industry. In some industries, such as the reindeer industry in Norway today, we find only one interest organization, NRL. In other industries we might find two or more, which gives the participants more choice and probably leads to a greater balance of power between the people and the organizations, since the organizations must work harder to satisfy their members⁶ (Schmitter, 1979:20-22; Williamson, 1989:80).

Decentralized participation through co-management

It is understood that the main purpose of co-management is to strengthen legitimacy in resource management. It is meant to decrease

⁶ We find e.g. two interest organizations representing the Norwegian farmers: The Norwegian Farmers' Union and the Norwegian Farmers and Smallholders' Union (<http://www.bondelaget.no/>; <http://www.smabrukarlaget.no/>).

conflicts among the social actors and make resource users accountable and thereby more committed to implementing decisions. Co-management boards/arenas are usually delegated a certain degree of autonomy by giving the participants different kinds of management responsibilities, for instance, in supervising that users comply with prevailing rules and regulations, by arranging constructive co-operation among the resource users, and by providing information regarding new management practices and so forth. However, when co-management is working we also find other latent functions deriving from the co-management process itself: we see the redistribution of rights to resources and subsequent empowerment of indigenous or local communities by including local knowledge in the decisions (Jentoft, 1998:71-72, 164-165).

The basis of this discussion will be Jentoft's definition of co-management because it fuses together main elements from different authors' ideas of what co-management represents:

“Co-management is a collaborative and participatory process of regulatory decision-making between representatives of user-groups, government agencies, research institutions and other stakeholders.”

(Jentoft, 2003:3).

Even though it is not directly stated, power-sharing and partnership is an essential part of this definition, because without these two elements there is no co-management (Jentoft, 1998:164-165; 2003:3).

In order for co-management to work in practice, a fair share of power must be distributed among the actors. It is argued that supportive tenure rights, policies and legislation are important for this process. The main objective of co-management is the attempt to establish a territorial representation of a community or geographical district where close family and social relations play an important role and

where the resource users share a common history and future. This socio-cultural closeness, combined with local experience-based knowledge about the resources and a feeling of some kind of ownership and responsibility to the resource will, in theory, comprise the basis of co-management. Co-management is achieved through the implementation of co-management boards, where users and other stakeholders are included in decision-making processes (Jentoft, 1989:143; 1998:166-168).

This is easier said than done. As Pomeroy & Berkes (1997) argue, whatever form and degree of power-sharing the co-management arrangement achieves, the process will always be political. Procedures involve mobilized interests and a struggle for power between different private actors, between public actors and between central and local levels (Pomeroy & Berkes, 1997:466,478). The issue of trust is essential for the sharing of power, because without some degree of trust the state will not devolve power if they believe it will be misused by the resource users. Past experience will usually determine trust (Christensen *et al.*, 2004:116-119).

Political legitimacy

The discussion regarding legitimacy is often complicated. The term is difficult to define and it is almost impossible to measure. The concept is widely used and refers to different situations. The modern problem of legitimacy has become a problem of political representation and consent. In order for societies to develop positively, there must be legitimacy for rules and regulations. This would mean that the law is a critical aspect of this picture, and adherence or non-adherence to the law could become an indicator of legitimacy (Weber, 1978: 32-36).

People will have different reasons for ascribing to normative orders. Their view of what is legitimate will differ as well as why they view

something as legitimate (Jentoft, 2000:142). Within the same society and even within small communities we can find different local traditions. This means that what feels right for people with one tradition does not feel right for people with another tradition. Today, however, most sectors are governed by law, and this may be the most important source for compliance (Weber, 1978:32-36, 644-645). If user-groups do not comply they are legally sanctioned. However, when there is legitimacy for governance then management will be more successful (Jentoft, 1998:163-164).

New debates about prevailing governance are constantly developing and changes are being made in order to increase legitimacy. Making changes is a challenging process due to the difficulty for users in general to come up with concrete suggestions about what they want (Olsen, 1997:207-209, 213-215). People want different things and it is difficult to find unanimous solutions to prevailing problems. This issue appears within the social heterogeneity we find among members of society, and there is no easy solution to the problem (Christensen

et al., 2004:134-136, 144-145). New orders may therefore be consensual for the majority, while they are imposed on the minority. Weber argues that even when agreements are formally voluntary, it is common to have some measure of imposition (Weber, 1978:50-51). In addition, those with sound and comprehensive knowledge of the organization and politics form coalitions and achieve power (Christensen *et al.*, 2004:145).

Corporatism: Direct negotiations between government and user groups

Government and reindeer owners

NRL annually negotiates a reindeer husbandry agreement directly with the government through MAF. Besides the reindeer husbandry law, the reindeer husbandry agreement is the most important vehicle for the follow-up of the objectives and guidelines in reindeer husbandry policies. In the negotiations between NRL and MAF important economic questions are discussed (St.meld.nr.28 (1991-92):63; Sara, 1993:101-103; Kalstad, 1999: 185, 209; St. prp. Nr. 64 (2005-2006):5-7).

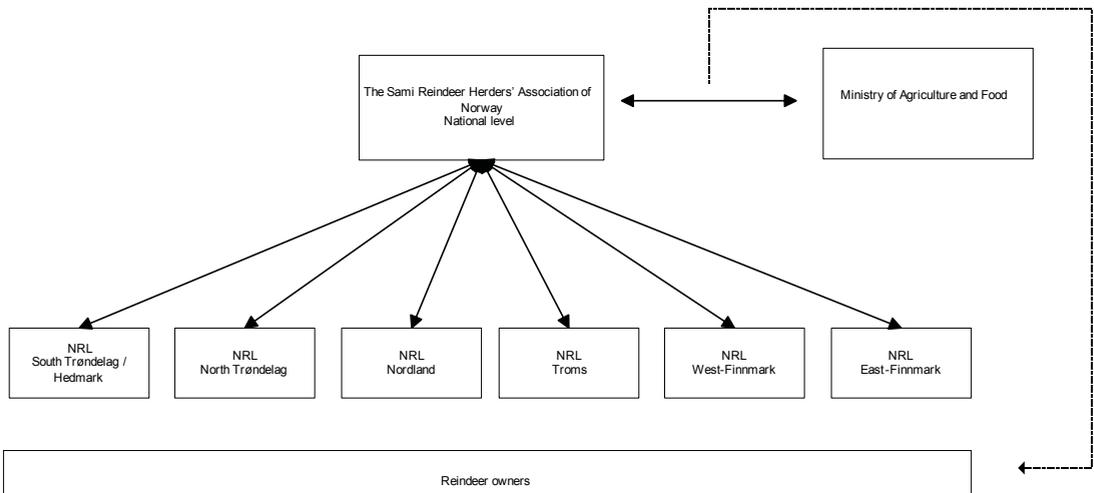


Fig. 2. The corporative system of the national interest organization of the reindeer industry.

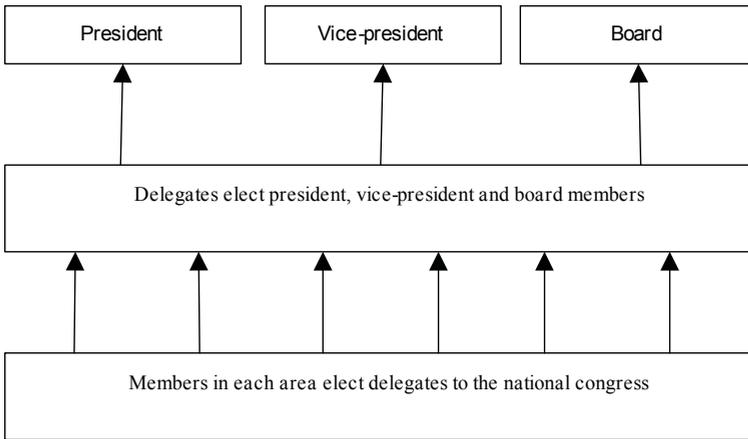


Fig. 3. Election to NRL.

Election of regional and national executives to NRL
 NRL is part of the corporative system in reindeer husbandry (see Fig. 2). According to NRL's by-laws §4, once a year members (> 16 years old) of NRL in each of the six regions elect one person who is in charge of the regional unit of NRL in their respective herding area. Additionally, they elect the delegates to the national congress. The number of NRL-members in each of the six regions is proportionate to the number of delegates representing them at the national congress (NRL, 1978; Berg, 1997:119; Kalstad, 1999:209). Thus, when there are more members in a certain area there is more power for the reindeer owners in that area.

The herding areas are geographically spread from the Russian border in the northeast to the eastern part of South Norway and the ecological environment varies throughout these areas from south to north. This gives the reindeer owners' different conditions for action and consequently different needs and thereby different interests which results in different political objectives (Kalstad, 1999:210-211). It is therefore crucial that the leadership of NRL has exceptional knowledge and understanding of the situation in the various areas.

Every second year the delegates vote for a

president, a vice-president and for board members of NRL (see Fig. 3). The NRL board is comprised of one member from each of the six reindeer husbandry areas, as well as a president and vice-president and a total of eight members. In this political process the delegates will vote for the leadership/president that will have in mind the best interests of the area they represent (NRL, 2005).

Thus, we see an organizational system where the reindeer owners have the chance and opportunity to participate and actively steer the policies in a direction that is good for them and the area to which they belong. The power, however, is given to a small number of individuals, which means that the power is centralized but democratically elected from the bottom to the top. With elections every second year, it is possible for the members to change leadership frequently if they are not satisfied. Through this system, the industry is given a lot of power and authority when collaborating with the state agencies.

The Reindeer Husbandry Agreement

Each year in November/December, NRL informs MAF of its demands for the next year's⁷ agreement. In January, MAF reveals what offer the ministry is willing to give the industry. The negotiations start in February and are usually finished in March (St.meld.nr.28 (1991-92):64). Representatives of the government have some flexibility, but also some (political) instructions they must follow. Policies that address questions about predators and reindeer numbers are already settled in the Parliament and there-

⁷ "Next year" is the following 1st July, and lasts for 12 months.

fore not part of the negotiation process at all. Management of predators is placed under the Ministry of the Environment through the Directorate for Nature Management, and cannot be regulated by MAF. Regarding the reindeer numbers, MAF has the goal of reducing the number of reindeer in Finnmark county to achieve a sustainable balance between pasture resources and reindeer density according to the decisions of the Parliament (Ot.prp.nr.25 (2006-2007):44). The total amount of subsidies is also decided in the Parliament, but can be slightly amended during negotiations. After much deliberation and negotiation, the government and NRL have always settled an agreement since implementation of the first reindeer husbandry agreement in 1977⁸.

Co-management: Reindeer owners at the local, regional and national levels

With co-management the power is decentralized and found on the regional and local levels. There are several co-management boards in the management of reindeer husbandry in Norway. Through these boards, which were instituted in the previous 1978 law, §6-8 and

8 If NRL does not come to an agreement with MAF, MAF will make its own Reindeer Husbandry Agreement and send it to the Parliament for ratification (NOU 2001:35:37).

continued in the current 2007 law, §43-44, §71-72, reindeer owners are a central part of the management of reindeer husbandry at the local, as well as regional and national levels. As will be described below, the administrative office system (see Fig. 4), is a co-operative body with the co-management organization (see Fig. 5). Since this study examines the revision of the 1978 law it will be discussed first.

The district board

The reindeer husbandry districts are characterized as being small, average and large, and there is a total of eighty. The number of reindeer owners in the district varies between two in the smallest district and around 400 in the largest district (*Reindrifstforvaltningen*, 2008:79-164, appendix 1-9). In the 1978 law, §8, it was statutory that all districts have democratically elected boards. Each year all registered reindeer owners eighteen years of age and older in the district⁹ elect a chairman of the board, a vice-chairman, and 3-5 members and deputy members at their annual meeting. The district board will carry out working tasks stated in the

9 Of the almost 2900 reindeer owners in Norway, 2289 are above eighteen years of age (figure from 2007). The number of reindeer owners over eighteen is not listed in the *Ressursregnskapet* (Ecological statistics) of reindeer husbandry, but given by the Reindeer husbandry administration.

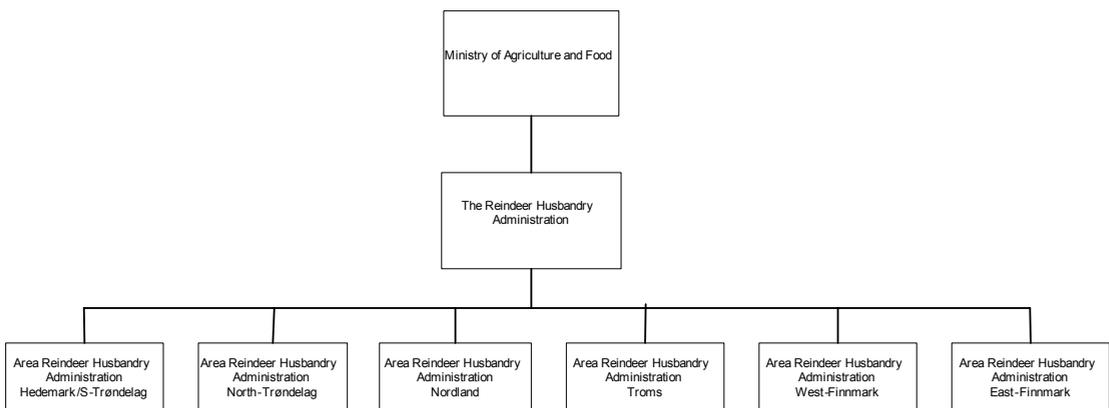


Fig 4. The administrative office system.

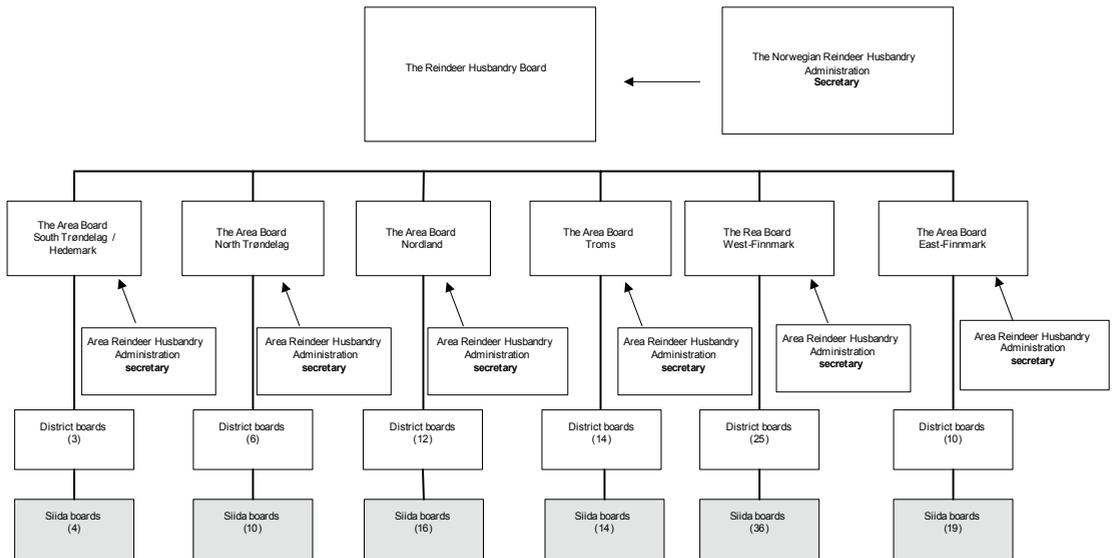


Fig. 5. The co-management organization. The white boxes show the co-management organisation as it was implemented in the 1978 law. The grey boxes show the boards that have been added as a result of the changes implemented in the 2007 law. The amount of district boards and summer siida boards in the figure are numbers from 2007. The number of boards may change over time.

law and its secondary laws, as well as in the current reindeer husbandry agreement. It is also responsible for the day-to-day management of the district and gives its opinion on matters regarding pastures, and administers common installations (for instance fences) and resources. The board supervises that reindeer owners mark their reindeer¹⁰, separate their herds from each other, follow-up MAF's instructions for public reindeer counting and instrumentalize a common executive work-plan for the district. It is the lowest formal management level and it reports its activities to the area board at the regional level (*Reindrifstloven*, 1978, §8; *Lovens forskrifter* [the secondary law to the 1978 law], §3-8; Sara, 1993:125-126; Bull, 1995:400; 1997:21; Karlstad, 1998:251; Kalstad, 1999:204-205; NOU, 2001:35:56-57).

The Area Boards

The six area boards are the co-management level of the reindeer husbandry regions: South-Trøndelag/Hedmark, North-Trøndelag, Nordland, Troms, West-Finnmark and East-Finnmark (see Figs. 1 and 4). The area (regional) reindeer husbandry administrations function as the secretariat for the area boards. According to the 1978 law, §7, members of the area boards are appointed by MAF and the Sami Parliament for a period of four years. The area board is a professional advisor and provides the premises for public management and other cases regarding reindeer husbandry in the area. The area boards report on their activities to the highest co-management board on the national level, the Reindeer Husbandry Board. The area board consists of seven or five members and deputy members. With seven members, four of them, including the leader, are appointed by the County Council and three are appointed by the Sami Parliament. Consisting of five members only, the appointments are three and two,

10 Each reindeer owner has their own specific mark, which they mark into the reindeer ear with a knife or use a plastic clip.

respectively. NRL does not have the right to appoint members, but it has the right to make suggestions (*Reindrifstloven*, 1978, §7; 2007, §72¹¹; Sara, 1993:123-124; Berg, 1997:106; Bull, 1997:20; Karlstad, 1998:249-250; Kalstad, 1999:205-206; NOU, 2001: 35: 47-48). As we see, the area boards are comprised of politically appointed members through political bodies (the Sami Parliament and the County Council). The individual professional background of the members can be in fishing, farming, reindeer husbandry or some other business, but appointment is made according to their political party affiliation (*Reindrifstloven*, 1978, §7; *Reindrifstloven av 2007*, §72). The reason for this political focus on the boards is to make them as diverse and representative as possible (Christensen *et al.*, 2004:112-115).

The area boards have several tasks. Since encroachments of pasture lands are one of the most serious problems facing all reindeer husbandry in the world (UNEP, 2001), the area boards are attentive when the county municipality sends out draft plans for development purposes on consultation (*høring* in Norwegian language) to different stakeholders. The area boards give their comments on the draft plan to the county municipality; thereafter the county municipality makes a development plan. If the area board's comments are not taken into account in the development plan, the case will be brought before the County Governor for arbitration. If the parties still cannot come to an agreement, the case will be brought before the Ministry of the Environment for a final decision. Further, the area boards control recruitment to the reindeer herding industry, establish grazing periods in different seasons, divide areas into user-zones for the different reindeer herding groups, control reindeer numbers and so forth. Many of these tasks must be approved

by the Reindeer Husbandry Board before a final decision is made (*Forskrifter til reindrifstloven* [secondary laws to the law], 1978, §10).

Both private and community interests impact reindeer husbandry, e.g. farming, tourism, mining, power plants and lines and roads. On the one hand, the reindeer herding industry must have access to pasture land and migration routes, calving areas and so on, and it needs to be protected from encroachments. On the other hand the outside interests also have certain rights to use the land. This is why the 1978 law states that the appointed members of the area boards should be a mixture of reindeer owners and representation of other interests in the same areas (*Reindrifstloven*, 1978, §7).

The Reindeer Husbandry Board

The highest co-management level is the national Reindeer Husbandry Board. It has supervisory control of the six regional area boards and serves as a court of appeals for decisions made within these boards. Each year the Reindeer Husbandry Board reports to MAF, which also delegates important tasks to them. MAF is the court of appeals for decisions made by the national board in the first instance. The director of the RA is secretary of the Reindeer Husbandry Board. The board consists of seven members and deputy members: four members, including the leader are appointed by MAF while the Sami Parliament appoints the rest (*Reindrifstloven* [Reindeer husbandry law] 1978, §6; Sara, 1993:123; Bull, 1997:19; Karlstad, 1998:249-250; Kalstad, 1999:204). Here also NRL has the right to recommend members, but it is not directly part of the appointment process. The Reindeer Husbandry Board is a political body with political representation. The Sami Parliament appoints members of the board according to their political background, but the members appointed by MAF are people who are trusted with these important tasks and are not necessarily party politi-

11 A new reindeer husbandry law was implemented on 1st July, 2007 and at the same time the 1978 law abolished.

cians. The board's responsibilities are of great importance for reindeer husbandry. Among other tasks, it determines the highest allowable number of reindeer on the national level, the grazing times and zones, recruitment, and so forth. It can also impose directives to the area boards, make rules and regulations, and approve or reject decisions made by the area boards (*Reindrifstloven*, 1978, §6; NOU, 2001: 35:46-47). Thus, there is a kind of division in the co-management system where the area boards and the Reindeer Husbandry Board are mainly in the interest of political representation while the district boards are solely user-group represented.

Management—from paper to practice

NRL – membership, power, and negotiations

Power through membership

When power is centralized such as in the NRL-system, we can assume that it is difficult to obtain a representation and politics that all reindeer owners agree upon because the organization represents a heterogenous group of members. Rokkan argues that this is a typical challenge for representative bodies in general (Rokkan, 1987:103-104). Of the almost 2900 registered reindeer owners in Norway, 2381¹² are above the age of sixteen and thus they are allowed to be members of NRL (*Reindrifstforvaltningen*, 2007). Over time, we see that the membership rate fluctuates between 30-50%; where there is 50% during election years and closer to 30% in nonelection years¹³. On the one hand, this demonstrates that many reindeer owners are not using the political opportunities given to them. On the other hand, the decision to not be a member may have different explanations. Reindeer owners, who for various reasons do not earn subsidies, might

not see the usefulness of joining. NRL's current president, Nils Henrik Sara, addressed this problem in his speech to the national congress held in Mehamn on June 7-8, 2007. Sara stated that "NRL *must work to change this practice, where people can sit on the sideline and do nothing and still receive the same advantages* [Economic subsidies] *as those who work hard for NRL's goals.* (This author's translation). He refers to the classic problem of "free-riding." This behavior can be explained by two main strategies: firstly, the case can be that reindeer owners are not members because they have not completed the registration forms and paid the membership-fee. According to Elster, this is a short-term rational behavior, because in the long run reindeer husbandry may gain power with stronger support of NRL (Elster, 1995:42-44). Secondly, the case can be made that reindeer owners disagree with NRL's political goals, and in this way it is more rational for them to boycott the organization in the hope that it will weaken the organization's legitimacy and that it loses its position as the sole negotiator with the government (Elster, 1995: 104-105). A third and ideal strategy, in theory, could be that all reindeer owners support the one organization that has negotiation rights with the government, and work together to design broadly oriented political goals that meet the needs of a wider group of people. This is what Elster calls equilibrium, because people's plans are consistent with each other (Elster, 1995, 101-103).

We find a higher rate of membership in the southern areas with fewer reindeer owners compared with the main reindeer areas in northern Norway (Kalstad, 1999:209). According to NRL's statistics, membership rates decrease further north (NRL, 2005). However, since Finnmark County has the highest number of reindeer owners, there are many more members of NRL in Finnmark compared to the southern areas. Subsequently, Finnmark has many delegates in the national congress,

12 This number is not stated in Ressursregnskapet (Ecological statistics) of reindeer husbandry, but given by the Reindeer Husbandry Administration.

13 This information was provided by NRL.

and thus a lot of influence when the president, vice-president and board members of NRL are elected. A crucial question then is: Why do so many reindeer owners decide not to join NRL and thereby lose the power they have been granted by the government? Aslak J. Eira, chairman of NRL 1998-2006, states that this resignation is a way of demonstrating that NRL's political program is unacceptable to many of the reindeer owner (pers. comm., Aug. 10, 2005). Eira further states that this is something the organization must work to change. There are several sources of dissatisfaction; but the most important issue may be that the subsidy system is most advantageous for reindeer owners with larger herds¹⁴.

We find diverging opinions whether a higher membership in certain regions, for instance Finnmark, will affect the politics of NRL. Interviews reveal arguments that higher membership rates will undoubtedly give this region more power. Others argue that because there is no formal organizational structure within NRL that gives more power to the larger groups, except for the election of president and vice-president, there is no advantage of being in the majority. Ultimately, it will be up to the board members to put more weight on the arguments and demands from the largest group or not.

NRL – competition or monopoly?

NRL has had a monopoly on negotiation rights with MAF since 1976 (St.meld.nr.28 (1991-92):64). However, when an interest organization has as low a membership rate as NRL, especially in Finnmark, it is bound to be challenged by user-groups who disagree (Jentoft, 2000:143). Kalstad argues that the

delegate system has made NRL more effective and professional, but that it also makes some members feel excluded (Berg, 1997:142; Kalstad, 1999:209). In 1987, a large group of reindeer owners, most of them from Finnmark County, established an alternative industrial interest organization, the Reindeer Husbandry Association¹⁵ (Berg, 1994:143) which has been an advocate for traditional reindeer husbandry (Paine, 1994:179-180; Berg, 1997:142; Kalstad, 1999:209). For many different reasons, this organization did not achieve any formal political rights. The most important reason, according to MAF, is that the organization could not be viewed as a national organization, but more of an organization for reindeer owners in the northernmost districts (St.meld.nr.28 (1991-92):64). After the establishment of the Reindeer Husbandry Association, MAF added to §1 in the Main Agreement¹⁶ that NRL must consult with other relevant organizations before the annual negotiations.

In the mid-1990s, NRL invited representatives from the Reindeer Husbandry Association to participate in the annual negotiations as advisors (Berg, 1997:143). They accepted the invitation and participated in the negotiations for a few years, but according to a previous member, they dropped out when it was concluded that NRL was more preoccupied with getting subsidies for the industry than caring about what the political changes actually did to the industry. The policy direction was already decided by NRL and MAF. This type of situation is often a dilemma in corporative systems, because many believe that the industrial interest organizations become financially dependent on the government and thus pressured to be on the same side as the government (Wil-

14 Most subsidies are only available for those who have an income of NOK 50 000, but less than 600 reindeer (Reindrifftsforvaltningen, 2005; 2006). A large herd in this context is close to 600 reindeer, but not more.

15 Norwegian name: Reindrifftsforbundet / Sami name: Boazo Ealohus Searvi.

16 The Main Agreement was last altered in 1993. This agreement is the basis for NRL's right to negotiate and for the annual negotiations between NRL and MAF.

liamson, 1989:81-82). NRL has tried to change this impression and strengthen its legitimacy by including the leaders of their regional units in the annual negotiations with MAF (Kalstad, 1999:209). This strategy is meant to decrease the problem that Rokkan discusses— that at the grass-roots level, sometimes people feel like they are not being heard (Rokkan, 1987:104). However, it is difficult for an interest organization to meet the needs of all its members.

NRL's connection to the co-management system

Interviews reveal that when NRL recommends members for the co-management boards, the Sami Parliament and MAF sometimes takes the recommendation and sometimes not. It is a statutory rule that NRL can recommend members to the area boards and the Reindeer Husbandry Board, and therefore its suggestions should be taken seriously. The law also requires a reasonable geographic distribution, mixed professional qualifications and a relatively equal distribution of men and women among the board members (*Reindriftsloven*, 1978, §6; 2007, §71), which means that there are many other factors that need to be taken into consideration. In this way, we see that NRL is part of the centralized corporative system and to some degree also part of the decentralized co-management system.

Decentralized power through co-management

Revision of the reindeer husbandry law
By request of NRL, MAF appointed a law committee (LC) in November of 1998 that was going to review parts of the 1978 law¹⁷. A professor of law, Kirsti Strøm Bull, was appointed

17 The 1978 law is detailed and the law committee's mandate is only regarding parts of the law: (1) government and management of reindeer husbandry and (2) the internal relations in reindeer husbandry. The latter also includes the legal position of each reindeer owner (NOU 2001: 35:19).

its leader and among the appointed members more than half are reindeer owners (NOU, 2001:35:18-19; Ot.prp.nr.25(2006-2007):7). After the LC had begun its work, it informed the Norwegian government that its revisions were so comprehensive that the LC would instead put forward a proposal for a new reindeer husbandry law. Each revised element was voted on by the members, and in the new proposal we can read who voted for what solutions. In what follows I will discuss some of the changes that the majority of the LC suggested regarding the co-management boards.

It appears to be the case that the LC's majority wanted more power-sharing between the government and industry and more influence on the part of reindeer owners (NOU, 2001:35:107-110, 118). The LC justifies this autonomy with much stronger sanctions for reindeer owners when rules are broken. According to the LC, the industry should have self-determination and influence but also more responsibilities for its actions (NOU 2001:35:123-128).

Important aspects for local level co-management

The LC's point of departure has been to find ways to better match the management system to reindeer husbandry at the local level (NOU, 2001:35:89, 131-132). It has also wanted to increase reindeer owners' legal protections as well as to secure public interests. Therefore, it has been essential to identify and distinguish between peoples' private interests and the public interests. However, because reindeer owners have competing interests between themselves in relation to public interests, it might be difficult for them to manage a system in the best way for everyone (Bull, 1995:402-403; Karlstad, 1998:252-253, 255-256; NOU 2001:35:105). This is, of course, an argument in favour of excluding public interests from decisions made at the local level.

In the previous 1978 law the district boards are instructed to make decisions that affect other private interests in the district (Bull, 1995:400-401; Karlstad, 1998:251). This goes against legal disqualification rules in Norwegian law, because all families in a district know each other since the families have practiced reindeer husbandry in these districts together or side by side for a long time (The Civil Services Law, §6). Naturally, larger districts are less affected by legal disqualification than smaller ones. Still, co-management at this level has been shown to be difficult in practice. In order for reindeer husbandry to be managed in a way that creates order and confidence that is best for everyone, it has been found that the local level should only manage private interests coming under civil law. This is still difficult, because for the local level to be able to manage private interests most of its management tasks must remain the same. It may look like public and private management tasks are difficult to separate because private obligations are the same as public duties: (1) represent the interests of the district, (2) protect the pasture areas in the district, (3) reach settlements, sue and be sued on behalf of the reindeer owners in the districts where common interests are at stake, and (4) develop regimes for usage of the pastures, which must also be approved by the area board. Some argue that this suggested change will result in the same problems the districts boards had in the 1978 law, because decisions made at the district level are still under public control (Hågvar, 2006:252-253, 256). The government states that there are many examples where private decisions and dispositions are subjected to public control through approval (St.prp.nr.25 (2006-2007):41-42). Even though the issue of local participation and decision-making is a difficult element in management, Jentoft argues that user groups are currently expected to be part of decision-making processes. The difficult dilemma is how to do this

in a fair and legitimate way for all parties (Jentoft, 1998:163).

Election and voting procedures at the local level

Another source of conflict among reindeer owners/families in some of the districts has been unfair decision-making. A democratic one-man one-vote situation could result in a 'tyranny of the majority' when families (or clans) have different interests (Bull, 1995:402-403; Karlstad, 1998:255-256; NOU 2001:35:104-105). Since we find the same families year after year within the same districts, this unevenness can last for years. With conflicts and disharmony in one part of the system, it is difficult to make the rest of it work (Scott, 2003:91). In order to make the management system better match the social conditions, the LC suggests several changes; first of all, it suggests reintroducing the traditional Sami name for the group of herders working together, the *Siida*¹⁸. Thereafter, it proposes to divide the *siida* into different *siida* shares. The LC suggests the introduction of election rules and voting procedures that are better adapted to the social relations among the reindeer owners in the districts. Since the members themselves are reindeer owners with private interests in many of the cases that are dealt with in the board, it is important to make sure that a majority cannot overrule a minority. Clear rules can make it so that this issue is avoided and make sure that the districts' different interests are proportionally represented (NOU 2001:35:105-106). The board members are elected for two years at a time. The LC also suggests that boards should be elected within each *siida* to work as a contact

18 The term *siida* was introduced in the 1978 law when parts of it were changed in 1996 (Ot.prp. nr.28 (1994-95)). The 2007 law goes further and wants to replace the reindeer husbandry unit with a *siida* share, because it is the *siida* that constitutes the group of herders working together (NOU 2001:35:96-97).

point between the *siida* and the district board (see Fig. 5)¹⁹. This is a lot of administration but the LC believes that a well-arranged management system at the local level will lead to better social relations, increased trust and better co-operation among the reindeer owners (NOU 2001:35:165). This is a difficult goal for the LC to achieve, because a complex co-management regime is difficult to design. In order for the co-management regime to work well, legitimacy for the system is needed among the reindeer owners.

Empowerment for the regional co-management level—the area boards

According to the LC, in order to function as co-management boards the six area boards need to be delegated enough power. It needs to be a fair representation of board members from the most important stakeholder groups (NOU 2001:35:116). This is a classic problem in management, the issue of how much power central government dares to delegate. Users almost always feel that too little power is delegated to them (Christensen *et al.*, 2004:72, 98). Bjerkli argues that of all types of managements, it is in the management of natural resources that the government delegates the least amount of power to user-groups. The main argument used by the authorities is that natural resources are viewed as a public good for everyone and therefore need special protection (Bjerkli, 2002:55). The LC argues that changing the appointment system is the only way to increase the area board's power and to implement what the LC refers to as actual co-management. Therefore, the LC argues that NRL should have a greater say in the appointment processes for the area boards. In a seven

19 This system is very detailed and this article will only explain the most important aspects, which are to explore how co-management is implemented in management of the industry, and give an overview of the whole process of the revision of the law.

member board it thus suggests that two members and deputy members should be appointed by NRL's regional branches, two members and deputy members should be appointed by the County Council²⁰, two members and deputy members should be appointed by the Sami Parliament and all three parties should agree upon the leader. With five members and deputy members, still two should be appointed by NRL's regional branches, one by the County Council, one by the Sami Parliament and they should together agree upon the leader. The LC also states that NRL should be allowed to suggest members when the Sami Parliament and the County Council are selecting their representatives. In addition, the LC suggests that the area boards themselves, or if asked by the leader of a *siida* share, a *siida* or a district, can decide that it shall be arbitrated between two parties that cannot reach an agreement (NOU 2001:35:117-118).

More resources and support to the area boards

Further, the LC suggests placing the area boards under the County Governor (*Fylkesmannen*). Currently, the area boards are independent boards; only the appointment of members is handled by other institutions (County Council and the Sami Parliament). The County Governor is the power unit that makes sure that governmental policies are implemented on the regional level. This unit, according to the LC, is therefore more equipped with expertise in different fields, for instance, in legal and environmental affairs, case-procedures, human resources and so forth. The LC states that most other regional management bodies are placed under the County Governor and such a move would make the area boards better informed about the county municipality management plans, as well as to be more able to coordinate

20 Or by the County Governor if the area boards should be moved, this will be discussed later.

their work with other management bodies (NOU 2001:35:115-116). MAF did not agree on this organizational change²¹ (Ot.prp.nr.25 (2006-2007):48).

Another reason for this suggestion is that the area boards need support-systems for impending decisions. If decisions they make are not becoming operative, then the boards have limited power and their decisions a limited effect. Subsequently, this will reduce user-groups' legitimacy for the co-management system. It is the task of the regional administration offices, as the area boards' secretariats, to implement decisions made by the board members. However, the regional administrations are loaded with work and it has been difficult for them to keep up (Bull, 1995:407; NOU 2001:35:116).

More power for the industry in appointments to the Reindeer Husbandry Board

The LC believes it is of importance that the highest board is also comprised of members with local knowledge about social organization and traditional activities, as well as formal and general knowledge. The LC suggests that more than half of its members should be reindeer owners in order to make the co-management regime work well. It therefore suggests changing the appointment system at this board level as well; two members and deputy members should be appointed by NRL, two by the Sami Parliament, two by MAF and the leader should be appointed by all three parties together. Regarding members appointed by the

21 In an earlier reindeer husbandry law (1933), the management of reindeer husbandry was subjected to the County Governor. This was not viewed as a good management solution for the industry, and was therefore changed in the 1978 law. The Sami Parliament did not support this suggestion either and argues that such a move might distance reindeer husbandry from the Sami society in general (Ot.prp.nr.25 2006-2007):48).

Sami Parliament and MAF, the LC suggests that NRL also should have the right to make suggestions. This means that NRL will be able to dominate this board; they did also discuss whether this power should be given to NRL or if it was possible to develop a way for this appointment system to be done directly through the reindeer owners. The majority's conclusion was that NRL should make appointments, because other systems would be too complicated. Nevertheless, the main point is to empower the industry (NOU 2001:35:116). Some reindeer owners, especially non-members, may not agree that NRL should have this kind of power. The former leader of NRL, Aslak J. Eira, says that the most important thing is that the LC's intensions are followed. "*If many [reindeer owners] think that NRL is so inedible, it is better that it [the appointment system] goes through the district boards instead.*" (This author's translation).

More authority behind decisions made by the national co-management board
The LC wants the national Reindeer Husbandry Board to be the only court of appeals for decisions made in the area boards. It is important in organizational management that there is a clear distribution of responsibility and that board representatives have a clear mandate. In order to avoid uncertain jurisdiction in the treatment of cases the LC suggests that MAF shall not handle appeals lodged by reindeer owners who are dissatisfied with the work of the area boards. Such appeals are for individual cases and MAF should not have anything to do with such matters. The main point here is that MAF, as most other ministries, should only handle policy issues and delegate individual decision-making to directorates and subunits. This means that MAF should delegate enough power and trust to the Reindeer Husbandry Board to be able to handle these appeals on its own (NOU 2001:35:115-116). The Attor-

ney General of civil affairs states in the hearing process that such a change may be problematic, because the government will be financially liable for decisions made in the boards even though it has no authority to influence the different cases handled in the boards. The minister (for instance the Minister of MAF) has the constitutional and parliamentary responsibility for decisions made in the ministry (MAF) (*Regeringsadvokaten*, 2002:4-5).

Unanimity among reform suggestions? It is likely that NRL will be empowered as a result of the changes described above. This is considered controversial by reindeer owners who are critical of NRL being a representative of the industry. The majority of the LC (nine out of ten) suggested that it should be NRL because other ways of organizing this appointment system would be overly complicated. Another issue at stake is whether an industrial interest organization should both be a representative for reindeer owners as well as a management body. The majority of the LC argues that they are well aware of this complicated situation but without appointments from the industry it is not actual co-management. They argue further that the main point is not about who appoints the reindeer owners but about the implementation of a system where there is more empowerment of the industry. If this is to be done, the industry must also be an appointing body in this management regime (NOU 2001:35:118). The Norwegian Bar Association states in the hearing process that it agrees that the industry should appoint members, however, it also suggested that this should be done by the district boards, and not by NRL (*Advokatforeningen*, 2002:17).

Obviously, it is difficult to find workable solutions that most parties and people agree upon, which makes organizational change very difficult. Knowledge and experience are necessary in order to know what to do and how to reach

important objectives. But also, it is difficult to be able to foresee the effects of such changes because of changes in the political and institutional environments (Scott, 2003:220-224). We also see that not all reindeer owners agree with the system of direct appointments to the different boards by the industry. Whether this happens through NRL or the district boards, some owners worry about representatives' ability to work for long-term goals and for the best interests of the region as a whole, instead of their own individual or group interests. We are looking at the relations between various members that can act as both individuals and collectives. The relationship between the actor and the system is formally well defined but in many situations can also become blurry (Aubert, 1991:186-189). This is a difficult dilemma in all kinds of organizations because all members are affected by both their personal and professional backgrounds.

MAFs proposal for a draft law

New procedures for consultation

The proposal from the LC was finished in March 2001. It was sent out to different stakeholder groups and institutions for comment in March 2002 with a deadline of August 2002. In the meantime, between the LC's suggestions and MAF's proposal in January 2007, a Royal Decree was implemented on the 1st of July, 2005. The Sami people of Norway now have the right to be consulted in cases that can affect them directly. This right is stated in the ILO convention no. 169, article 6, concerning Indigenous and Tribal Peoples in Independent Countries (ILO convention). A working group with representatives from the Sami Parliament and the Ministry of Labour and Social Inclusion has prepared a report that gives an account of judicial foundation for indigenous people's rights to consultations. The document contains guidelines for consultations between state authorities and the Sami Parliament and

was signed on the 11th of May, 2005 by the Minister of Labour and Social Inclusion and the President of the Sami Parliament. The guidelines state that consultations must be a genuine dialogue between the parties with the common goal of reaching an understanding (*Arbeids- og inkluderingsdepartementet* [Ministry of Labour and Social Inclusion], 2005). The Sami Parliament and NRL have therefore been consulted by MAF throughout its work with the changes of the 1978 law (Ot.prp. nr. 25 (2006-2007):9-10).

The draft law proposal

The LC's recommendation that the area boards can request arbitration if two parties cannot come to an agreement is endorsed by MAF (*Reindriftsloven*, 2007, §73). With this as the exception, we will in this part of the law revision only see what MAF proposes for the boards at the local level²². MAF has exceeded the treatment of the LC's suggestions regarding the Reindeer Husbandry Board and the six area boards until the next time the law is up for revision (*Reindriftsforvaltningen*, 2006:19)²³. With only a few exceptions, MAF has followed almost all the suggestions from the LC on the local level (Ot.prp. nr. 25 (2006-2007): 76-77, 82-84)²⁴.

A well-working system on the local level is important for the overall system. Viewing the larger picture of management, however, the

co-management boards on the political level are rather important as well. How these co-management boards function internally is an important foundation for reindeer owner's legitimacy for the management boards. It is also essential that the board functions externally in co-operation with other management bodies, in order to obtain legitimacy from interest groups outside the reindeer herding industry (Jentoft, 2000:145).

Other opportunities for the reindeer herding industry

Some representatives of NRL and other reindeer owners have argued that there should be reindeer owners in both boards who are not politically elected, but are elected as representatives for the industry²⁵. MAF did not meet such a demand in the law revision, but it must be emphasized that neither the previous 1978 law (§7-8) nor the current 2007 law (§71-72), says that the Sami Parliament has to appoint their own politicians. The law text only says that the boards must have a reasonable geographic distribution, mixed professional qualifications, and relatively equal representation of men and women. The Sami Parliament confirms that its endeavor is to appoint members that are both politicians as well as reindeer owners. The Sami Parliament appoints members that they know will do the job that is expected of them; therefore their appointment is based on knowledge about the candidates' fundamental political values. In order to elect board members who live as reindeer owners and can easily relate to local issues, they most often appoint members who are not very politically active²⁶. The Sami Parliament often listens to NRL's suggestions, but it is important to emphasize that since NRL has a relatively low rate of membership, it is

22 There are other changes in the law as well, but this article is only reviewing the co-management boards.

23 This means that the 2007 law, at the district level, is identical to the law proposed by the LC and discussed here under the sub headlines "Important aspects for local level co-management" and "Election and voting procedures at the local level".

24 The few issues in which the Sami Parliament and the NRL disagreed with the MAF are discussed below under the sub headline "The Sami Parliament disagrees".

25 Interviews reveal that there are NRL members that believe that the industry should not have direct representation at the political level.

26 This could be people who have retired from politics, people who are taking a break or only working part-time in politics.

also the Sami Parliament's duty to look at other candidates when appropriate (pers. comm. Willy Ørnebakk²⁷, the Sami Parliament).

It is also obvious now that the reindeer owners have a tool for power with the new agreement regarding consultations. Both the area boards and the Reindeer Husbandry Board are management bodies and must, according to the consultation agreement and the ILO convention, consult with reindeer owners that are affected by decisions made in these boards. However, it is difficult to predict how this will work in practice. To what degree do people need to be effected in order for consultations to be a necessary and natural process? Changes that are essential to reindeer owners and which affect conflicts of interest could be constructive and of value to consult on. The political process will take longer but perhaps the support will be greater.

The Sami Parliament disagrees

There are always some disagreements when new policies are implemented. The Sami Parliament states that it is generally satisfied with the consultations it had with the government²⁸. However, because the government only gave the Sami Parliament access to the different provisions that were proposed and not the comments to the provisions, it was difficult for the Sami Parliament to gain a clear and mutual understanding (*Sametinget*, 2007:1). MAF states that this is the first law of importance for Sami interests that was produced after the procedures for consultation were implemented in 2005. There has, therefore, been some challenges linked to how the consultations should be executed (Ot.prp.nr25 (2006-2007):10). The Sami Parliament's opinion is that the govern-

ment has not fully followed the consultation procedures in the manner that the ILO Convention 169 requires. The Sami Parliament still believes that further consultations could have led to an agreement on the few issues that the two parties could not agree upon (*Sametinget*, 2007:1).

Firstly, during the consultations the Sami Parliament has been clear on the matter regarding international law. Because reindeer husbandry is an important Sami industry and a carrier of culture, reindeer husbandry must have international judicial protection. If it should be the case that domestic law conflicts with international law, international law must take precedence; § 3 states that the law applies in accordance with international law, but the Sami Parliament states that this is not enough. In order to secure this claim, the Sami Parliament argues that § 3 should state that the new reindeer husbandry law applies with those limitations that are pursuant to the ILO Convention 169 (*Sametinget*, 2007:2-3).

Secondly, the Sami Parliament disagrees with the decision stating that when districts exceed the maximum allowable reindeer number, all reindeer owners must reduce their herd proportionally (§60). The Sami Parliament views this as unfair and endorses the LC's suggestion that reindeer owners with 200 or fewer animals should not have to reduce their numbers, unless all reindeer owners in the district have less than 200 animals. The Sami Parliament and the LC believe that a reindeer owner with a small herd should be made to suffer less than a reindeer owner with a large herd²⁹. They also argue that by protecting reindeer owners with smaller herds, it will also protect the youth who are in a stage of establishing themselves in the industry and who are probably the most important

27 Willy Ørnebakk is the parliamentary leader for the Labour Party's (Arbeiderpartiets) Sami Parliament group (sametingsgruppe)

28 Five meetings were held between the Sami Parliament and MAF, four of them were on the political level.

29 Many reindeer owners have followed the government's measures to prevent reindeer numbers from increasing. Reindeer owners should not suffer for this when new policies are made.

labour resource (*Sametinget*, 2007:2-3). MAF states that the new law gives the *siida* members the authority to reduce their numbers as they see fit, so that they themselves can prevent that owners with less than 200 animals must reduce their herd. It is only if the members of the *siida* cannot make a reduction together, that this model applies (Ot.prp.nr.25 (2006-2007):46). The Sami Parliament says that it will not give up, and expects new negotiations regarding this issue as soon as the rest of the law will be up for revision (*Sametinget*, 2007:3). Jentoft (2000) argues that “a management system is legitimate to the extent that it works both instrumentally and morally among user-groups” (Jentoft, 2000:145). In this case, the management system must both reduce the number of reindeer at the same time as it is going to be a fair and legitimate system for the reindeer owners.

Diverging views on types of participation

The Norwegian management regime of reindeer husbandry currently consists of two equally important management models; the corporative and the co-management organization. The LC's suggestion seems to be a weakening of the corporative organization and a profound strengthening of the co-management organization. By suggesting that NRL should be given co-managerial responsibilities to the degree that the LC suggests, it may change NRL to become more of a management body than an interest organization. This suggestion, however, was not followed by the government. It is also important to emphasize that the LC's intention was only to involve the industry and this was one of several ways to do exactly that. Further, the LC wanted to strengthen the power of the reindeer owners by trying to give them participation rights mainly as reindeer owners and not just as political representatives for political organizations (NOU 2001: 35:118). This would give the

reindeer owners of Norway the unique chance of being an important and actual part of the co-management system, and not just a formal part of the system. A reindeer owner from Finnmark said: “*It is us reindeer owners that know the local environment best, and we should therefore be part of the [co-management] boards and be part of decision-making*”. (This author's translation).

A change of the co-management board at the national level and the six co-management boards at the regional level have been put on hold until further notice (Ot.prp.nr.25 (2006-2007):48). Therefore, we still see a struggle between autonomy and control between user-groups and government, which is a classic issue in resource management. It is important to emphasize that it is not the unanimous opinion among the reindeer owners that there should be so much power for the reindeer owners. A reindeer owner from Hedmark said: “*It is politicians in the Parliament, and that is the way it should be here [in the board's] too. What if we were to just pick a man from the street and place him in the Parliament?*” (This author's translation).

Still, some³⁰ argue that the LC's initial suggestions were part of a general and extensive proposition where the different parts of the proposal are connected. It is less likely that the LC would suggest these strong sanctions for reindeer owners, without increased influence for the industry in the co-management boards at the political level (Ot.prp.nr.25 (2006-2007):50). Jentoft (2000) argues that one should first think in terms of legitimacy, and then start the planning for how to achieve legitimacy. “Legitimacy is a premise and not only an outcome of a management system” (Jentoft, 2000:144). When this is said, it is important to emphasize that many reindeer owners and others are satisfied with this law and view

30 The Sami Parliament, some NRL politicians and some reindeer owners. The organization NRL states that it is satisfied that the law process has come this far.

it as a step in the right direction, even though some call for further revision of the previous 1978-law.

Conclusion

In this discussion we have seen that many people are involved in the co-management of reindeer husbandry in Norway. Reindeer owners are given a lot of power in governance and many opportunities for participation through the corporative and the co-managerial systems. We have also seen a comprehensive review of the law in order to increase legitimacy for the regime. Still, some reindeer owners do not give the law much credit. Durkheim (1995) argues that people will never be satisfied unless their needs are limited by a higher authority. He argues further that the limits put on their needs have to be made by a higher authority that the people respect, an authority that allocates resources in the best way for the people (Durkheim, 1995:132-134). There is no solution for how this should be achieved, but many argue that this is better achieved through a co-management regime than through a hierarchical top-down management regime (Jentoft, 1998:163-164). It is difficult, however, to implement such regimes in reality and Scott (2003:89-94) argues that one can never safeguard against mistakes.

Firstly, political representation is the main form of representation in this system. On the one hand, political representation has been justified as an organizational form well suited to link those who rule with those who are ruled. On the other hand, this kind of representation may give the reindeer owners a feeling of distance between them and the co-management regime (Olsen, 1992:16-7, 39-49; Christensen *et al.*, 2004:113-115). The LC sees it as necessary for the industry to be represented directly in the co-management boards, or else it is not really co-management. A crucial question is: Will this give the industry better prospects?

Another important issue here is if direct representation from the industry will increase legitimacy or will such representation make people expect more, and thus legitimacy more difficult to obtain (Jentoft, 2000:145). The complexity of such representative systems makes it problematic to argue that one type of representation functions better than the other.

Secondly, lack of power may not be the major challenge, but rather the lack of a network of contacts. Why is there so limited horizontal and vertical communication and co-operation between the levels in the system of the management of reindeer husbandry? In the formal network of interaction, there are few formal meetings where the members can exchange information and advice between the different boards. Except from the ordinary treatment of cases, there is little or no contact among the various areas boards, and between the area boards and the Reindeer Husbandry Board. Scott (2003) argues that the most important aspect of making such extensive systems work well is that communication and information flows through the systems (Scott, 2003:90-92). Interviews reveal that representatives from some of the area boards feel that they need more interaction between the co-management boards in order to learn more from each other, or to receive some advice from other boards that have been handling similar cases. Equality in the treatment of cases is important; people compare their own situation to that of others and want the same treatment (Berger & Luckman, 1966:149-166; Scott, 2003:91)

Thirdly, it is important to emphasize that comprehensive and complex organizational systems quite often experience tensions and legitimacy issues among designers and participants (March & Olsen, 2006:12-15). In the case of Norwegian reindeer husbandry, many of these tensions and legitimacy issues seem to be decentralized down to the industrial level. Jentoft (1998:71-72, 164-165) argues that the

purpose of co-management is to strengthen legitimacy and decrease conflicts among social actors. Why do we find so many conflicts in this co-management system? Those who are sceptical of co-management say that such a regime is next to impossible to implement successfully, because it cannot work in modern societies with its technology, international competition and industrial production. They also say that it cannot work in larger systems (Jentoft, 1998:72-74). Some argue that a co-management system may score high on the internal legitimacy scale and low on external legitimacy, because those who are not included will feel that they are treated unfairly (Jentoft, 1998:176).

This study demonstrates that some of the groups involved still do not view the system as being legitimate. Why is this? This dissatisfaction may be the result of power-struggles, because the groups involved have different degrees of power. For instance, in the triangular relationship between NRL, the Sami Parliament, and the County Council, where only the latter two have the authority to appoint members to the boards, we see that the part that is most dependent on the resource is the part with the least power. Theory on co-management suggests the contrary—that the stakeholders with the most at stake should have the most power (Jentoft, 1998:172). Jentoft argues further that there is no formula for how power is shared, because this depends on each unique situation (Jentoft, 1998:172). It is difficult to compose boards that are fair and just for all stakeholders and there are many elements that need to be taken into account. The question is if this is possible in practice. Karlstad states that he cannot see how the district boards can be composed without any one group getting more power than the others (Karlstad, 1998:265). He states further that rules may not solve conflict issues if the board members “find it unpleasant to intervene when mem-

bers neglect their obligation (...)” (Karlstad, 1998:258).

Scott argues that there will sometimes be groups that achieve a better foothold in the system than others because of people’s different abilities, political belonging, connections and so forth (Scott, 2003:133). These problematic co-management issues are discussed in the literature but could use more emphasis. With this in mind, it is obvious that the LC has had a complicated task in revising the rules and regulations in the management of Norwegian reindeer husbandry. Although not endorsed by the government, the LC did also suggest industrial representation in the boards at the political level. Most of these changes are suggested in order to decrease conflicts and increase legitimacy for the system. How this revised system will work is too early to say. It is, however, argued that no regime enjoys the full support and compliance of all its citizens (Olsen, 1992:16; March & Olsen 2006:14). Discussions about change will therefore be a continuous process. The management regime of reindeer husbandry will thus frequently be in flux. This is a natural element of being part of a democracy (Christensen *et al.*, 2004:56-57).

Acknowledgement

This article was written under the Ecosystem Finnmark project which is a multidisciplinary research project financed by the Norwegian Research Council,

References

- Abercrombie, N., Hill, S. & Turner, B. S. 1994. *The Penguin Dictionary of Sociology*. (3rd ed.). Penguin Books, London. xii+511pp.
- Advokatforeningen (The Norwegian Bar Association). 2002. Høringsnotat av (Preliminary white paper of) 19.08.2002. 18pp.
- Arbeids- og inkluderingsdepartementet (The Ministry of Labour and Social Inclusion). 2005. Prosedyrer for konsultasjon (Procedures for consultation). <http://www.regjeringen.no/en/dep/aid/Topics/Sami-policy/PROCEDURES-FOR-CONSULTATIONS-BETWEEN-STA.html?id=450743>
- Aubert, W. 1991. *Sosiologi. 1 Sosialt samspill (Sociology. 1 Social interaction)*. Universitetsforlaget, Oslo. 317pp.

- Berg, B. A. 1997. *Næring og kultur. Norske Reindrifts-samers Landsforbund 50 år. (1947-1997) (Industry and culture. The Sami Reindeer Herders' Association of Norway 50 years (1947-1997))*. Davvi Girji OS. 175pp.
- Berger P. L. & Luckman, T. 1966. *The social construction of reality. A treatise in the sociology of knowledge*. Penguin Books, London. 249pp.
- Bjerkli, B. 2002. Maktaspekter ved ressursforvaltning (Aspects of power in resource management). In: S. Andersen (ed.). Samisk landskap og Agenda 21. Kultur, næring, miljøvern og demokrati (Sami landscape and Agenda 21. Culture, industry, environmental protection and democracy). – *Diedut* No. 1-2002: 53-61. Nordic Sami Institute, Kautokeino.
- Bull, K. S. 1995. En kritisk analyse av reindriftsloven (A critical analysis of the reindeer husbandry law). – *Lov og rett. Norsk juridisk tidsskrift* 11; 396-413. Universitetsforlaget, Oslo.
- Bull, K. S. 1997. *Studier i reindriftsrett (Studies in reindeer husbandry law)*. Tano Aschehoug, Oslo. 149pp.
- Christensen, T., Lægreid, P., Roness, P. G. & Røvik, K. A. 2004. *Organisasjonsteori for offentlig sektor (Organisation theory for public sector)*. Universitetsforlaget, Oslo. 212pp.
- Durkheim, E. 1995. *Selv mordet (The suicide)*. Gyldendal Norsk Forlag, Oslo. 216pp.
- Elster, Jon. 1995. *Nuts and bolts*. For the social sciences. Cambridge University Press, New York. viii+184pp.
- Hågvar, Geir. 2006. Den samiske rettsdannelse i indre Finnmark. Om nordsamenes rettsorden, grunnlovsvernet og selvbestemmelsen (The formation of Sami Law in inner Finnmark. On the legal order of the Northern Sami, constitutional protection, and self-determination). – *Diedut* No. 2-2006: 472pp. Nordic Sami Institute, Kautokeino.
- Jentoft, S. 2003. Introduction. Co-management – the way forward. – In: Wilson, D. Clyde, Raakjær Nielsen, J. & Degnbol, P. (eds.). *The Fisheries Co-management Experience. Accomplishments, Challenges and Prospects*. – *Fish and Fisheries series* vol 26: 1-14. Kluwer Academic Publishers, Dordrecht.
- Jentoft, S. 2000. Legitimacy and disappointment in fisheries management. Prospects of user-participation. – *Marine Policy* 24 (2): 141-148.
- Jentoft, S. 1998: *Allmenningens komedie. Medforvaltning i fiskeri og reindrift (The comedy of the commons. Co-management in fisheries and reindeer husbandry)*. Ad Notam Gyldendal, Oslo. 212pp.
- Jentoft, S. 1989: Fisheries co-management. Delegating government responsibility to fishermen's organization. – *Marine Policy* 13 (2): 137-154.
- Kalstad, J. K. H.. 1999. Reindriftspolitik og samisk kultur. En uløselig konflikt? En studie av reindriftstilpassninger og moderne reindriftspolitik (Reindeer husbandry politics and Sami culture. A conflict without resolution? A study of adaptations in and the contemporary politics of reindeer husbandry). – *Diedut* No. 2-1999: 329pp. Nordic Sami Institute, Kautokeino.
- Karlstad, S. 1998. Institutional theory, co-management and sustainable development in Saami reindeer pasture commons – critical factors for a robust system of local management. – In: (S. Jentoft (ed.)). *Commons in a cold climate. Coastal Fisheries and Reindeer Pastoralism in North Norway: The co-management Approach*. Man and the Biosphere series, UNESCO, vol. 22: 247-267.
- Lofland J., & Lofland L. H. 1995. *Analyzing social settings. A guide to qualitative observation and analysis*. Wadsworth Publishing Company, London. xv+267pp.
- Lov om behandlingsmåter i forvaltningen (forvaltning-sloven) av 1. januar 1970, med endringer, sist ved lov av 1. januar 2008 (The Civil Services Law on Management of January 1st, 1970, with changes, most recently of January 1st, 2008).
- Lov om reindrift av 9. juni 1978 nr. 49, med endringer, sist ved lov av 23.februar 1996. Opphevet fra 01.juli.2007 ((Reindeer husbandry law of June 9, 1978, nr. 49, with changes, most recently by law February 23, 1996. Abolished on July 1, 2007).
- Lov om reindrift av 15. juni. 2007 nr 40. ((Reindeer husbandry law of June 15, 2007 nr. 40).
- Landbruks- og matdepartementet (MAF). 2006. Odels-tingsproposisjon (Government white paper, proposition) Nr. 25 (2006-2007). Om lov om reindrift (reindriftsloven). (On the Reindeer Husbandry Law).
- Landbruks- og matdepartementet (MAF). 2006. Stortingsproposisjon nr. 64 (2005-2006). Om reindrifts-avtalen 2006/2007, om dekning av kostnader vedrørende radioaktivitet i reinkjøtt, og om endringer i statsbudsjettet for 2006 m.m. ((Government white paper, proposition. On the reindeer husbandry agreement 2006/2007, regarding financial compensation for radioactivity in reindeer meat and about changes in the state budget for 2006 and more).
- Landbruks- og matdepartementet. 1992. Stortingsmel-ding (Government white paper) nr. 28 (1991-92). En bærekraftig reindrift (A sustainable reindeer husbandry).
- March, J. G & Olsen, J. P. 2006. Elaborating the “New Institutionalism”. – In: Rhodes, R. A. W., Binder, S & Rockman, B. (eds.). *The Oxford Handbook of Political Institutions*, pp. 3-20. Oxford University Press, Oxford.
- NOU 2001:35 – Norges Offentlige Uredninger (Gov-ernment paper). 2001. Forslag til endringer i reindriftsloven. (Recommendations of changes to the law of reindeer husbandry). NOU 2001:35. Innstilling fra Reindriftsløvtalget oppnevnt av Landbruks- og matdepartementet (Proposition from the LC appointed by

- MAF) 5. november 1998. Avgitt 15. mars 2001. (submitted March 15, 2001) Statens forvaltningstjeneste, Oslo. (Government management service, Oslo).
- NRL – Norges Reindriftsamers Landsforbund (The Norwegian Reindeer Herders National Association)** 2005. Årsmelding 2005. (Annual report 2005). 73pp.
- NRL – Norges Reindriftsamers Landsforbund (The Norwegian Reindeer herders National Association)** 1978. Vedtekter av 30. juni, 1978, sist endret i 2005. (By-laws of June 30, 1978, most recently changed in 2005).
- Olsen, J. P.** 2004. Survey article: Unity, diversity and democratic institutions. Lessons from the European Union. *Journal of Political Philosophy*, vol. 12, no. 4, Blackwell Publishing Ltd. 461-495pp.
- Olsen, J. P.** 1992. *Organized Democracy. Political institutions in a welfare state – the case of Norway*. Universitetsforlaget, Oslo. 246pp.
- Olsen, J. P.** 1997. Institutional design in democratic contexts. – *The journal of political philosophy* 5 (3): 203-229.
- Pomeroy, R. S. & Berkes, F.** 1997. Two to tango: the role of government in fisheries co-management. – *Marine Policy* 21 (5): 465-480.
- Paine, R.** 1994: *Herds of the tundra. A portrait of Sami reindeer pastoralism*. Smithsonian Institution Press, Washington and London. XI+342pp.
- Regjeringsadvokaten (Attorney General of Civil Affairs)** 2002. Høringsnotat (Preliminary white paper) av 29.08.2002. (of August 8, 2002). 8pp.
- Reindriftsforvaltningen (The Norwegian Reindeer Husbandry Administration)** 2006. – *Reindriftsnytt (Reindeer Husbandry News)* 40 (3 – Sept. 2006): 56pp.
- Reindriftsforvaltningen (The Norwegian Reindeer Husbandry Administration)** 2007. Ressursregnskapet for reindriften (Ecological statistics of reindeer husbandry) (1. april 2005 - 31 mars 2006). Reindriftsforvaltningen, Alta. 3+159pp.
- Reindriftsforvaltningen (The Norwegian Reindeer Husbandry Administration)** 2008. Ressursregnskapet for reindriftsnæringen (Ecological statistics of reindeer husbandry) (1. april 2006 - 31 mars 2007). Reindriftsforvaltningen, Alta. 3+164pp.
- Reindriftsforvaltningen (The Norwegian Reindeer Husbandry Administration)** 2005. Ressursregnskapet for reindriftsnæringen (Ecological statistics of reindeer husbandry) (1. april 2003 - 31 mars 2004). Reindriftsforvaltningen, Alta. 2+133
- Sara, M. N.** 1993. Reindriftens tilpasning og næringspolitikk (The adaptation of reindeer husbandry and industry politics). – *Diedut* nr. 2/1993: 192pp. Nordisk Samisk Institutt, Kautokeino.
- Rokkan, S.** 1987. *Stat, Nasjon, Klasse (State, Nation, Class)*. Universitetsforlaget, Oslo. 403pp.
- Sametinget (The Sami Parliament)** 2007. Notat til Stortingets næringskomitee (Preliminary white paper to the Norwegian Parliament's industry committee). 4pp.
- Sara, A. & Karlstad, S.** 1993. Reindriften i Vest-Finnmark – omstilling, utvikling eller avvikling. En spørreundersøkelse blant befolkningen i Kautokeino reinbeitesogn (Reindeer husbandry in West-Finnmark. Adaptation, development or discontinuation. A survey among reindeer owners in Kautokeino). – *Diedut* Nr. 1/1993: 7+131pp. Nordisk Samisk Institutt, Kautokeino.
- Scott, W. R.** 2003. *Organisations: Rational, Natural and Open Systems*. Prentice-Hall. 5. ed., Upper Saddle, New Jersey. XV+430pp.
- Schmitter, P. C.** 1979. Still the Century of Corporatism. – In: P. C. Schmitter & G. Lehmbruch (eds.). *Trends Towards Corporatist Intermediation*, 7-52pp. Sage Publications, London.
- Ulvevadet, B. & Russell, D.** 2004. Conclusion. – In: Ulvevadet, B. & Klokov, K. (eds.). *Family-based reindeer herding and hunting economies, and the status and management of wild reindeer/caribou populations. Arctic Council 2002-2004*. Centre for Sami studies, University of Tromsø. V+170pp.
- Ulvevadet, B.** 2000. Penger teller, kultur avgjør. Analyse av statens virkemiddelbruk for å oppnå en bærekraftig reindrift i Vest-Finnmark, og reindriftssamenes reaksjoner på denne politikk (Money counts, culture decides. An analysis of governmental measures to reach a sustainable reindeer industry in West-Finnmark, and the reindeer owners' reactions to this policy). *Hovedoppgave i sosiologi. (Master thesis in sociology)* Institutt for sosiologi og samfunnsgeografi, Universitetet i Oslo. 117pp.
- UNEP 2001.** Nellemann, C., Kullerud, L., Vistnes, I., Forbes, B. C., Husby, E., Kofinas, G. P., Kaltenborn, B. P., Rouaud, J., Magomedova, M., Bobiwash, R., Lambrechts, C., Schei, P. J., Tveitdal, S., Grøn, O., & Larsen, T. S. *GLOBIO. Global Methology for Mapping Human Impacts on the Biosphere. The Arctic 2050 Scenario and Global Application*. United Nations Environmental Program/DEWA/TR.01-3. ISBN: 92-807-2051-1-2001.
- Williamson, P. J.** 1989. *Corporatism in Perspective. An introductory guide to corporatist theory*. Sage publications Ltd, London. XIV+249pp.
- Weber, M.** 1978. *Economy and Society. An outline of interpretive sociology*. – In: G. Roth & C. Wittich (eds.). University of California Press. California, Los Angeles and Berkely. CX+1469+lxivpp.

Weiss, S. R. 1994. *Learning from strangers. The art and methods of qualitative interview studies*. The Free Press. New York. ix+246pp.

Østerud, Ø. 1992. *Statsvitenskap. Innføring i politisk analyse (Political science. Introduction to political analysis)*. Universitetsforlaget, Oslo (University Press, Oslo). 399pp.

*Manuscript received 28 August, 2006
final version accepted, 13 May, 2008*

Forvaltningen av reindriften i Norge – maktfordeling og deltakelse

Abstract in Norwegian / Sammendrag: Myndigheter i mange land har erkjent at å innbefatte ressursbrukere i forvaltningsmessige beslutningsprosesser skaper en mer rettmessig forvaltningspolitikk. For å øke medvirkningen for ressursbrukere har norske myndigheter iverksatt to ulike forvaltningsmodeller i den samiske reindriften. På den ene siden er det innført et korporativt system hvor utvalgte reinieiere representerer reindriften i de årlige forhandlingene med myndighetene. På den andre siden er det iverksatt et medforvaltningssystem hvor reinieiere er representert i styrer på lokalt, regionalt og nasjonalt nivå. Staten har også delegert en del forvaltningsgjøremål til disse styrene. Likevel har det gjennom media, spørreundersøkelser og intervjuer, kommet frem at noen reinieiere er misfornøyde med forvaltningssystemet og at de føler seg ekskludert fra deltakelse. Jeg argumenterer derfor for at oppnevningen av reinieiere til de ulike medforvaltningsstyrene og oppnevning av reinieiere til det korporative organ er en delvis uløst utfordring fordi det er vanskelig å etablere et representasjonssystem som føles rettferdig for alle. Jeg påviser også at det er vanskelig å få slike sammensatte systemer til å fungere like godt i praksis som de var planlagt.