

Rettsutgreiing og bruksordning i reindriftsområder. En undersøkelse med henblikk på bruk av jordskiftelovgivningens virkemidler. [Clarifying legal relations and prescribing rules of use in reindeer husbandry areas. A study regarding use of land consolidation procedures].

Ø. Ravna. 2008. Rettsutgreiing og bruksordning i reindriftsområder. En undersøkelse med henblikk på bruk av jordskiftelovgivningens virkemidler. Gyldendal Akademisk, Oslo. 590pp. ISBN 978-82-05-38730-0. (In Norwegian with summary in English and Sami).

This publication has the same title and is almost identical to Ravna's Ph. D. dissertation in law from University of Tromsø, 2008. As is apparent from the title, it studies the question of how certain legal provisions in Norwegian land consolidation legislation – which is a long-established legal right in Norway – can be applied to areas in which reindeer husbandry is followed. One of the reasons for this study is the 1996 extension of the Land Consolidation Act with its provisions for 'purposefulness' and 'no-loss-guarantee' which have been widely used among livestock grazers in South-Norway, to areas in which reindeer husbandry is practised.

This substantial volume divided into 8 chapters, provides the reader with a detailed insight into the essential legal aspects of this issue. The introduction gives a clear account of the background to the study and of the organisation of the volume as a whole. Here, Ravna formulates the central issue in his study "to investigate whether prescribing rules of use in accordance with the Land Consolidation Act is applicable to areas with Sami reindeer hus-

bandry, provided the basic material conditions of land use are satisfied". It is clear that this study has a very specific purpose, yet, even so, the author manages to capture the key features of the overriding issue which concerns the degree to which national legal provisions are or have been adapted to suit the culture and livelihood of the Sami.

Following three chapters of a descriptive nature, in which the author gives an account of the organisation of and legal basis for reindeer husbandry (Chapter 2), of land consolidation and the legal principles on which it is based (Chapter 3), and of reindeer husbandry and land consolidation under the existing legislation in Norway (Chapter 4), the study moves onto a more detailed analysis of the problem. In Chapter 5, the question of whether developments in legislation can in themselves explain why reindeer husbandry has not previously been incorporated into legislation on land consolidation is tackled. Among the issues discussed are the consequences arising from the collective nature of reindeer husbandry. In this context, Ravna examines several examples of

legislation that is solely adapted to the commercial and cultural interests of the majority of the Norwegian population to the legal detriment of Sami reindeer husbandry. Both the material considered and the line of argument followed have wider implications than those envisaged in the original thesis statement. Ravna reaches the conclusion that the collective nature of reindeer husbandry cannot be seen as a restrictive practice in relation to the condition of purposefulness required by the Land Consolidation Act. In Chapter 6, the author asks whether the particular right to property inherent in the right to reindeer husbandry constitutes an obstacle to purposefulness as defined by the Land Consolidation Act. Here the nature of the Sami rights to land and the consequences of this with regard to land consolidation are explored. In Chapter 7, the author discusses the effects of applying the criterion of purposefulness within the reindeer husbandry community. As current legislation does not allow for this option, the discussion must perforce be couched in terms of *de lege ferenda*. The author argues, on the basis of the results from a limited survey on the matter—a questionnaire—that these provisions should also apply within reindeer husbandry and that for such matters a special court should be established. Despite this, the author concludes

from his study (Chapter 8) that the provisions introduced in 1996 have not created a suitable degree of predictability concerning decisions in these types of cases. Ravna argues that the legislators had not been sufficiently aware of the specific conditions under which reindeer husbandry was practised at the time the change in legislation was passed. In his conclusion, Ravna draws attention to the responsibility of the Norwegian state for ensuring that suitable legal provisions need to be developed to meet the interests of reindeer husbandry within the boundaries of the nation state.

Ravna's study is an extensive and carefully executed piece of work that leaves few questions unanswered. However, the lack of comparative studies of the legal provisions in other countries with reindeer husbandry may cause readers to, once in a while, ask themselves how this problem has been treated in legislation in other Nordic countries. This might well be considered a weakness in Ravna's approach, however, given the aim of the study—the development of and application of certain legal provisions in Norwegian law—this comparative aspect can be said to lie outside the scope of this particular study.

The book contains 18 tables, a short summary of the results of the study in both Sami and English, and an extensive list of key words.

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