



**COASTAL SAMI REVITALIZATION AND RIGHTS CLAIMS IN FINNMARK (NORTH
NORWAY) – TWO ASPECTS OF ONE ISSUE?
PRELIMINARY OBSERVATIONS FROM THE FIELD**

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Introduction

The focus of this paper is on the rights claim processes and the revitalization process of the indigenous coastal Sami population in northern Norway. By examining the available research literature and reflecting upon preliminary observations gathered in anthropological fieldwork, I examine how the fight for resource protection and special resource rights are interlinked with Sami identity management. To do so, I analyze the different levels of the claiming of rights in their specific setting throughout time, with a special focus on the period from 1990 onwards. I will show how the actors, the argumentations, and strategies have changed over the course of time leading to the current 'indigenization' of the rights claim process.

Beginning in the mid-nineteenth century, the Norwegian state followed a consistent policy of assimilation towards the Sami and the Kven, called 'Norwegianization' (Minde 2005: 14). This assimilation policy had far-reaching consequences especially for the Sami people in coastal areas, including the partial loss of language skills in many areas and the loss of their identity as a distinct group. The disappearance of the coastal Sami as a distinct group from the public sphere has been documented and conceptualized in different studies, the most prominent being Harald Eidheim's (1998 [1969]) paper '*When Ethnic Identity is a Social Stigma*'. He describes the coastal Sami situation as '[...] a situation where an ethnic status (or identity) is, in a sense, illegitimate, and therefore not acted out in institutional inter-ethnic behavior (Eidheim 1998: 39-40). Through his fieldwork he shows the different mechanisms and strategies constructing 'closed stages' in which the Sami identity could be performed, while the 'public sphere' was strictly a Norwegian one. In Fredrik

Barth's *'Ethnic Groups and Boundaries'*, he assumes that ethnic identity is an aspect of social organization (and organization of interaction) rather than culture, and emphasizes the importance of the investigation on 'the ethnic boundary that defines the group' (Barth 1998 [1969]: 6). Thus, an ethnic boundary only emerges when in constant contact to other groups whereby the characteristics of self-ascription and ascription by others becomes an important feature in order to make the membership in that ethnic group a reality (Barth 1994: 175). Reading Eidheim's study, it becomes evident that the hidden coastal Sami identity commanded a limited potential for organization (Eidheim 1998: 53). Nilsen (1998: 32) analyzes the special problems relating to the coastal Sami experience in the political and organizational field due to the ethnic and economic suppression, which I describe in the first part of this article. The main question then remains as to how the coastal Sami managed to revitalize their culture and enter into public discourses on indigenous rights and marine resources. How were these ethnic boundaries 'reconstructed'?

In this article I evaluate the reasons for the cultural 'disappearance' of the coastal Sami by briefly looking at the historical background. In the main part of the article I analyze different levels of the claiming of rights in their specific settings throughout time¹. The main focus lies in revitalization and rights claim processes used to secure their Sami livelihoods, e.g. how the coastal Sami re-entered the public discourse relating to natural resources rights and how they obtained a certain degree of bargaining power². The fight for secure access to local natural resources has not just emerged in the past few years but started at the turn of the 18th century. However, over the course of time, the actors, the argumentations, and strategies of bargaining have changed, especially following the introduction of a new quota system in 1990, which put the coastal Sami at a disadvantage in the fisheries.

¹ This article includes processes and events until the end of the year 2011. Since this research was conducted, the Norwegian Parliament has decided on the issue of Sami fishing rights. The on-the-ground ramifications of this development are as yet unclear but will be focused upon in forthcoming research.

² Bargaining power means the ability of an actor to get something they want from someone. It may come from greater wealth or social position or the ability to manipulate the ideology of others (Ensminger 1992: 5-7).

Therefore, the main focus of my analysis will lie in the period from 1990 until 2011³. The fight for access and use of natural resources might well be seen as a consequence of a Norwegian policy ignoring the needs and interests of its indigenous minority. Therefore most claims arise at a local level; often they have their origin in an incident, a certain situation, or general feeling of injustice and dissatisfaction. To be heard one needs to mobilize and enter into the public space, therefore the construction of a collective group with a common identity becomes necessary. The major hypotheses of my current study are that indigenous peoples' articulation and negotiation of rights claims will be successful only if they become part of a network that bridges civil society and the state, and if they can convincingly articulate their distinct identity.

The assumptions and hypotheses of this article are based on preliminary observations and analysis from my field research in northern Norway which I am in the process of developing further in my doctoral thesis in Social Anthropology⁴. This article is the first step towards the categorization of different actors involved in rights claims and the historical background of these claims, especially in the period from 1990 onwards. I also discuss the strategies which the actors use in order to influence the political process within the institutional conditions of the nation-state. In keeping with the anthropological approach of adopting a bottom-up perspective, I pursue an analysis of processes taking place at the local level and how these interact with national settings of laws and politics. The data presented in this article stems from the review of research literature on this topic, including some initial observations and interviews from personal field research conducted from September 2010 until September 2011⁵.

³ Certainly, today the number of claims and actors has increased. In recent years the Sami Parliament and local actors have actively used the media to reach the public and this has triggered a controversial and versatile debate both within politics as well as in the general public.

⁴ Institute of Social Anthropology, University of Berne (Switzerland); Working title: *Contested Claims: The Debate between State, Sami Parliament and Local Organizations about Fjordal Resources in Northern Norway*. In my thesis I document and analyze the debate between the different actors involved and discuss which strategies they adopt in order to be most successful in participating in the political (decision-making) process.

⁵ Field research was mainly conducted in Finnmark, Norway's northernmost county. Hence, the material collected and presented here is mainly based on Finnmark. Where appropriate I will refer to the entire coastal Sami area, additionally including Troms and the northern parts of Nordland.

General background

The coastal Sami in Norway comprise a large section of the northern Norwegian coastal settlement from the Ofoten district northwards. They lived mostly in the inner parts of the fjords while the outer areas were later settled by Norwegians (Nilsen 2003: 164). They have traditionally earned their livings from a mixed subsistence economy based primarily on fishing, hunting and animal husbandry which is generally described as *fiskarbonden* (fishermen-farmer) (Nilsen 1998: 26-27). Access to different local natural resources both on land and at sea has been crucial to traditional coastal Sami livelihood and culture. The coastal Sami fisheries have certain distinctive features, including the use of conventional fishing gear, small vessels, and fishermen who utilize of an extensive knowledge of the local environment and the sea (Einarsbøl 2006: 11).

Norwegianization and Modernization

Norway was internally independent from Denmark but in Union with Sweden in 1840. The subsequent construction of a homogeneous state⁶ and the assimilation policy practiced in Norway beginning in the 1850's and lasting until the Second World War resulted in the apparent loss of Sami languages and a distinct Sami ethnic identity in some areas. The systematic "scorched-earth policy" of the retreating German army in 1944 destroyed a huge portion of northern Norway, and erased visible ethnic markers in the landscape, such as traditional boats and coastal settlements.

The reconstruction of northern Norway after the Second World War and the growth of the Norwegian welfare state are important processes in the relations between Sami interests and the Norwegian administration/government, which has also been described as *passive* Norwegianization (Thuen 1980). It signaled a new era in which different ethnic groups should receive the same rights and access to 'equal' (identical) opportunities. However, this led to the further reinforcement of the assimilation policy as the population became socially and economically integrated into, and thus dependent on, the Norwegian majority population (Eidheim 1971).

⁶ Cf. Eriksen & Niemi 1981: Den finske fare.

Modernization, construction of the Norwegian welfare state, and assimilation were thus heavily intertwined and had a significant impact on local communities in coastal areas.

Marginalization in the fisheries

During the development of the Norwegian welfare system with its new corporate economy, local and regional organizational activity increased. As Eypórsson and Mathisen (1998: 213) write:

‘(...) in order to influence the distribution of public resources and to gain a social position, it became quite important to join cooperatives, trade unions, the Farmers Union, The Fishermen’s Union and the governing Labour Party. At this stage it seemed a lot more important for the Sami to be members of the branch organizations and the party in order to access the benefits of the new welfare state than it was to mobilize as an ethnic minority.’

Studies by Eidheim (1971) and Bjørklund (1985) show that after the Second World War most coastal Sami had come to define themselves as Norwegian, leading to a sudden disappearance of the coastal Sami as a distinct group (Eypórsson 2003: 151). Most local fishermen (including the coastal Sami) entered the local branches of the Norwegian Fishermen’s Association [Norges Fiskarlag] in order to obtain the same amount of rights and benefits as the rest of the Norwegian population. The Fishermen’s Association was (and remains to this day) a national organization representing all fishermen in Norway; in other words, membership was defined through occupation and position, thus leaving aside the ethnic minority situation. Given these developments, the question arises as to why or how the Sami appeared in the public sphere, and how the coastal Sami re-constructed themselves as one group inside the Sami ‘nation’.

Institutionalizing 'the Sami nation'

Concomitant with the rise of the ethno-political movement beginning in the 1970s, Sami culture has seen an active revitalization of ethnic identity, cultural activities, and language (Brattland 2010). The protests and actions in connection with the planned hydro-electric power project, the 'Alta-case'⁷, which caught international attention, have been seen as the trigger of policy change towards the Sami in the 1980s when the Sami people were granted the political identity of being an Indigenous People by the WCIP (World Council of Indigenous Peoples) (Minde 2005: 22), thus imbuing them with political and ideological access to specific rights. On a national level, the Norwegian state established two official committees, the Sami Rights Committee and the Sami Culture Committee, which in turn institutionalized the formal bodies of Norwegian Sami policy. Their work has mainly revolved around the so-called 'Sami-paragraph' §110a of the Norwegian constitution, which confers upon the state the responsibility of guaranteeing that the Sami in Norway, by virtue of their being an indigenous people, are able to preserve and develop their culture and society⁸. Most importantly this includes the rights to economy and therefore the guarantee that their resource basis shall not be violated. A 'Sami law' was enacted in 1987 legalizing the organization of an assembly democratically elected by the entire Sami population living in Norway: the Sami Parliament, which began operating in 1989, although it has so far mainly functioned as an advisory body for the state since the extent of its formal authority is a matter still awaiting clarification (Bjerkli & Selle 2003). On a different level, another important result of the Alta-case was the development and revitalization of Sami self-understanding and self-esteem as a

⁷ The Alta-case revolved around the damming of the Alta River as part of a gigantic hydro-electric power project in the reindeer-herding heartland and fundamentally changed the status of the Norwegian Sami as it resulted in the disintegration of the traditional structure of political power in Norway. It also contributed to a number of political changes affecting the Sami and led to a change in the institutional landscape. Additionally, the international discourse concerning indigenous peoples' legal position in a global context played an important role (cf. Minde 2003, Semb 2003, Thuen 1995, Bjerkli & Selle 2003 and Paine 1982).

⁸ Norway has ratified several international conventions, treaties and declarations which are of importance for minorities in general and for indigenous peoples in particular. The most important in the coastal Sami context are the International Covenant on Civil and Political Rights (ICCPR 1966; especially Article 27), ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989; especially Articles 6, 7, 15 and 23), the Convention on Biological Diversity (1992) and the Declaration on the Rights of Indigenous Peoples (2007).

people, after having long been subjected to an assimilation policy into Norwegian society.

Having outlined the more general developments of Norwegian Sami and the changes in the institutional setting of the Norwegian nation-state since World War II, I continue by analyzing the development of the claims which have been articulated by different actors since the 20th century. The development of these claims can be seen as both reactions and actions towards transforming a social, political and legal landscape of Norway. In order to do so, I have characterized these claims and established three phases that are intended to categorize and highlight their differences. The aim of the establishment of phases and categorization is to show how the content of the claims, including their arguments and strategies, have been developed according to a changing institutional setting within the Norwegian state and international law.

Phase 1: Claims of stronger regulations (protection) (ca. 1900-ca. 1990)

The conflicts in northern Norway over how marine resources should be managed have concerned how the fish resources are to be caught without damaging the fish stocks, and the protection of fjords from certain fishing methods. Access to fisheries was defined with the introduction of the fishery law (*'fiskeriloven'*) in 1830 in Finnmark⁹ and was not questioned until after 1990 (see phase 2) (Eypórssson 2008: 99). For many decades local fishermen, both Sami and Norwegian, tried to warn state authorities of the negative development in the fjords, especially in regards to large ships coming into the fjords and overfishing, destroying both local stocks and spawning places. Local fishermen's claims (handled by their local fishery associations or the respective municipalities) never reached the government or were repeatedly overlooked (cf. Andersen 1997; Bull in NOU 2008). This was also due to the fact that the government regarded traditional local knowledge as unimportant and not as 'scientific' knowledge (Andersen 2011, personal communication; see Berkes 1999 for similar issues). In addition, the large fishery associations (mainly the Norwegian Fishermen's Association) had reached such a level of influence in the management of

⁹ The introduced fishery law removed restrictions from the 'foreign' fishermen's access to fishery in Finnmark (NOU 2008:5: 167).

fishery resources that short-term economic interests prevailed, often overlooking small-scale fishers' worries and interests. Fjord fishermen experienced repeated displacement from their traditional fishing areas while watching big boats, especially the herring purse seine, dominate the fish resources they depended on for their livelihoods. These feelings are illustrated by statements from local (Sami) fishermen saying that, from their point of view, the large boats looked like small towns intruding into their traditional areas and that there was nothing they could do about it (Hartvig Johansen, Sami from the Porsangerfjord, November 2010). These statements provide a strong image of the exploitation that occurred during these years.

This problem was exacerbated during the reconstruction process after the Second World War in the 1950s and 1960s, when fisheries were modernized and competition in the fisheries was won with economies of scale: the larger boats had better catches, thereby increasing the pressure on fisheries and leading to an overuse of the common pooled resource due to overcapitalization. To make things worse, not only were local fishermen excluded by having less effective gear at their disposal, but they also feared physical threats: the local fishermen were often harassed by herring fishers and did not dare to set out their cod nets in the fjord (Eypórsson 2008: 117). In addition, local fishermen experienced being overlooked by governmental structures but also by the Finnmark Fishery Association to which the local fishery associations belonged. This was due to the fact that many active fishermen from the large-scale fisheries at the coast were among the leaders of the association and not at all interested in 'closing the fjords'. After having written many letters to different government organizations and especially to the Finnmark Fishery Association without obtaining any form of support it seems that the local communities simply gave up their efforts. Reading the detailed documentation of these conflicts in Einar Eypórsson's (2008) book *'Sjøsamene og kampen om fjordressursene'* [The coastal Sami and their fight for fjordal resources], it becomes evident that the local communities had few if any instruments or strategies guaranteeing success in their claims. Apparently the letters and claims were ignored by the administration and political parties. This situation led to the feeling amongst

local actors that they had been completely neglected as citizens and left with no resource base, as the following statement indicates:

'We have fought and written letters for many years. We haven't been listened to and now the fjord is empty'. (Meeting participant in Kokelv; NOU 2008: 5: 433)

Cultural revitalization: Coastal Sami uprising

During this 'first phase' claims were normally posed from an ethnically neutral point of view or without stressing the specific Sami minority situation. The coastal Sami were in a particularly problematic situation as they were skeptical of Norwegian society. This skepticism was mainly because of the assimilation politics they had experienced, but they were also skeptical of the reindeer-herding Sami as they received a disproportionate amount of privileges and power from the Norwegian authorities, thereby (involuntarily) marginalizing the coastal Sami even further (Nilsen 2003: 174, Nilsen 1998: 29, Hovland 1996). Still, the coastal Sami only hesitantly articulated political demands and did not appear as an ethnic group in their own right until after the Alta-case. It was only then that the articulation of a distinct coastal Sami identity and concomitant demands for special fishing rights became politically visible, leading to the coastal Sami uprising in the 1980s, during which local Sami organizations demanded protection of the fjordal areas from the industrialized Norwegian fishing companies.

In 1983-1984 two fishermen contacted the previously established Sami organization SLF [Samenes Landsforbund] to seek support in their claims to protect the fjord from over-fishing by large ships using active gear and in developing measures to protect local fisheries in coastal Sami areas. As the two fishermen had broken a taboo by making their ethnic background relevant in the fisheries political arena, they were excluded from the fishermen association because of their 'disloyal behavior' (Eypórsson 2003: 158). Today, this event is known as the '*coastal Sami revolt*' [sjøsameopprøret]. Even though it produced no immediate political results it did mark an end to the silencing of the coastal Sami, who were recognized for the

first time as relevant stakeholders in the political process (Eypórsson 1998, 2003, Nilsen 1998).

Phase 2: Claims to reverse the new quota system (approx. 1990-2005)

Unfortunately the fears of the local population of overusing the marine resources became a visible reality in 1989 when the Norwegian authorities stopped cod fishing as early as April 18th.

I started to fish 20-25 years ago as soon as I finished primary school. At this time we had free access to fishery and lived a good life. Then a series of setbacks happened, first there were big boats coming into the fjords sweeping up both the cod stocks and other fish. After them the seal years followed; who does not remember the herds of Greenland seal that invaded both the fjords and coast and produced a black sea. When the seal had disappeared and the fish started to come back we got quotas which excluded us fjord fishermen from the sea. (Trygve Larsen in Nordlyst Morgen 14.03.1995:12; own translation)

The dramatic decline in cod stocks followed by the introduction of a new vessel quota system in 1990 to regulate the cod fisheries fundamentally changed the nature of these claims. Even though no one questioned the need for stricter regulations, the design of the new regulation system created controversy (Davis & Jentoft 2003: 195). Local fishermen, who had actively been warning government organizations about overfishing and had been working for years to ensure stricter regulations in the fjords for economic and ecological reasons were now practically excluded from the fisheries (Eypórsson 1991: 126). Due to their combination of different livelihoods and the recent seal invasion into the fjords, they did not fulfill the governmental criteria to obtain a secure quota as they did not catch fish in high enough numbers. Only those who had caught a specific quantity of cod in one of the previous three years were given a guaranteed cod fishing quota; all others fell under the so-called competitive quota (Nilsen 2003: 177). Ironically, the regulations did not implement

any restrictions on fishermen fishing with active gear, whose catches with large ships had in fact caused the decline. This exclusion was experienced as extremely unfair to the local small-scale fishermen as they had been warning about overfishing for a long period and because they perceived their way of life as being ecologically sustainable.

The former president of the Sami parliament, Ole Henrik Magga, states that the loss of fishing rights of the coastal Sami was the biggest abuse against the Sami people in modern times (NRK Brennpunkt, 5.10.2009):

‘Events may provide symbolic material which invite interpretations that subsequently change concepts about social identities and relationships’
(Thuen 1995: 201)

This quote from Thuen is taken from the chapter *Communicating the Challenge* in his book *Quest for Equity*. In this chapter he shows how indigenous policies use symbolic actions in challenging the dominant perceptions of minority issues. I have chosen this quote to show the importance of ‘events’ such as the Alta-case, the coastal Sami revolt, and the introduction of the 1990 vessel quota system in order to mobilize the people through the construction of a shared experience triggering a common identity. Even though the implementation of the new vessel quota system in 1990 did not have the same vast political and social consequences as the Alta-case had, as I discuss later in this article, it still marks an important point because it revitalized the questions on the rights to fishing and the distribution of fish resources.

Institutionalizing the mobilization?

With the introduction of the new management system the claims of local fishermen and organizations appeared on the political and public agenda. From this point on, the claims contents attempted to reverse the new regulation policy and get local fishing rights back. The period from 1990 onwards marks a new stage in the *organization* of claims with the establishment of the Sami Parliament in 1989, which immediately entered into the articulation of claims and strengthened the Sami voice and minority situation in order to secure coastal Sami livelihoods and culture, albeit

with little visible success¹⁰. The empowerment of the Sami people through the establishment of the Sami Parliament resulted in an on-going analysis and numerous assessments of the situation of the coastal Sami people by experts and committees appointed by the government or the Sami Parliament¹¹. In 1990 the Smith Report, which had been commissioned by the Norwegian government, with reference to national and international law, concluded that the Norwegian state had a legal duty to ensure the survival of coastal Sami culture (Søreng 2008: 83). However, these reports had little political effect.

Throughout the 1990s the Sami rights struggle entered into the international global discourse on indigenous peoples' rights. It follows that arguments based on the concept of indigeneity appeared on the political agenda, thereby making the claims for rights more legitimate. The first substantial change of Norway's Sami policy consisted of the ratification of the Finnmark Act¹² and the signing of the Consultation Agreement between the Sami Parliament and the Norwegian government in 2005. The Consultation Agreement had a major impact on the Sami's further political organization to gain fishing rights as they now had greater opportunities to express their opinions in all matters concerning Sami interests, including fisheries issues (Brattland 2010).

During this last part of the second phase, which consisted of reports and evaluations, the local population temporarily stopped mobilizing and actively articulating claims. Through the institutionalization of a new Sami policy it seems that the articulation of claims and the negotiation of those claims were channeled to the Sami Parliament which thereby adopted the role of a 'pressure group'.

¹⁰ The establishment of the Sami Parliament was a result of a changed Norwegian policy towards the Sami people which had developed during the last decades, first as a result of the Alta-case and secondly because of the development of an indigenous international movement including the development of an international legal framework towards indigenous peoples (cf. Minde 2003: 87-123).

¹¹ The most important reports were written during the 1990s by Carsten Smith (1990), the Sami Rights Commission, the Sami Fishery Commission, and the Sami Parliament.

¹² The Finnmark Act led to the transfer of the landholding administration and ownership to a local corporate body. The new institution/organ is an independent legal body. The administration consists of three members of the provincial government [fylkesting] and three members of the Sami Parliament (cf. Hernes&Oskal 2008).

Phase 3: Claims of Indigeneity (from 2005-ongoing)

After the adoption of the Finnmark Act in 2005, which does not include any coastal Sami rights to fjordal resources, there was increased mobilization at the local level. The political result of the exclusion of coastal Sami rights from the Finnmark Act was the appointment of the Coast Fishery Commission [Kystfiskeutvalg] in 2006 that received the mandate to elaborate on 'Sami and others' rights to fishing in the fjords and sea off Finnmark'. The work of the Coast Fishery Commission was comprehensive and different strategies were used. The most important of these was the arrangement of public meetings in every coastal municipality in Finnmark. These meetings were used to gather information on the views of the local population and to include local knowledge of the environment in the elaboration of Sami fishing rights. The effect was that people actively reflected on their use of the fjords, their local history and the problems they had encountered in the past. For the first time they were actively asked to contribute to the discussion with traditional local knowledge. They finally had an arena where they could discuss issues relating to their livelihoods and, more importantly, a space where they were listened to. Interestingly, the concerns of the locals were more or less the same throughout all seventeen coastal municipalities. The locals who participated at the public meetings expressed their points of view on rights questions, concerns over the use of active gear in the fjords, the fish farming industry which had come to stay in many fjords, and the quota distribution system, among other issues. People often asked why the commission had been established or what the fishing rights meant as all the fish were gone. This shows that the awareness of the problem of over-fishing and the experience of the fishermen's concerns being overlooked still remained. I argue that through these public meetings and the discussions on the Sami's rights to fishing, the Coast Fishery Commission set in motion a stronger revitalization process by reinforcing the awareness of the local people that they lived in a traditional coastal Sami area.

'(...) It [the report] gave recognition to a history and a necessary proposal for action as a consequence of this history' (Persen 2011: 21)

Local Mobilization

As stated above, the exclusion of the coastal Sami fishing rights from the Finnmark Act not only led to the appointment of yet another Commission but also crucially led to new mobilization at the local level. Since 2005 new local fishery organizations have been established; among the first was the coastal Sami fishery organization *Bivdi*, located in Porsanger. Three years later, in 2008, another fishery organization came into existence on Stjernøya in Finnmark, the *Fjord-fishermen Association* (Fjordfiskernes Forening). Both organizations worked hard to reach their goals of securing local fjord fishermen's access to fishing rights and protecting the fjord from boats with active gear and the farming industry, as well as addressing other concerns. Backed by claims that had already existed for decades, the claims for greater local participation inside the resource management system and other decision-making institutions became increasingly important. This shift towards more precise claims and increased participation in the management system is seen in relation to the publication of the report of the Coast Fishery Commission (NOU 2008: 5) and its inclusion of international law as well as the increased cooperation and mobilization of indigenous peoples on an international level. I argue that the bargaining power of local actors by using the notion of indigeneity and by referring to international law has been significantly enhanced during this period and has become one of their most important strategies.

Other organizations such as the *Norwegian Coast Fishery Association* [Norges Kystfiskarlag] also entered into the discussion, although cooperation between the different local organizations remains rather low. In my opinion this is due to the fact that they operate very locally; they use their traditional local knowledge from an area to articulate claims and strive for a better situation. As a consequence, the contents and modes of argumentation for the same problems differ from one place to another - different strategies are proposed to solve the same problems. *Bivdi*, which is a coastal Sami organization, bases most of its argumentation on locals' ethnic background of being coastal Sami who are protected by national and international law, whilst the *Fjord Fishermen Association* until recently argued for special measures and rights for the entire population living on the fjords independent of their ethnic belonging or identity. The latter changed its position this year (2011),

arguing that it has more chances of being listened to by introducing an indigenous perspective to its work (personal communication, October 2011). This stance shows the importance of referring to international law and to other indigenous peoples' situations living under similar circumstances. The increased bargaining power deriving from an ideological backing of having one's legitimacy rooted in their indigenous status is evident in this example.

Some days before the handover of the report of the Coast Fishery Commission to the Norwegian government, voices in the media, mainly observed in Sárgat and NRK- Sápmi, concerning the report were mostly positive and full of hope. Some fishermen who had been interviewed by the media were asked what was of most importance to them, and their answers were more or less homogenous: 'the most important thing is that they conclude that we have rights', and 'the rights have to be settled in the legislation' (NRK-Sápmi: 15.02.2008; 17.02. 2008).

I observe an expanded argumentation on coastal Sami issues as being an indigenous case since the work of the Coast Fishery Commission began. In previous phases the local fishermen entered into the public domain more from a small-scale fishery perspective. The establishment of the Sami Parliament, the founding of coastal Sami organizations such as Bivdi, the presence of the issue in different media outlets, and, in the end, the appointment of the Coast Fishery Commission opened a new arena in which the fishery situation clearly became a coastal Sami issue and a matter of indigenous politics and a responsibility of the Norwegian state. A new and important dimension which entered Sami claims-making refers to international conventions, such as the ILO convention no. 169: the *participation* of local fishermen in the management of nearby resources. This has to be seen in relation to the findings in the report of the Coast Fishery Commission, which proposes a similar management system for fjordal resources as implemented through the Finnmark Act regarding land rights.

New forms of cooperation

With the ratification of the Consultation Treaty in 2005 the different local and regional organizations took the chance of collaborating with the Sami Parliament in the hopes that they would gain attention and an opportunity to directly transmit

their local concerns and interests to decision-makers. The cooperation between different local organizations and the Sami Parliament has become an important element in their fight for resource rights. Sigvald Persen and Jon Egil Nilsen (Interview with the leaders of Bivdi in Indre Billefjord, November 2010) explain the relationship and its benefits as follows:

‘What we have discussed with the Sami Parliament is that they also have needs for a grassroots organization which can tell them what the opinions and understandings are, what the claims are thus the argumentations become thin if they do not have anything behind themselves, they will negotiate about something and do not have a population to refer to as ‘here are the claims from them’, so I also perceive our role to be really important. Thus we are likely to be the legitimacy – and this the Sami Parliament told us clearly – yes they did, we have discussed this, that one needs to understand what happens in the local environment, opinions, interpretations because it is really important. This reciprocal aspect is really important here’ (own translation).

The report of the Coast Fishery Commission was a common denominator of the different organizations; hence, since 2008/2009 it has become possible to see an increased organizational activity *between* the different organizations such as Bivdi, the Fjordfiskernes Forening [Fjord Fishermen Association], Tana og omegn Sjølaksefiskerforening [Tana Region Sea Salmon Fishing Association] and Norges Kystfiskarlag [the Norwegian Coast Fishery Association] among others. This is also partly a reaction to the statement of the attorney of the Norwegian government, who commented on the report and said that coastal Sami had no historical rights to the fishery resources. Consequently, on her last day as fishery minister, Helga Pedersen (Labor Party and coastal Sami) also rejected the conclusion of the Coast Fishery Committee that people living around the fjord have historical rights to fishery. As a consequence of these statements different organizations gathered at the Sami Parliament to discuss a common strategy for their further work in obtaining their claims to historical rights.

Traditional media such as local newspapers and social media on the internet such as Facebook, Twitter and blogs have become an important instrument of communication between the organizations, between locals, and as a forum for discussion. This is all the more critical because it has reduced the cost of communication and coordination. Most of the local organizations do not have large resources, traveling distances in northern Norway are long, and the organizations are spread out geographically. The questions about customary tenure rights to fishing areas had so far been quite absent in the public sphere. These questions first became relevant after the increased pressure on and competition over natural resources and the loss of fishing access which had been presumed to be a natural right of the people living at the fjords and coast.

With the 'indigenization of the claims', the instruments and arguments relate clearly to international indigenous legal frameworks and the moral dimension. Indigenous peoples in general have no or only marginal access to the political process. According to Noël Dyck (in Semb 2003: 151), their most important instrument in 'forcing' the state to fulfill its democratic responsibility is the 'politics of embarrassment', that is, the attempt to weaken the international reputation of the state by using international organizations and arenas.

Conclusion

The research I have reviewed for this article has made clear that there exists a tendency to describe the institutionalization of Sami politics and its consequences from a top-down perspective, thus ascribing to the Sami fishermen a passive 'receiver role' rather than an active role as being participants, 'challengers' and important drivers during the process of clarifying the relationship between the state and its indigenous people, including the questions of fishing rights. In keeping with the anthropological approach of adopting a bottom-up perspective, I have pursued an analysis of processes taking place at the local level and analysed how these have interacted and been influenced and intertwined with national and international settings of laws and politics. For instance, as the quota system of 1990 transformed the basis on which the coastal fishery operates, the concerns and claims of local communities has also changed: the condition of the cod stocks became secondary

while the access to the resource, including the question of the rights of coastal Sami, became a primary issue debated in the public arena (Jentoft 1998: 5). Furthermore, the establishment of the different phases over time has shown how the content of the claims, as well as the arguments and strategies of local organizations have been developed and modified according to a changing institutional setting within the Norwegian state and international law.

Reconstructing the boundaries?

In the local newspaper *Nordlys Morgen* (16.04.1994: 14) in 1994 Steinar Pedersen writes in a letter that 'the fishing refuse for coastal Sami can give a new Alta-case'. Pedersen compares the injustice against the coastal Sami by excluding them from the fisheries with the Alta-case in 1979. He assumes that the same could happen in coastal Sami areas. Today, roughly twenty years later, we know that this did not happen. Why is that?

In the fight against the construction of the dam in Alta, the Norwegian 'pro-Sami' and the Sami elite constructed a 'Sami nation'¹³, which from this point onwards fought together for a better status of the Sami people and for Sami collective rights. The emphasis on the 'We' (all Sami) against 'the Others' (Norwegians) and the emphasis on strong Sami symbols and cultural elements suggested a homogenous group: a 'Sami nation' inclusively centered on one single Sami identity, which did not reflect the reality of the existing Sami diversity. I argue that during this fight for their recognition as one people, the actual heterogeneity of the Sami people was not communicated clearly enough, later leading to internal demarcations, e.g. between the reindeer Sami and coastal Sami (cf. Lätsch 2009: 87). To be more precise, in their fight for recognition, the movement used strong traditional symbols from the inner parts of Finnmark and the reindeer-herding Sami who obtained a sort of cultural predominance, resulting in the unintentional marginalizing of coastal Sami who could not identify themselves with those symbols. The lack of an obvious cultural difference between the coastal Sami fishermen and Norwegian fishermen presented a dilemma. The equating of the Sami people and culture with reindeer herding is still

¹³ Cf. the exhibition on the internet: 'Sápmi – Becoming a Nation' (<http://sapmi.uit.no/sapmi/ExhibitionStart.do?language=engelsk>)

predominant especially in the heads of non-Sami people outside of northern Norway. A further reason for the long invisibility of the coastal Sami was the fact that their traditional way of living, fishing (often combined with agriculture and animal husbandry), was never perceived as a traditional Sami mode of production but rather as a Norwegian activity and as being part of Norwegian culture. With the appeal of the coastal Sami to fisheries as a Sami tradition they faced a lack of understanding inside the local population, who also based their economy on fisheries and who refused to understand such economic activities as being specifically 'Sami'. Nevertheless, the increasing political awareness of the Sami in general triggered a revitalization process in coastal areas, resulting a few years later in the 'coastal Sami Revolt of Porsanger'. From this moment on a substantial part of the coastal Sami identity management was created in the establishment of boundaries separating not only ethnic Norwegians but also the reindeer Sami from coastal Sami peoples (Nilsen 1998: 30).

Ecological changes as a source of ethnic revitalization

The whole process of articulating the different claims over time has, from the point of view of my observations, contributed crucially to the cultural revitalization and political consciousness of the coastal Sami. In their long fight to attain fishing rights, specific identities were formed. In their respective villages they experienced constantly being ignored in matters pertaining to ecological change inside the fjord system, which, to a great extent, had been caused by the foreign fishing fleet. Andersen (2006) describes parts of this process in her article *landskap, forvaltning og samisk identitet* [Landscape, management and Sami identity]. She observes that at the same time as ecological changes were being experienced in the fjord there was a growing Sami revitalization in the villages of the fjord and a growing local awareness of traditional Sami livelihoods and interests. Reflections on these changes, consequences for livelihoods and society resulting from the changes, and other conditional causes can be thought of as influencing and giving content to an ethnic self-understanding at a local level. Andersen looks at the fjord as a landscape where identities are formed and maintained and where boundaries to the 'others' are made. In this context the changes in the fjord have triggered reflections on the differences

in, for example, the fjord system over time, or in other words, the ecological imbalance that has emerged, and the construction of a 'We' in contrast to the 'Others' that describes the boundaries between the local population and the fishermen coming from the outside and often working on big boats. Those processes have had a positive impact on a common local identity and at the same time have provided the basis for collective mobilization/action through local fishery organizations.

The awareness of the ecological changes in the fjord and the differentiation of the 'We' and the 'Others' highlights one other important aspect: local traditional knowledge in this context may be seen as an expression of a specific form of local affiliation. Local traditional knowledge refers to continuous settlement and can be used as a framing perspective in the fight for obtaining historical rights on fishing resources. At the same time, such local affiliation can be seen as an obstacle which has obstructed a greater mobilization for coastal Sami interests. The small fishery organizations had little willingness to merge into one single organization and preferred to cooperate only in matters of common interest such as the fight for the implementation of the proposals of the Coast Fishery Commission (as presented in NOU 2008:5) or, more recently, in their fight against the expanding fish farming industry.

Revitalization and Right Claims: two aspects of one issue?

Drawing from my review of literature and own observations, the fight for resource rights has had a positive impact on Sami identity management. The mobilization, the constant discussion of coastal Sami rights, different meetings both in a cultural setting (for example the seminars conducted at the RidduRidđu-Festival) or at seminars at the university or meetings between different political actors and organizations have all initiated a broader discussion of coastal Sami issues and thus contributed to establishing their own 'Sami-ness' in coastal areas. The constant fight, the on-going discussions on coastal Sami rights, and especially the conflicts experienced have all led to the formation of 'one group' with one common denominator: the fisheries and coastal culture. Or, as Lillevoll (1998: 137-38) states:

'Identity management through lifestyle competition becomes one meaningful expression in resource competition. The ethnic awakening presently taking place in coast Sami milieus can be seen as an attempt to strengthen positions, e.g. in the resource competition. Comprehension of reality and identity are reconstructed and the expressive aspect of the mode of living changes. Local reflections of this are, e.g. establishment of Coast Sami associations, activity in media, reconstruction of the Coast Sami traditional costume, and celebration of the Sami people's national day. These are strong symbols of Coast Sami mode of living, self-assertion and identity management. Participating in arenas where resource competition and the redefining of the situation call for increased self-awareness, visibility and participation. Higher status, strengthened action opportunities and cultural change may be the effects.'

I agree with Sørensen (2008: 81) when she states that claiming rights is an ongoing process of redefining oneself and of the invention and reinvention of one's own history.

In particular the past few years show that the articulation of claims has intensified and that this not only revolves around obtaining access to fishing resources or participation rights towards political decision-making processes or in management systems, precisely because it has become crucial for coastal Sami that their *historical* rights are officially acknowledged, e.g. that they are *recognized* as a distinct group within the Sami population which, alongside the reindeer Sami, who have special rights to their resources on the grounds of being an indigenous people. Thus, one can indeed argue that those two processes, both the revitalization as well as the rights claim process, in addition to being interlinked and being important drivers for one another, are two aspects of the same issue once the 'issue' is defined as *recognition*.

References

Andersen, Svanhild 2006: Landskap, forvaltning og identitet. *Diedut* nr. 3/2006. Nordisk Samisk Institutt, Kautokeino

Andersen, Svanhild 1997: Ressurskamp og møter med offentlige instanser – Noen utfordringer i en norsk og samisk utkant. Hovedfagsoppgave i Sosialantropologi/Samiske Studier, Universitetet i Tromsø

Barth, Fredrik 1998 [1969]: *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*. Waveland Press

Barth, Fredrik 1994: *Manifestasjon og prosess*. Universitetsforlaget, Oslo

Berkes, Fikret 1999: *Sacred Ecology. Traditional Ecological Knowledge and Resource Management*. Tylor and Francis, Philadelphia

Bjerkli, Bjørn & Per Selle (eds.) 2003: *Samer, makt og demokrati. Sametinget og den nye samiske offentligheten*. Gyldendal Norsk Forlag, Oslo

Bjørklund, Ivar 1985: *Fjordfolket i Kvæningen*. Universitetsforlaget, Tromsø/Bergen/Oslo

Brattland, Camilla 2010: 'Mapping Rights in Coastal Sami Seascapes'. In: Ravna, Øyvind (ed.) 2010: *Arctic Review on Law and Politics*. Gyldendal Norsk Forlag, Oslo

Davis, Anthony & Svein Jentoft 2003: The Challenge and the Promise of Indigenous Peoples' Fishing Rights: From Dependency to Agency. In: Jentoft, Svein et. al 2003: *Indigenous Peoples: Resource Management and Global Rights*. Eburon Academic Publishers, Delft. 185-211

Eidheim, Harald 1998 [1969]: When Ethnic Identity is a Social Stigma. In: Barth, Fredrik 1998 [1969]: *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*. Waveland Press

Eidheim, Harald 1971: *Aspects of the Lappish Minority Situation*. Universitetsforlaget, Oslo/Bergen

Einarsbøl, Elisabeth 2006: Some Legal Considerations Concerning Saami Rights in Saltwater. The Extent of Ownership Rights in Saltwater Areas under Norwegian and International Law. *Gáldu Čála – Journal of Indigenous Peoples Rights* No. 1/2006

Ensminger, Jean 1992: *Making a Market. The Institutional Transformation of an African Society*. Cambridge University Press, Cambridge.

Eriksen, K.E. & Einar Niemi 1981: *Den finske fare. Sikkerhetsproblemer og minoritetspolitikk i nord 1860-1940*. Universitetsforlaget, Oslo/Bergen/Tromsø

Eyþórsson, Einar 2008: *Sjøsamene og Kampen om Fjordressursene*. ČálliidLágáđus, Karasjok

Eyþórsson, Einar 2003: the Coastal Sami: a ‚Pariah Caste‘ of the Norwegian Fisheries? A reflection on Ethnicity and Power in Norwegian Resource Management. In: Jentoft, Svein et.al 2003: *Indigenous Peoples: Resource Management and Global Rights*. Eburon Academic Publishers, Delft. 149-162

Eyþórsson, Einar 1998: Voices of the Weak – Relational Aspects of Local Ecological Knowledge in the Fisheries. In: Jentoft, Svein (ed.) 1998: *Commons in a Cold Climate. Coastal Fisheries and Reindeer Pastoralism in North Norway: The Co-Management Approach*. Parthenon/UNESCO. 185-204

Eyþórsson, Einar & Stein R. Mathisen 1998: Ethnicity and Epistemology – Changing Understandings of Coastal Sami Local Knowledge. In: Jentoft, Svein (ed.) 1998: *Commons in a Cold Climate. Coastal Fisheries and Reindeer Pastoralism in North Norway: The Co-Management Approach*. Parthenon/UNESCO. 205-220

Eyþórsson, Einar 1991: *Ressurser, livsform og lokal kunnskap. Studie av en fjordbygd i Finnmark*. Hovedfagsoppgave i Samfunnsvitenskap. Institutt for Samfunnsvitenskap, Universitetet i Tromsø

Hernes, Hans-Kristian & Nils Oskal 2008: *Finnmarksloven*. Cappelen Akademisk Forlag, Oslo

Hovland, Arild 1996: *Moderne urfolk: Samisk ungdom i bevegelse*. Cappelen Akademisk Forlag, Oslo

Lätsch, Angelika 2009: Von Kåfjord zu Gaivuotna? Norwegische Minderheitenpolitik in einer peripheren samischen Küstengemeinde in Norwegen. *Arbeitsblatt Nr. 48*. Institut für Sozialanthropologie, Universität Bern

Lillevoll, Tor Arne 1998: Open Commons for Fjord Fishery in Coast Saami Areas? In: Jentoft, Svein (ed.) 1998: *Commons in a Cold Climate. Coastal Fisheries and Reindeer Pastoralism in North Norway: The Co-Management Approach*. Parthenon/UNESCO. 121-144

Minde, Henry 2005: The Alta Case: From the Local to the Global and Back Again. In: Cant, Garth, Anake Goodall and Justine Inns (eds.) 2005: *Discourses and Silences: Indigenous Peoples, Risks and Resistance*. University of Canterbury, Christchurch. 13-34

Minde, Henry 2003: Urfolksoffensiv, folkerettsfokus og styringskrise: Kampen for en ny samepolitikk 1960-1990. In: Bjerkli, Bjørn & Per Selle 2003: *Samer, makt og demokrati. Sametinget og den nye samiske offentligheten*. Gyldendal Norsk Forlag, Oslo. 87-123

Nilsen, Ragnar 2003: From Norwegianization to Coastal Sami Uprising. In: Jentoft, Svein et.al 2003: *Indigenous Peoples: Resource Management and Global Rights*. Eburon Academic Publishers, Delft. 163-184

Nilsen, Ragnar 1998: *Fjordfiskere og ressursbruk i nord*. Ad Notam Gyldendal, Oslo

Nordlys Morgen, 14.03.1995:12, 16.04.1994:14

NOU 2008: 5: *Retten til fiske i havet utenfor Finnmark*. Norges offentlige utredninger.

NRK-Sápmi, 15.02.2008: *Venter bedre tider med Helga*. http://nrk.no/kanal/nrk_sapmi/1.4837095

NRK-Sápmi, 17.02.2008: *Vil ha en lov som sikrer samene fisken i havet*. http://nrk.no/kanal/nrk_sapmi/1.4849497

NRK-Brennpunkt, 5.10.2009: *Tapte kampen om fiskeretten*. <http://nrk.no/programmer/tv/brennpunkt/1.6801542>

NOU [Norges Offentlige Utredninger] 2008:5: *Retten til fiske i havet utenfor Finnmark*

Paine, Robert 1982: *Dam a River, Damn a People? Saami Livelihood and the Alta/Kautokeino Hydroelectric Project and the Norwegian Parliament*. IWGIA Document 45, Kopenhagen

Persen, Sigvald 2011: Lokalhistorien, kunnskapen og demokratiet. In: Andersen, Svanhild & Sigvald Persen (eds.) 2011: *Den gang var det jo rikelig med fisk*. Sjøsamisk kompetansesenter, Indre Billefjord

Semb, Anne Julie 2003: Normenes makt. In: Bjerkli, Bjørn & Per Selle (eds.) 2003: *Samer, makt og demokrati. Sametinget og den nye samiske offentligheten*. Gyldendal Norsk Forlag, Oslo.124-151

Smith, Carsten 1990: Om samenes rett til naturressurser – særlig ved fiskerireguleringer. *Lov og rett*. Universitetsforlaget, Oslo

Søreng, Siri Ulfsdatter 2008: Fishing Rights Discourses in Norway: Indigenous Versus Non-Indigenous Voices. *MAST 6 (2)*. 77-99

Thuen, Trond 1995: *Quest for Equity. Norway and the Saami Challenge*. Institute of Social and Economic Research, Newfoundland

Thuen, Trond 1980: *Samene: Urbefolkning og minoritet*. Universitetsforlaget, Tromsø/Bergen/Oslo

Summary

The focus of this paper is on the rights claim processes and the revitalization process of the indigenous coastal Sami population in northern Norway. By examining the available research literature and reflecting upon preliminary observations gathered in anthropological fieldwork, I examine how the fight for resource protection and special resource rights are interlinked with Sami identity management. To do so, I analyze the different levels of the claiming of rights in their specific setting throughout time, with a special focus on the period from 1990 onwards. I will show how the actors, the argumentations, and strategies have changed over the course of time leading to the current 'indigenization' of the rights claim process.

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