

The Finnmark Estate: Dilution of Indigenous Rights or a Robust Compromise?

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Abstract: This paper describes the new land management arrangement established in Finnmark County—the northernmost county of Norway. The arrangement is a response to a long-standing land claim made by the Indigenous Sámis of Norway. However, in comparison with settled land claims (e.g., in Canada), it departs, on one central dimension, from the typical conception of how land and resources in Indigenous areas should be governed. On the operational level, the management is ethnically blind, which implies a management that provides Sámi and non-Sámi users of land and resources the same entitlements and services. Thus, some have argued that, in the case of Norway, Indigenous rights are absent or, at best, diluted. Still, based on a framework for understanding forms of Sámi self-determination in Norway as relational, this paper shows how Indigenous rights are embedded in the new arrangement called the Finnmark Estate (FeFo). The paper is part of a special collection of brief discussion papers presented at the 2014 Walleye Seminar, held in Northern Saskatchewan, which explored consultation and engagement with northern communities and stakeholders in resource development.

Introduction

As a result of a lengthy public investigation by the Sámi Rights Commission¹ on land rights, and consultations between the Standing Committee on Justice, the Sámi Parliament, and the Finnmark County Council, the *Finnmark Act* was adopted by the Norwegian Parliament in June 2005² (Hernes and Oskal, 2008; Ravna, 2011). The purpose of the Act is to arrange for a management of land and natural resources in a balanced and ecologically sustainable

manner for the benefit of all residents in Finnmark, and, particularly, as a basis for Sámi culture, reindeer husbandry, the use of non-cultivated areas³, as well as commercial activities and social life.

The Act recognizes the Sámi as an Indigenous people with substantive rights and creates a framework for transferring land previously held by the state to the inhabitants of Finnmark. Until 2005, the Norwegian state considered itself the owner of the land in Finnmark. This position had been contested by legal experts and the Sámis for a long time. On the basis of domestic legal development, interacting with international law and the ratification of the International Labour Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries⁴ (ILO 169), the Norwegian government reluctantly admitted that the role of the state as the simultaneous executive authority and owner had been blurred. In this process, the state acknowledged the need to distinguish between state supervisory authority and the ownership of land in Finnmark.

The result of this admission, made in the lead-up to the *Finnmark Act*, was that the formerly state-owned land (45,000 km² in Norway's northernmost county) was formally conferred on July 1, 2006 to a new land-owning body called the Finnmark Estate (*Finnmarkseiendommen, FeFo*).⁵ It is historic insofar as the responsibility for such a large land area has never before been transferred to regional governance and administration. The Finnmark Estate holds the title to the land formerly held by the state forest company.⁶ In addition, an arrangement for the identification and recognition of existing rights was enacted in section five of the Act, maintaining that the Act does not interfere with collective and individual rights acquired by Sámi and other people through prescription or immemorial usage. A survey and recognition commission is currently investigating the rights of use and ownership to the land taken over by the Finnmark Estate.⁷ If the parties involved are not in agreement with the commission's conclusions, even after mediation, the dispute shall be considered by a special court—the Uncultivated Land Tribunal for Finnmark. The right of identification and investigation not only relates to Sámi groups and individuals, but to all who are in the same situation. This process of investigating land rights by the Finnmark Commission will not be further discussed in this paper; rather, the focus will be centred on the role of FeFo as a managing body. Specifically, as the Finnmark Estate provides the same treatment and services at the operational level to Sámi and non-Sámi land and resource users, how does one explain that the Finnmark Estate (and the Finnmark Commission) is an explicit response to Sámi land claims?

This question will be discussed by first reflecting on how the Sámis in Norway have, through several stages of political development, gained more effective forms of decision making alongside the non-Sámi majority in shared decision-making institutions and greater forms of institutional autonomy, primarily through the creation of the Sámi Parliament. We then proceed to sketch out the consultation process leading up to the *Finnmark Act* and the structure of the Finnmark Estate. Afterwards, we outline the particular features of FeFo to help illustrate that while the law and regulations manifest Sámi rights concerns, the measures and the actions carried out apply to all citizens regardless of ethnic identity. We conclude by emphasizing the role of the Finnmark Estate as a response to Sámi land claims.

Comprehending Institutionalization of Rights

In the Circumpolar North, a range of governance arrangements applying to Indigenous peoples can be identified, from comprehensive home rule autonomy to ethnic self-determination, joint governance, and co-management systems. Differences in types of arrangements and degree of state integration reflect demographic, geographic, and political variations, as well as differences in colonial histories and nation building. Ultimately, this calls for a context sensitive approach (cf. Broderstad, 2011). In Finnmark, similar to other Sámi areas, the inhabitants constitute a diversified demographic composition. As pointed out by Ween and Lien (2012), Finnmark is unique compared to many other Indigenous areas undergoing decolonizing processes because, for centuries, Indigenous Sámi and non-Sámi peoples have inhabited the region side by side, predating the emergence of Norway as a nation-state (95).

The contemporary policy of change implies new Indigenous political and legal arrangements, but the opportunities for establishing Indigenous autonomy differ. Differences matter and an important one is that between federal and unitary states. In unitary states, such as in Scandinavia, law-making authority lies with the national authorities and local self-government has no formal, constitutional role. Another relevant difference is that in the Nordic countries the Sámi people have been more strongly integrated (as individuals) than is the case with most Native Americans who experienced a system of differential treatment based on the reservation system (Stordahl, 1994). The Sámis gradually became integrated in postwar socio-political developments. Today, everybody—Sámi, as well as non-Sámi—benefits from the rights and services provided by an advanced welfare state, such as education and health care. But the earlier recognition of the Sámis as equal members of the state did not acknowledge the existence of the Sámis as a

permanent Indigenous minority or as a separate ethnic group. Thus, even though the previous policy of assimilation was gradually abandoned, the effects of the resolute Norwegian assimilation policy still appeared, and do so even today.⁸

A relational perspective on implementing self-determination⁹ “encourages the view that Indigenous peoples must seek influence in a variety of different political forums to manage the complex web of relationships in which they have become entangled with non-Indigenous communities and governments” (Murphy, 2008: 203). In many ways, this has been the strategy of developing Sámi self-determination in Norway. Understanding greater forms of self-determination granted to the Sámi in Norway can be sketched out in a four-stage framework: the “negative,” the “positive,” the procedural, and the institutional aspects of rights and political participation. After a period of conflict and awareness-raising (the Alta case during the 1970s and beginning of the 1980s), with attention paid to the lack of active measures by the nation-state towards the Sámis, the second stage was characterized by a state actively contributing to developing Sámi culture. Based on a new reading of the minority rights section (Article 27) of the UN *International Covenant on Civil and Political Rights*, the authorities imposed on themselves a duty to be proactive, expressed through implementation of positive effort and legal regulations. The Sámi institutionalization process made some headway. By securing and institutionalizing political rights through the Sámi Parliament, the Sámi became increasingly able to argue successfully for their rights, including the important issue of land rights.

The third stage of enforcing procedural aspects was implemented in the *Finnmark Act* in 2005, and in the consultation agreement between the Norwegian Government and the Sámi Parliament that same year.¹⁰ The procedural aspects embraced the rights of Indigenous peoples to consultation, negotiation, and real participation in decision-making processes. These processes resulted in new arrangements for securing Indigenous governance, and co-determination in fields such as the management of land and resources. Through consultation and negotiation procedures, a fourth stage of enhanced institutionalization is taking place, which entails legal institutionalization and requires a complex framework outlining the jurisdictional powers of different authorities. Institutionally anchored rights allow for extensive relations between autonomous Indigenous institutions and state institutions, illuminated by the adoption of the *Finnmark Act* and the establishment of the Finnmark Estate.

The New Land Governance Arrangement in Finnmark: The Lead Up to the *Finnmark Act*

In April 2003, the Norwegian government had finalized their preparatory work, based on the 1997 Report from the Sámi Rights Commission. A bill for the new Finnmark Act concerning land governance and management of Finnmark County (Ot.prp. nr 53/2002-2003) was presented. However, the Sámi Parliament responded to the bill with criticism as it lacked proper identification and recognition of Sámi rights. The criticism also pertained to the process leading to the proposed Finnmark Act. In breach of international obligations, the Sámi Parliament had not been consulted. Differing opinions existed about whether the process had truly involved consultations. This triggered a strong focus on the authorities' duties to consult the Sámi on Sámi interests, a duty derived from ILO 169.

A distinctive outcome was the invitation by the Norwegian Parliament for the Finnmark County Council and the Sámi Parliament to participate in consultations relating to the bill, a process for which no provision is made in the parliamentary regulations of the Norwegian Parliament and which had not been undertaken in other contexts. The members of the Norwegian Parliament considered the consultations a constitutional innovation. The participants met four times and these meetings led to considerable changes to the original bill. The final outcome was a practical implementation of ILO 169 in the *Finnmark Act*. Furthermore, the Sámi Parliament achieved a breakthrough on their demand for establishing a process of identifying rights to land and resources, as a concretization of ILO 169, Article 14. On the other hand, the Sámi Parliament did not achieve a substantial clarification in terms of the correct interpretation of international law.

The *Finnmark Act* and the management structure were established within the framework of international law, as is apparent from the consultation process and the thorough debate in the national parliament on implementing Indigenous claims of political participation and legal claims of recognition of land rights. With this as its point of departure, the Sámi Parliament, at the first meeting, presented a note on the obligation of the government to consult and negotiate with Indigenous peoples. Both the chair of the Norwegian Parliament's Justice Committee and the president of the Sámi Parliament emphasized that the government had an obligation under international law to consult the Indigenous peoples, but as the president of the Sámi Parliament pointed out, "good and legitimate concerns of domestic politics" required that the county council should also be consulted (Broderstad and Hernes, 2008). The process of consultations prior to the adoption of the *Finnmark Act* in the Parliament was passed into law with a clear parliamentary majority

and also with support from the Finnmark County Council and the Sámi Parliament (Broderstad and Hernes, 2008).

FeFo's Main Activities and Space of Action

The Finnmark Estate is an independent legal entity that administers the land and natural resources on behalf of the inhabitants of Finnmark County. The explanation of the special status of FeFo as a legal subject without proprietors can be found in the consultation process prior to the adoption of the *Finnmark Act*. The Sámi Parliament argued that since the land rights were not identified and recognized, this would impact the organization of FeFo. As long as this process of identification and recognition is still ongoing without clearly established legitimate owners, neither the Finnmark County Council nor the Sámi Parliament can stand out as proprietors (Nygaard and Josefsen, 2010: 15).

The board of FeFo is composed of six members, half of which are elected by the Sámi Parliament and half by the Finnmark County Council. Unlike the co-management boards in Canada, there are no representatives from the national government on the FeFo board. FeFo serves multiple roles including resource management agency, caretaker for the interests of Finnmark's inhabitants, and commercial actor. The commercial activities can potentially be in competition with local resource use and, for example, the rights and interests of the reindeer herders. FeFo's involvement in these activities has frequently been criticized, and both the Finnmark County Council and the Sámi Parliament have pointed out the risk of an unsuitable dual role.¹¹

The activities of FeFo are divided into three main areas. First, *property, rights, and manager of non-renewable resources* deals with working fields, such as leasing contracts, leasing applications, sale and development of property, and safeguarding property and rights. Second, *industry and development* covers activities such as windmill parks and hydroelectric power. In 2012, FeFo signed an agreement with Finnmark Kraft¹² about a wind power station and they have also negotiated with Varanger Kraft—another energy company—about leasing land and rights linked to a wind power station.¹³ Forestry, including firewood, is another main area of management, as well as mining, gravel, and crushed stone pits. The third main area of activity is *management of uncultivated land and renewable resources*, such as small- and big-game hunting, licence hunting, and fishing, which are activities regulated by the *Finnmark Act* on quite a detailed level (cf. Broderstad, Josefsen, and Sørensen, 2015).

Even though the Finnmark Estate is an independent legal entity responsible for these management tasks, neither the board of FeFo nor the

administration are free to decide or to undertake dispositions without taking into account all the laws and regulations applying to renewable resources or area disposition. There are many laws intervening with the landowners' scope of activity.¹⁴ The constraints imposed by national legislation are illustrated by a case like the differentiation of the right to harvest when there is a shortage of resources. The *Finnmark Act* gives FeFo the right to restrict the access of utilizing renewable resources out of concern for the resource itself, but discussions may appear about how a shortage of resources should be understood. When a local hunter and fishing organization tried to define "time" as a scarce resource, with the purpose of allowing the locals specific fishing zones (salmon fishing) at specific times and thus differentiating them from the visitors, the interpretation was not accepted by the responsible ministry (cf. Broderstad, Josefsen, and Sørensen, 2015). Motorized use (snowmobile and ATV) is a management area where people in Finnmark are highly engaged. This field of management and area disposition is not FeFo's responsibility, but is regulated by a specific law, handled by the municipalities with the county governor as the appeal authority. FeFo has decided as a main rule that they will not use the right as landowner to review the decisions made by municipalities on, for example, dispensation practice on tracks for motorized vehicles. The examples mentioned here illustrate how FeFo must relate to and co-operate with other management agencies. As well, national legislation confines FeFo's scope of action, which may be a source of disappointment for the public in the perceived effectiveness of FeFo.

The ability of FeFo to handle the dual roles of safeguarding Sámi culture and managing land and natural resources for all residents is essential for people's trust and the legitimacy of FeFo (cf. Ween and Lien, 2012). The *Finnmark Act* is grounded in Sámi rights claims and the ethnic dimension played a significant role prior to the *Finnmark Act* and FeFo, as well as in the aftermath of the establishment of this land management system. The opposition towards Sámi statutory rights was severe. Nygaard and Josefsen (2010) indicate that this opposition may have influenced people's trust towards FeFo in a negative sense. The media coverage has as well played a role through frequent coverage of conflicts and increased costs for harvesting licences and the leasing of land.¹⁵ The estate also has to navigate the tensions between local (municipal) and regional (county) interest in resource management, and between primary industries such as agriculture and reindeer pastoralism. As a management body and an independent legal entity, FeFo operates in the "shadow of politics" (cf. Schmidt, 2013: 10) as the product of political institutions. Still, the estate is highly politicized, a point that will be further discussed in the next section.

Recognition and Implementation

The debate about the *Finnmark Act* involved many complex questions, such as the make up of the board for the Finnmark Estate, a transfer of extensive land areas, the relationship between Indigenous communities and the nation-state, and between the Sámi and the Norwegian populations in Finnmark. A particular feature of FeFo is that while law and regulations manifest Sámi rights concerns, the measures and the actions carried out apply to all citizens regardless of ethnic identity. This solution can be regarded as a way of dealing with the complex interdependence between the policies, interests, and rights of Indigenous and non-Indigenous peoples living together in the same areas. Here, I will narrow the discussion by addressing the composition of the board of this joint land governance arrangement as one central aspect to the debate.

Joint Land Governance: Composition and Application

The roles played by the two bodies appointing members to the board of FeFo and the board itself have become significant. In ideal terms, the population in Finnmark expresses their interests and concerns institutionally through the Sámi Parliament and the Finnmark County Council, and the FeFo board is then expected to voice users' preferences towards FeFo although the estate is an independent legal entity with no formal proprietors.

The composition of the board received a great deal of media attention prior to and after the adoption of the *Finnmark Act*. It has been maintained that it is unreasonable that the Sámi Parliament and the Finnmark County Council can appoint an equal number of members to the FeFo board since the Sámi parliament represents far fewer voters than the county council. The Sámis, it is claimed, are given a double vote and stronger position than what their numerical position should require (cf. Karstensen, 2007). Keskitalo (2007) points out that FeFo is not a majority ruled management body, but an independent legal entity and owner of the land in Finnmark. In anticipating the identification and clarification of land rights, the Sámis' landowner position must be secured, an understanding on which the composition of the FeFo board is based (Keskitalo, 2007). Her arguments are partly supported by Weigård (2009) in his discussion on the legitimacy basis for Sámi rights. In Norway, the system of the Sámi Parliament is based on a non-territorial model¹⁶ of Sámi self-governance. However, in a Sámi-Norwegian context, due to the demographic realities, this model falls short when it comes to the management of territorial rights to land and resources. In order to accommodate the challenges, a joint management solution has been chosen.

Nevertheless, even if FeFo is a landowner (and in formal terms a legal subject without proprietors¹⁷), the Sámis in Finnmark have two channels of indirect influence on the FeFo board: participation in elections to the Sámi Parliament and to the Finnmark County Council. But, as argued by Weigård (2009), by and large, the legitimacy challenges linked to this indirect influence are not large enough to outweigh the legitimacy gains following from the Sámi self-governance system (50). This system is what Broderstad (2014) describes as a relational vision of self-determination whereby the Sámis have gained more effective forms of decision making alongside the non-Sámi majority in shared decision-making institutions and greater forms of institutional autonomy, primarily through the creation and development of the Sámi Parliament. Combining a non-territorial model of self-determination with territorial arrangements entails legal institutionalization and institutionally anchored rights. These rights allow extensive relations between autonomous Indigenous institutions and state institutions, and they may, if necessary, counteract changing political majorities. Furthermore, rights must be accompanied by governance responsibilities, decision-making authority, and organizational capacity (cf. Jentoft, 2013:107). These new arrangements for securing Indigenous governance and co-determination in fields such as the management of land and resources need legal backing as the *Finnmark Act* clarifies.

Ween and Lien (2012) state that Indigeneity is present as the foundation of Indigenous rights, but made absent in the overall conclusions and legal framework (102). This point about deficient Indigenous rights on the output side or at the operational level can be interrogated. Recognition of land rights, rights of ownership, and land use all appear to be a consequence of the state's recognition of cultural and political rights at the "positive" stage. But at the same time, land rights are more complex because, to a greater degree than political, cultural, and linguistic rights, they have a direct bearing on the rest of the population living in the same areas. As far as the need for access to resources and the right to practice one's livelihood are concerned, a territorial dimension reveals itself. Individual rights-holders are affected—they depend on land and resources independently of ethnic divisions. This affectedness and dependency apply to all, including those who may have obtained rights through long-time use. Therefore, they must be given the opportunity, directly or indirectly, to participate in decision making affecting them. The *Finnmark Act* resolves this by its provision for a management regime that ensures a greater degree of Sámi influence, and procedures that recognize the rights of groups and individuals independent of ethnicity.

The Sámi Parliament's instructions on how the changed use of uncultivated lands should be judged is a right anchored in the *Finnmark Act*. These instructions are one way of ensuring Sámi influence on the management regime.¹⁸ When it is an issue about changes in use, the state, county council, and municipal authorities have to assess the impact of this change on Sámi culture, reindeer husbandry, other primary industries, and societal life. The Sámi Parliament has stated the importance of the instructions being actively used so that the parliament can obtain a basis for evaluating and updating these.¹⁹ According to FeFo, these instructions are applied in the day-to-day management of the estate.²⁰ However, the potential impact of these instructions is still questionable. The instructions on how changed use of uncultivated land should be judged can be viewed as an institutional mechanism that contributes to strengthening and implementing the main goal of emphasizing Sámi concerns in the land tenure governance of FeFo. The significance of this institutional mechanism could even be strengthened by linking it to the processes of the new *Planning and Building Act* of 2009,²¹ as suggested by the Sámi Parliament.

The Complexity of Rights

On the operational level, the Finnmark Estate is ethnically blind, meaning that if management distinctions are made, they are not made based on ethnicity, but on whether people are locals either within the municipality or within the Finnmark County (in relation to people from outside Finnmark.²²) Sámi and non-Sámi users of land and resources are provided the same entitlements and services. Yet, as the foundation of the Act, the governance arrangement is also a response to long-standing Sámi land claims. Framing the Sámi rights' development as stages of progress illuminates how the bundles of rights are interconnected. This development reflects how the Sámis themselves, represented by the Sámi Parliament, have combined a non-territorial model of self-determination with territorial arrangements. Due to demography and a history of Sámi and non-Sámi peoples having inhabited the region side by side, the measures and the action carried out at the operational level of land governance and management apply to all citizens regardless of ethnic identity. But even if the Sámi rights established in the *Finnmark Act* do not establish a distinction in the management towards individuals, the acknowledgement of Sámi culture in the new land management arrangement creates resistance and disputes among those opposing this development (Broderstad, Josefsen, and Søreng, 2015). Through the process of consultation, and by Sámi consent, the arrangement was established. International law became decisive for the *Finnmark Act*, illustrated by ILO 169 as a premise for the consultations prior

to the adoption of the Act. In anticipating the clarification of land rights, the Sámis' landowner position has been secured in the governing body. In the daily management, the Sámi Parliament's instructions on how changed use of uncultivated lands should be judged has the potential of becoming a core tool ensuring Sámi concerns when changed use of land is made topical. Despite uncertainties, especially linked to the instructions, the sum of these procedural and institutional mechanisms stands out as a response to Sámi land claims that in time may lead to a greater legitimacy of the law.

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Notes

1. During the late 1970s and beginning of the 1980s, a conflict arose over the building of a hydroelectric power station on the Alta River in Finnmark. Demonstrations, civil disobedience, and a hunger strike resulted in a national and international "spotlight" on the Norwegian state's dealings with its Sámi population. The power station was built, but it is generally held that the Sámi "lost the battle, but won the case." In order to cope with the crisis, the state authorities were obliged to involve Sámi organizations in policy-making processes. In 1981, a Sámi Rights Commission was established. The mandate of the commission was to detail issues regarding rights of land and water use and certain issues of a more fundamental and political character for the Sámi people. It was decided that, as a first step, political issues and the question of a representative body for the Sámi should be given priority. The most prominent outcomes of the commission's first work resulted in the Sámi Act (1987), a constitutional amendment (1988), and the establishment of the Sámi Parliament (1989). Article 110a of the Norwegian Constitution recognizes the responsibility of the Norwegian state to uphold and allow for the development of Sámi culture. The work of the commission continued, and in 1997 the second main report NOU 1997: 4 Naturgrunnlaget for samisk kultur, formed the basis for the 2005 adoption of the *Finnmark Act*.
2. On 24 May 2005 the lower chamber of the Norwegian Parliament (the *Odelsting*) passed a new law, the *Finnmark Act*, and on 17 June 2005 the law was confirmed by the upper chamber (the *Lagting*).
3. Non-cultivated or uncultivated land is often used as the English term. Ravna (2011) points out that this term is not suitable in Finnmark or a Sámi context, since livelihood and cultural activities are historically not dependant on cultivating of the land. We are also aware of the distinction between the Sámi concept of "meahcci" and the Norwegian concept of "utmark": "Embedded in

meachcci are complex networks of user rights associated with particular places and resources” (Ween and Lien, 2010: 7, after Rybråten).

4. In 1990, Norway was the first country to ratify ILO Convention 169. The convention sets up limits for land and resource encroachment and interventions, and emphasizes consultation and participation as tools of Indigenous influence.
5. FeFo is not a state body. It has a distinctive ownership role as it is managing the land on behalf of the whole population in Finnmark.
6. In 1993 the state common lands in Finnmark and the rest of Norway were transferred from the Directorate for State Forests to the State Forest Company (Statskog SF).
7. What today is the Finnmark Estate might include community commons, “Finnmark” commons, joint ownership, and Sámi siidas (Ravna, 2011: 23).
8. The Sámi are an Indigenous people in each of these countries, a fact that has been acknowledged by granting the Sámi Indigenous status. In each of these states, to varying degrees, legal and political arrangements have been established that are intended to promote a greater measure of Sámi self-government. The Sámi consider themselves one people, one nation. Estimating the total number of Sámis is difficult. A credible figure for the present Sámi population is 60,000–80,000, with half living in Norway; 20,000 in Sweden; 8,000 in Finland; and 2,000 in Russia.
9. I have argued elsewhere for a relational approach to self-determination (Broderstad 2014). In practical terms, a relational view of Indigenous self-determination focuses on the ways in which the Sámi can extend political influence beyond the traditional domain of Sámi politics—beyond self-government in autonomous Indigenous institutions—by incorporating their perspectives into mainstream decision-making bodies at local, regional, and national levels. As a result, Indigenous peoples increase their influence through their increased ability to collaborate with the wider political community through closer relations with non-Indigenous people. The relational approach makes the case that strengthening autonomy and self-determination through self-governing arrangements, versus extending Indigenous perspectives and participation into non-Indigenous affairs, are not necessarily contradictory (Broderstad, 2014).
10. The agreement regulates the relationship between the Norwegian Government and the Sámi Parliament. The consultation obligations of ILO 169 are regarded as important premises for the agreement, designed to contribute to the implementation of the state’s obligations to consult Indigenous peoples under international law. Between forty and fifty consultations on legislation and policies are carried out annually, with a majority leading to consensus. The topics are diverse, including consultations on education, health, language, national parks, cultural heritage, hunting and fishery regulations, reindeer husbandry, windmills, power stations, and mining.

11. NRK Sápmi: FeFo bør ikke drive næringsvirksomhet," 21.10.2014, http://www.nrk.no/sapmi/_fefo-bor-ikke-drive-naeringsvirksomhet-1.11995763.
12. Finnmark Kraft is an energy company, and a joint venture between six energy companies and the Finnmark Estate.
13. The local communities involved are two local fishing villages in Eastern Finnmark, Båtsfjord and Berlevåg.
14. Like the Act on Water Systems, the Act on Cultural Heritage, the Concession Act, the Act on Motorized Traffic, the Sámi Act, the Act on Game, the Forest Act, etc.
15. Illustrative are media coverages like: "Møteleder skremt av FeFo kritikken," 28.08.2010, Altaposten: <http://www.altaposten.no/lokalt/nyheter/article384812>. ece "Dette har FeFo kostet deg," 04.03.2014, NRK Sápmi: <http://www.nrk.no/sapmi/dette-har-fefo-kostet-deg-1.11570931>.
16. By non-territorial model, is meant the authority of the Sámi Parliament not defined on a geographical basis, but implying that Sámi voters, wherever they live in the country, can participate in the Sámi Parliament's elections.
17. Letter from the control committee of FeFo to the Finnmark County Council, dated 27.08.2008.
18. s. 4. *Sametingets retningslinjer for endret bruk av utmark.*
19. Sametingets plenum. Møtebok 02/14. Sak SP 019/14 Oppfølging av Finnmarksloven
20. Information given by a FeFo employee Sverre Pavel at the FeFo contact meeting 20 June 2014.
21. The *Planning and Building Act* has been revised and a new Act was adopted in 2008. The Sámi Parliament was satisfied with the consultations prior to the adoption. Among other things, the Sámi Parliament has been given authority to object to plans where issues of high relevance for Sámi culture and economic activities are at stake.
22. Regarding the management of renewable resources, section 22 deals with the rights of people settled within the municipality and section 23 with the rights of people living in Finnmark.

References

- Broderstad, Else Grete, and Hans-Kristian Hernes. 2008. "Gjennombrudd ved konsultasjoner? Finnmarksloven og konsultasjonsordningen i Stortinget." In *I Finnmarksloven*, edited by Hans-Kristian Hernes and Nils Oskal. Norway: Gyldendal Akademisk.
- Broderstad, Else Grete. 2011. "The Promises and Challenges of Indigenous Self-determination: The Sámi Case." *International Journal: The Arctic is Hot, Part II* 4: 893–908.
- Broderstad, Else Grete. 2014. "Implementing Indigenous Self-Determination: The Case of the Sámi in Norway." In *Restoring Indigenous Self-Determination*:

- Theoretical and Practical Approaches*, edited by Marc Woons. Ku Leuven, Belgium: E-International Relations.
- Broderstad, Else Grete, Eva Josefsen, Siri U. Søreng. 2015. *Finnmarkslandskap i endring. Omgivelsens tillit til FeFo som forvalter, eier og næringsaktør*. NORUT Alta. Rapport 2015:1
- Hernes, Hans-Kristian, and Nils Oskal. 2008. *Finnmarkloven*. Oslo, Norway: Cappelen Akademisk Forlag.
- Innst. O. nr. 80 (2004-2005) Innstilling fra justiskomiteen om lov om rettsforhold og forvaltning av grunn og naturressurser i Finnmark fylke (Finnmarksloven).
- International Labour Organization. 2014. *C169 – Indigenous and Tribal Peoples Convention, 1989: Convention Concerning Indigenous and Tribal Peoples in Independent Countries*. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169 (October 27, 2014).
- Jentoft, Svein. 2013. "Governing Tenure in Norwegian and Sámi Small-Scale Fisheries. From common pool to common property?" *Land Tenure Journal* 1: 91–115.
- Karstensen, Kari. 2007. *Apartheid, myter og fakta. Kommentar i avisa Nordlys*. <http://www.nordlys.no/debatt/kommentar/article2954053.ece> (August 28, 2007).
- Keskitalo, Aili. 2007. *Respekten for ulikhet. Ytring i avisa Nordlys*. <http://www.nordlys.no/debatt/ytring/article2962472.ece> (August 31, 2007).
- Murphy, Michael A. 2008. "Representing Indigenous Self-determination." *University of Toronto Law Journal* 58(2): 185–216.
- Nygaard, Vigdis and Eva Josefsen. 2010. *Finnmarkseiendommen Under Lupen*. Tromsø: Norut Alta.
- Oskal, Nils. 2001. "Political Inclusion of the Saami as Indigenous People in Norway." *International Journal on Minority and Group Rights* 8(3): 235–261.
- Ot.prp. nr 53/2002-2003 Om lov om rettsforhold og forvaltning av grunn og naturressurser i Finnmark fylke (Finnmarksloven)
- Ravna, Øyvind. 2011. "The Process of Identifying Land Rights in Parts of Northern Norway: Does the Finnmark Act Prescribe an Adequate Procedure within the National Law?" *Yearbook of Polar Law* 3: 423–453.
- Schmidt, Vivien A. 2013. "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'." *Political Studies* 61: 2–22.
- Stordahl, Vigdis. 1994. "Identity and Sáminess: Expressing World View and Nation." *Majority-Minority Relations. The Case of the Sámi in Scandinavia, report, The World Commission on Culture and Development, Diedut*. Kautokeino, Norway: Nordic Sámi Institute.
- Ween, Gro, and Marianne Lien. 2012. "Decolonialization in the Arctic? Nature Practices and Land Rights in the Norwegian High North." *Journal of Rural and Community Development* 7: 93–109.
- Weigård, Jarle. 2009. "Legitimitetsgrunnlaget for samiske rettigheter." *Tidsskrift for samfunnsforskning* 50: 1–27.