



DOUBLE SAMI VOTES

**THE PROBLEM WITH ADDITIONAL
SAMI POLITICAL INFLUENCE IN
NORWAY**

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1. INTRODUCTION

1.1 THEME AND BACKGROUND

The theme for this master's thesis is the problem concerning "double Sami votes". What does this term, double vote really mean? In fact each individual member of the Sami community (or more precisely of the Sami census) votes in the same way as any other Norwegian. The exception to the rule is in regard to elections to the Sami parliament. In this matter only those registered in the Sami census can vote (more on this matter later). In other words, the Sami people (depending on definitions) have an extra democratic channel from which non-Sami peoples are excluded; in addition to the other democratic electoral channels to which all citizens of Norway have access (municipalities, counties and the national legislature).

This thesis seeks to analyze this with a democratic theoretical approach. Many questions could be addressed; however, it is important to look at whether the minority status of the Sami people justifies this extra political influence. What problems can it make for the Norwegian democracy? Why? And what can we do to make up for these problems? The direction of the dissertation may depend a little on the exploring of the literature, at the beginning of this work, I indeed know little about the problems with the double votes. Maybe it doesn't create notable problems? The general view is that it creates no notable problems at this time; although the extra democratic channel is of course a problem for someone who sees the issue purely from a point of view of principal.

Can notable problems arrive in the future? The answer may be yes. This is simply because I believe that the Sami parliament could achieve significantly more power in the future, and because it could involve many more voters. The dissertation is intended to have a somewhat futuristic approach.

Furthermore, this is to be an almost entirely theoretical thesis, involving the theory of democracy, as stated, and not a field work. Works done by others on the issue will be addressed, and supplemented with discussions and analyses. There will be no interviews carried out, and no Statistical data collected, although this could be useful in some ways (opinion polls, election data etc). Interesting results may still be discovered in such materials.

The issue that the thesis concentrates upon has not previously been the subject of serious study as far as I know. Some minor discussions do however exist. This will be addressed later in this chapter. As no major work has yet been carried out on this issue, the theme is a more interesting topic of research. And as I said, it may be important in the future, when it could present significant democratic challenges and problems. Today few would deny that the institution is almost only a symbolic one.

The research question that the dissertation has to answer is defined as follows: “*Which democratic-theoretical problems could double Sami votes create? If it creates unjustifiable outcomes, what can then be done to make up for the negative effects?*” In simpler non-academic terms, one may ask if the Sami people have too much power in Norway: is a minority dominating the majority in this country?

1.2 THEORETICAL INTEREST AND PRACTICAL RELEVANCE

What makes the issue interesting? The question of double voting in general, is not new, the problem has been worked on already in other contexts, such as the Scottish West-Lothian question (which I will look a little bit at later). As stated, I know of no other research done on the Sami parliament election context, apart from some minor discussions which will be addressed later. This is my main reason for researching this matter. I would like to state that in my opinion the Sami people in general should be regarded as well integrated in the Norwegian society of today (2010). A further discussion about this is unnecessary; however few could deny that Norway has few or no significant problems with the integration of its Sami community. The rights given to them, like the right to have their own parliament, should also be seen as a sign of goodwill from the country to this minority. We should also note the policy from Norwegian governments which was called “*Norwegianising*” (fornorskningspolitikk). This kind of policy arrived in the middle of the 1850s (NOU 2008: 5, ch. 6.4.3). The goal here was assimilation of the Sami people. This was especially achieved in regards to language, and the school was a primary arena for this policy. This policy was, however, geographically limited to Finmark and the northern parts of Troms counties. A policy of National Security has been presented by the Norwegian State as the reason for doing this. In a formal sense, the “*Norwegianising*” (making Norwegian) was abolished around 1940, although it did continue in practice, and with political goals from the late 1950s. One

central way of continuing this policy was the banning of the Sami language in schools, alongside the Kven language (NOU 2008: 5, ch. 6.4.3).

Looking at the “*Norwegenising*” was necessary in order to make a contrast to the situation today, (where the Sami even have their own parliament) and to support the statement that they are well-integrated in Norway. However, in practical terms, I believe that several controversial issues may arrive in the future that could polarize the relationship between the Sami population and the others living in Norway. The development regarding indigenous peoples’ rights may be believed to develop further in the coming years and decades. Further privileges would probably be given to indigenous peoples. Especially issues regarding language and the right to land and water could turn up on the agenda.

In this matter, we already have one important example to mention: the so called “Finnmark Act” (Finnmarksloven). This act provides the Sami people, alongside the rest of the population of Finnmark, the rights to land and water in Finnmark, involving an area which is bigger than the country of Denmark (Justice and Police Department). The reason for this law was to maintain the county’s nature in a balanced and ecologically sustainable way, and to obtain the goodwill of the county’s inhabitants, (and especially the Sami culture and their reindeer husbandry), the use of the wilderness, business activity and societal life. The work on this law took as long as 25 years. Those familiar with Norwegian politics would agree that this law was, without doubt, controversial; and since we can expect similar (or even more controversial) cases in the future, many people in Norway could pay more attention to the privileges that the Sami people have regarding voting rights for their own parliament. It could be rational to believe that many Norwegians would regard the Sami parliament as a redundant institution. However, the establishment of this institution did in fact have the support from a large majority of the public opinion. 60,1% of them supported it, of which 40,2% were positive, 19,9% were very positive (NSD 2004). However, this could make little sense for a future with a much more powerful Sami parliament.

1.3 THE SAMI PARLIAMENT

The Sami parliament, (Samediggi in northern Sami language, Sametinget in Norwegian) was opened in 1989. It is located in Karasjok, Finnmark, in northern Norway. Its own building was opened in 2000. The parliament is composed of 39 representatives from 7 constituencies across Norway (Samediggi online). It therefore follows a non-territorial administrative principle. The parliament handles every case that has particular connections to the Sami people. However, its power is still largely consultative. It has the right to consultation in cases where it is considered reasonable to do so. The Norwegian government is obliged by law to do such consultations, and there are established practices for this. As a parliament, (not a legislature due to its limited power) it has an executive body, the Sami Parliament Council (sametingsrådet), consisting of five members, elected by the parliament. In other words, the system is based on a parliamentary principle. It could be stated that a broad consensus exists in Norwegian politics concerning the justification of the institution, among the notable established parties; only the Progress Party have been, and still are, against it.

The Sami people are spread across the four countries of Norway, Sweden, Finland and Russia. Both the Swedish and the Finnish Sami minorities have their own parliaments in a somewhat similar way (their organization will not be addressed here). The Sami parliaments in the three countries and the Sami's in Russia have an established cooperation, the Sami Parliamentarian Council, which seeks to address issues regarding the Sami people across the borders (Samediggi online). The fact that the Sami's are covering four countries is of some interest to us; a discussion about creating a single Sami parliament could perhaps be on the serious agenda in the future. Another issue that people outside of the Nordic and/or the Sami societies may address is that of Sami independence, a Sami state. This is however a purely meditative standpoint.

One of the most important factors about the parliament for this dissertation is the provision given for those who are able to vote in the elections. As said, there exists a Sami census in Norway. Every Sami above 18 years of age (and those who have their 18th year birthday in the year of the actual election) can register in the census and then vote for the elections. The same provisions apply for Sami's from Sweden and Finland that have their address in Norway in the year of the election, and to those from Russia that have been living in Norway for three years. Furthermore, to registries in the census, the "candidates" have to declare:

- That they regard themselves as Sami
- That they use the Sami language as their language at home,
- Or that at least one of their parents, grandparents or great grand parents have or had Sami as their language at home
- Or that they are children of someone already registered in the census

The census is connected to the public register and the addresses of the actual people in the election year. They don't need to register themselves again if they were in the census under the last election. Notable barriers can't be said to exist for registration, a registration form can be found on the website of the Sami parliament (Samediggi online). 13890 individuals were included before the 2009 election (Samediggi online). The census has increased steadily since its creation and is believed to continue doing so; it could potentially get much larger. The election occurs at the same time as the Norwegian parliament (Stortinget) elections, every fourth year in early September. The turnout in 2009 was 69, 3 % (SSB online).

1.4 FORMER RESEARCH ON THE FIELD

As stated, as far as I know, there hasn't been done serious research about the issue regarding the "double Sami votes", its problems, challenges and solutions. However, it has been mentioned in some works.

In the text "The legitimacy basis for Sami rights" ("legitimitetsgrunnlaget for samiske rettigheter") (2009), Jarle Weigård addressed the issue of Sami/minority rights in general, as well as the problems with permanent minorities. For those familiar with democratic theory, and minority rights, this problem should be a well-known one. The case of Northern Ireland, with its protestant majority and catholic minority is something we don't really need to mention. In the context of the thesis, such a problem is solved, with the establishment of the Sami parliament that by intention should have power over matters that were considered important to the actual minority. One wouldn't expect such a problem should exist for these people. The limited power of the assembly, can perhaps be seen as some proof that the problem still exists (this will not really be addressed in this thesis), but it probably can't be said to be significant.

One main problem that could be discovered has in fact an opposite effect, namely that of a minority, by way of an extra democratic channel for themselves, overriding the majority, so we get a permanent negative majority. The size of a minority should be taken into account when choosing a model of power-sharing for a minority. The catholic minority in Northern Ireland was much larger than the Sami minority in Norway (the Sami census has been addressed), and would therefore without doubt have a stronger voice, while a smaller minority in a country should probably not need the right to power-sharing in the national government (Weigård 2009: 31-3).

When especially addressing the problem with “double Sami votes” Weigård wrote that the numerical overrepresentation of the Sami’s was easy to justify due to minority visibility. But for the fact that the non-Sami political influence was made through one channel, when the Sami influence was made simultaneously through two channels, in the same issues, a principal normative justification for that couldn’t be found. A good practical example of this could be seen in the elections to the board of the “Finmark Estate” (Finnmarkseiendommen). The members of this council were elected by the members of the Sami parliament, and by the Finmark county council. The non-Sami population only has one electoral channel, the county council, while the Sami voters have both that channel and the Sami parliament. A Sami-friendly but non-Sami Finmark voter could think that it is ok that this group of voters (indirectly) choose members for the Finmark Estate alongside the Sami community and that they have equal representation. But he would probably not agree to the fact that the Sami alone choose the people on their side of the table, whilst also having influenced who’s sitting his group’s side of the table. Weigård writes that more justifiable solutions can be made, but it is not worth it since the Finmark Estate (and a similar proposed board in Nordland/Troms) are actually meant to be arenas for cooperation (Weigård 2009: 45-7).

The problem of the double votes extends far beyond this; it could be related to every type of cases, and it would increase in importance when the Sami parliament increases its power. We could indeed establish a new non-territorial administrative unit to eliminate problems with double votes; but we then get the serious problem with the fact that it would probably claim power over issues that are divided between different administrative units. As this seems to make complications, we have to ask whether or not we have a notable problem with double votes. Weigård then looks to the United Kingdom with its West-Lothian Question. There, the

electors of Scotland can vote alone for the Scottish parliament, while simultaneously vote for elections to the British parliament, England doesn't have its own parliament. The problem isn't considered to be very large over there, but it is heavily debated. Weigård's opinion is that we could get a problematic development locally in Finmark when the Sami parliament gets more power (Weigård 2009: 47-9).

Anne Julie Semb (2009) also writes about double votes, before that she addresses what she sees as a Sami parliament with power over an increasing amount of political issues. She also addresses the case of the Finmark Estate. Her opinion is that the Sami are given an additional political membership which is hereditary based, and that they thereby have an extraordinary political influence. Further increased powers to the Sami parliament are considered as likely, especially in terms of controlling natural resources (Semb 2009: 166-7). When discussing the double votes, she talks about what is called the "people-to-people approach" that seems to take into account that the Sami should be regarded as a group with a hereditary basis, but at the same time it doesn't see that the Sami are also Norwegians with the full rights this involves. The one people are, in other words, fully a part of the other. She says that the more the relationship between the Sami parliament and Norwegian government institutions are consultation-based, the more difficult it would be to argue in favor of the opinion that the Sami do not have double votes. The membership of the Finmark Estate is something she believes to show the challenges facing us (Semb 2009: 171-2).

1.5 THEORETICAL PERSPECTIVES

As stated, this dissertation seeks to analyze the question of "Sami double votes" from a perspective of democratic theory. By votes, it is important to underline that this will not be an exploration of election researches, although it may be of some help. Initially, it could be said that the double votes are entirely non-democratic, in relation to the principle of one man, one vote. Therefore, we need to define the term 'democracy'; finding the theoretical basis for the electoral rights. In the theory chapter minority rights would be addressed. Classics in the fields will be used, such as Will Kymlicka. The Sami context will only be touched upon briefly in the theory chapter, while focusing upon related theory, namely minority rights and justice theory. The Sami context is primarily a task for the analytical chapter. Comparative

perspectives shall be included; firstly, the Scottish West Lothian Question relating directly to double votes, secondly Sami's in Sweden/Finland and their similar parliaments.

Regarding minority rights, *Multicultural Citizenship* by Will Kymlicka will be important, because it is probably one of the best books regarding arguments on the grounds that minority peoples deserve rights. Another book, where the same author is the editor, will be used to some degree, namely, *The Rights of Minority Cultures*. This literature does not directly complement the literature used in this introduction chapter, but addresses the theoretical approach chosen for this thesis. Other sources will be analyzed regarding the comparative perspective with the West-Lothian question; in order to reveal any elements of interest in the debate, relating to the question in theory. Language barrier problems are relevant for studying the Norwegian Sami political environment, where both the Norwegian and the Sami language are in use.

The above mentioned books should be seen as a “core” for the theoretical approach. They shall also be seen to explain the reasons for giving rights to minorities. A description of the minority rights, especially the right to representation, and the arguments in favor of them will be addressed in the theory chapter. In accordance with common practice in a master's thesis, the context, regarding Sami double votes will not be discussed on a general level there, this context will be used in the chapters of analysis. The literature mentioned covers the theoretical level in general. Furthermore, some sources will be used which draw on the Sami context, to give a practical understanding in the analysis chapters. One main problem with this thesis is the lack of former studies that could be related directly to the context. The articles by Semb and Weigård however do relate to some degree, and should be used as well as possible.

Although it could be argued that more theoretical approaches could be added, I consider the minority right approach to be sufficient. This is mainly due to limitations of a defined length of the dissertation. Another approach of (social) justice theory was also considered. The right to “vote double” could be regarded as a question of justice, and theoreticians such as Rawls, Nozick and Hayek could be somewhat useful. However, it was ruled out in the analysis. Since a main claim in the text would be that increased division or splitting could arise from the double vote problem, one relevant approach could be concerning how conflicts between groups are developed. This is however, seen to be far too broad an approach for a thesis of this length and depth.

1.6 METHODOICAL PROCEEDINGS

This thesis is a literature based (qualitative) study; literature exploration and theoretical reasoning will be the basis. From a futuristic perspective, it will be looking at the notion that the Sami Parliament could get increased power. When describing the situation today, a somewhat more practical approach will be used, e.g. by using practical examples of situations, like that of the Sami language, and along with quality-assured opinion polls and election data.

Some methodical principles are reasonable to adopt; one of them would be to create some future scenarios. This would be a case of imagining what could happen if the Sami Parliament was to become more (and much more) powerful. As stated, it is rational to believe that could happen. What would happen if controversial legislation regarding Sami rights were introduced in the future? How about future development regarding the Sami language and the reindeer industry? What if the Sami Parliament obtains more power, or all the power regarding this issue? Would there then be more conflicts with the rest of the Norwegian society? Another scenario could be a future government (like one consisting of the Progress Party) attempting to reverse Sami rights.

In other words, it will be a methodical principle to do a little creative speculation, with however, support of some sources. It would be helpful to use media related sources to predict the development. Helpful instruments regarding predictions would also include opinion polls, to see tendencies, if they exist for the case. Such polls would be quality-checked to some degree, and newspaper articles used with caution.

When addressing the comparative approaches, it should be a methodical principle to make comparisons wherever practically possible. In regards to the Scottish West-Lothian question, I would address the double votes in general, but the relationship between Scotland and the rest of the UK probably can't be compared to that between the Sami's and the rest of the Norwegian population.

When addressing the Sami parliaments in Sweden and Finland, it should be remembered that they probably have a weaker position in their respective countries. As stated earlier, language barriers could make some limits to the available sources, but it will then become a methodical principle to focus on and use language that doesn't create such problems.

1.7 DISPOSITION

- Introduction (including a minor methodical section)
- Theory
- Analysis 1
- Analysis 2
- Conclusion
- References

A separate methodical chapter was found to be unnecessary because the dissertation deals almost exclusively with theories. The analysis chapters are without doubt the most important. As for the last chapter, it is named “conclusion” because a visible conclusion is found; otherwise it would have been a summary chapter. A solution with two analysis chapters was seen as a rationale solution where the first one centers around the problems, while the other is focused on solutions.

The chapter on theory opens with some definitions and descriptions about minorities. Since the term minority could mean many things, it is of interest to give some perspectives on what the term could include, literally, everything below 50% could in fact be seen as a minority. This will be followed by a look at the difference between individual and collective rights, and then the question of why groups should be given rights. The self-determination rights in particular will then be addressed. Specific descriptions about the two analysis chapters will be found in their introductions, as those chapters should be viewed as the most important. The conclusion will be divided in four parts. The first one goes back to the research question, and summarizes. I shall then ask whether the double vote problem really is of principal or practical importance. I have tried to decide how much of a problem it really is and to attempt to suggest a solution. Finally, the last part of the dissertation will be a recommendation section of some relevant literature and some tips for future research.

2. THEORY

2.1 INTRODUCTION

The purpose of this chapter is to introduce and explain to the reader, theory which will be used in the thesis. The context of the problems concerning double Sami vote, will not be specifically addressed, although it can be linked when the author see it as appropriate. This theory chapter is centered on minority rights, the main theoretical approach for the dissertation.

2.2 BEING A MINORITY

What is a minority? What do people first think about when they hear the term minority? Most literally speaking, to many, it would be those who are outnumbered; a minority is the opposite of the majority. However, we need a more precise definition. In fact, the term can mean a lot of things; a dictionary gives the following definitions:

1. **a.** The smaller in number, of two groups, forming a whole.
 - b.** A group or party having less than a controlling number of votes.
2. **a.** A racial, religious, political, national, or other group thought to be different from the larger group of which it is part.
 - b.** A group having little power or representation relative to other groups within a society.
 - c.** A member of one of these groups.
3. *Law* The state or period of being under legal age: still in her minority.
(Free Dictionary by Farlex, online)

In other words, the term can be misunderstood. The definition 2.a is the most relevant in terms of what we are looking for. The definition 2b can make sense; however, it is rational to think that being a minority says little about the power this minority possesses. The definition 2c is not wrong either, however, the chapter shall talk mainly about the groups rather than the individuals. It would be very difficult to mention every group of people that can be defined as a minority. Norway has the following five national minorities: Kvens (people of Finnish descent in Northern Norway), Jews, Forest Finns, Roma and Romani people/Tater (ministry

of Government administration, reform and Church affairs, online). Those who are observant would see that the Sami people aren't mentioned here. This is because they are in fact a national minority, but they are also an indigenous people in relation to public international law, this means that a different protection is required for them (NOU 2008:5, ch. 8.1.1). Since this thesis is related to the Sami people this fact is useful to remember.

Can status as an *indigenous people*, as a pose to a *minority group* status, alone be a reason for the right of a greater, or more significant political influence? We shall try to address that later, however, it is found to be most useful to use the term *minority* in most cases from now on, despite the differences, mainly because it's simpler, and the arguments for favor and against political influence are mostly overlapping.

2.3 MINORITY IN THE LARGER SOCIETY

What problems could minorities meet in a country? It's fair to say that the conditions for minorities probably vary a lot between different countries and regions. However, what they do have in common is that they often speak a different language to the majority in the society, and have for example, cultural and religious differences. It can't necessarily be said that they are poorly integrated in the society just because they are different. However, by looking at statistics, concerning their participation in politics, an image is easily formed of minority groups and their participation in what should be regarded as one of the most important areas of belonging to "the larger society". There are rarely legal barriers to such participation for individual members of minorities. Despite this, a number of examples illustrate how the minorities are clearly underrepresented: Afro-Americans in the US comprise about 12.4 % of the population; their amount of elected officials is only 1.4%. Among the Hispanic people in the same country, they constitute 8% of the population, their percentage of elected officials is only 0.8. Among aboriginal peoples in Canada their amount of the population is 3.5%, in the national assembly they have 1% of the seats (Kymlicka 1995: 132).

What does this tell us? Maybe that minority membership gives you a disadvantage, despite the state seeming to treat you in the same way as the members of the majority. Therefore, it's possible to conclude in a way that equal rights, and being treated like the same, aren't enough for minority-group peoples. The state has to give you something in addition to rights of equality. Or maybe it tells us that members of minority groups are weaker, because there are

groups in what could be called “the larger society” whom are also underrepresented. In Canada, women constitute above 50% of the population, in the national assembly they hold only 13% of the seats, and even this is better than in many other western countries. Economically disadvantaged peoples, and those with disabilities also have problems with getting into office (Kymlicka 1995: 132). In other words, legislatures seem to be unrepresentative even among the ethnic majority-population. It could therefore be concluded that the negative factors for representation in general, maybe strengthened in connection with minority-group people - at least without some compensatory strategies being implemented.

2.4 INDIVIDUAL AND COLLECTIVE RIGHTS

By rights in this context, I still mean minority rights. Individual rights are those many would regard as a phenomenon in liberalism. Collective rights, (which can be considered a phenomenon appearing when dealing with minorities), would then logically be the opposite thing of individual rights. However, Kymlicka tells that this is a misperception. Many forms of group-differentiated citizenship are consistent with liberal principles of freedom and equality. The nature of group-differentiated citizenship has undergone some popular misunderstandings. One especially interesting thing to *note* is that the category of collective rights is large and heterogeneous; it includes rights of corporations and trade unionists, to bring class-action suits and the right to clean air. These rights have little in common and group-differentiated citizenship and the many forms of collective rights can't easily be combined. Many would think that collective rights are exercised by collectives, while individual rights are claimed by individuals. These assumptions apply to a few forms of group-differentiated citizenship, and the connection between individual rights and group-differentiated citizenship are in fact a complicated issue (Kymlicka 1995: 34-5).

Firstly, there are internal restrictions and external protections. A minority group can raise two types of claims: the first is against other members of their group, the other one is (with the group) against the larger society. Both of these claims are labeled as collective rights, however, they have little in common. When talking about the claim of a group, this claim can in fact be about restricting the internal freedom inside the group. Several examples can be mentioned, one could be that a Muslim in the west claims the right to introduce religious laws in a geographical area. In such a circumstance the group can get a right, but individuals who don't wish to live under such laws get their rights violated. Another mentioned example by Kymlicka is the Apartheid system in Southern Africa. However, collective rights don't need

to be about such things, giving special representation rights, land claims and language rights can't be regarded as giving them the opportunity to dominate other groups and is therefore maybe purely positive (Kymlicka 1995: 35-6).

The second element in the relationship between group-differentiated citizenship and individual rights is the ambiguity of collective rights. While the collective rights term is in little doubt seen as a complicated issue, a deeper problem is that it suggests a false dichotomy with individual rights. Almost everyone has to agree that collective rights are not individual rights. However, many forms of group-differentiated citizenship are exercised by individuals.

One example is drawn from the French-speaking peoples in Canada; the right to speak French in federal courts is given to and exercised by individuals. In contrast, the right for the francophone people to have their children in French schools is exercised by individuals, but only where numbers warrant. The rights for Indians to hunt and fish are usually exercised by the tribe/group, and their council often decides when such things can occur. We even have a fourth case, preserving and promoting Quebecois culture is a matter for the province of Quebec, many inhabitants here speak French, but a minority have English as their language (Kymlicka 1995: 45). All of these nuances create an image, illustrating how complicated this issue of individual and collective rights actually are. Therefore these terms have to be used carefully: misunderstandings often occur. If we then ask whether fairness between members of different groups is dependent upon group differentiated citizenship, the answer may well be yes (Kymlicka 1995: 47-8).

2.5 WHY GIVE RIGHTS TO GROUPS?

As mentioned, there are many nuances regarding this issue, it's not as straight forward as it seems on the surface. However, since Kymlicka (1995: 47-8) thought that group-differentiated citizenship is required, let's find out why. What does a group-membership give an individual that he/she wouldn't have got alone? Frankly speaking, such a membership can give the individual even less freedom than he/she would have got without the group membership. This is because, as aforementioned, a group can be deeply illiberal, and basic individual rights can be violated. This can occur by giving groups the rights to make laws for its members; but also in less formal ways, it is probably enough that the leaders are

authoritarian in their ruling, and that the individual members have no alternative ways of life in practical terms.

However, Kymlicka is of the opinion that culture is a very important aspect in this context. The freedom for individuals can actually be expanded by making minority rights, because of the connection between freedom and culture. It is however essential to define the type of culture we are discussing; the term can in fact include everything from teenage gangs to global civilizations. Here he is describing so-called societal cultures, and this kind of culture is providing its members with meaningful ways of life, across a full range of human activities. Both the private and public sphere is included, within religious, recreational, economic, educational and social activities. However, shared languages and territorial borders have to be defined. In other words, it often means a Nation State.

This culture is connected to the everyday life of its members, but it hasn't always existed; it is a result of modernization. For example, the education system is important in the making of such a culture, and therefore connecting it to modern times. Why does this culture have to exist? It is necessary for the modern economy to work. It is also essential for the high level of solidarity which a modern democratic state has, and is also probably necessary for the Welfare State to function. A common identity and common membership is needed, people have to sacrifice themselves for each other, and they need to require elements like a common language and history.

However, Kymlicka's mentioning of a welfare state is an issue I want to comment upon. A state is not necessarily a welfare state. Although the issue doesn't require a deeper discussion, few would deny that the US can't be said to be a real welfare state, compared with western European states; yet it can't be denied that the US have some kind of minority rights (e.g. Indian reservations). In other words, a societal culture with common identity and common membership can make the foundations for a Welfare State, but not necessarily (Kymlicka 1995: 75-77).

But, going back to the societal culture: if one such culture extends through the whole country, then there exists only one such culture in a country. The US can be said to have such a single "cultural structure" based on the English language. This is both true and untrue, far from everyone living in the US shares this culture, but it has however included a great array of different groups. It can be said that the country has a dominant culture alongside minority cultures. Immigrants to the US bring with them the shared vocabulary of tradition and

convention, but the social practices which those vocabularies originally referred to and made sense of are something the immigrants have left (Kymlicka 1995: 75-77).

The US does indeed have such minority cultures, which were institutionally established without connection to the Anglophone culture. These groups didn't always get the rights to preserve their own culture. Despite enormous pressure to assimilate, they were determined to keep their cultural existence (Kymlicka 1995: 79).

But does a minority culture have its own value? Why can't the minority cultures just disintegrate giving the members access to the majority culture instead? Do they need access to their own culture? Kymlicka suggests that the state could subsidize minorities to learn the majority language and history. This way of losing its culture would be similar to people losing their jobs. Giving language training to members of a dying culture is like offering workers retraining projects for those employed in a dying industry. An important question however, is why help a minority culture when we can help the members to find another. There are always people, who move between cultures, but this is still rare, it's costly, and there would always be some members of a minority whose integration is practically not possible. The integration is rarely easy, even where it's possible, and should people be required to pay such costs, unless they choose to do so voluntarily?

The costs should be considered for both parts, the members of the minorities and the majority. The costs for the first group can be time, frustration and maybe money, for the latter, almost certainly taxpayers money, and to others maybe a lot of other problems. Even where the obstacles to integration are minimal, the members of the minority have a very strong desire to maintain their cultural membership; it's the same for majority population members. From a minority people perspective, leaving their own culture can even be seen as analogues to choose a vow of cultural poverty and enter a religious order! (Kymlicka 1995: 84-6).

More systematic arguments in defense of minority rights can also be found. The first one is regarding equality. Many defenders of minority rights think that they are necessary simply to maintain the issue of equality. Group-specified rights are needed to accommodate differences. However, this is only valid up to a point. If a group claims rights, it is often because they want to oppress and dominate others. But some minority rights, however eliminate, rather than create inequalities. If they are outvoted on issues that are crucial for their cultural existence, this becomes an inequality. The majority population doesn't have to

be afraid of such a threat. The minority right could indeed make problems for the majority population members. Perhaps their fishing or hunting is limited, but such sacrifices are far less than they would have been without such rights (Kymlicka 1995: 108-9).

It is acknowledged that everyone has to make sacrifices to make things function. The second argument for the rights concerns historical agreements. Minority rights are often the result of such agreements. This could be treaty rights of indigenous peoples, but it can also be a federative agreement between two people. It's important to consider the fact that such agreements were often ignored or repudiated. Could that be a better reason to strengthen this argument? Making an argument against such agreements is not difficult; the agreements can be outdated, given by unelected people or in unpleasant, unacceptable ways. However, the majority population in a country often obtained control over the minority population in an unjust manner. The ways in which minority groups were incorporated into a larger state, alone, often gave them rights. Some group rights would often exist to those incorporated, historically, (whether the incorporation was voluntarily or not), either in judicial or moral terms (Kymlicka 1995: 116-7).

The third argument concerns the value of cultural diversity. Here, the protection of minority rights is seen to be in the interest of the whole society, an enlightened self-interest. It's in the self-interest of the majority. The cultural diversity is said to be valuable, both because it creates a more interesting world and because the alternative culture may contain ways of organization we may learn from; particularly in the case of indigenous people and the environment. However, many people in a majority society do not necessarily agree with this. In some cases we may even see the society polarized. The problem with this is that the diversity within the majority is spread thinly and widely, while the costs to the majority can be quite high. Another question about is whether it is justifiable to give the majority costs in connection with minority integration. Why shouldn't the minority itself carry such costs? (Kymlicka 1995: 121-2).

The fourth argument involves the analogy with states. Normally, group-differentiated rights are linked with states, but there's an important paradox in this matter, because liberals talk about the respect for individuals. States give rights to individuals, in terms of citizenship and there are many countries in which a large number of people requesting citizenship are refused, a somewhat similar issue regarding being a Sami will be addressed later. We could solve this problem by removing all borders and/or making a world government, but this seem

like a very utopist way of thinking. As long as we handle people in terms of citizenship, we give group-differentiated rights; the equality of people becomes the equality of citizens (Kymlicka 1995: 124-5). In conclusion, I think all of these arguments in favor of minority rights and protection make it difficult to argue against them.

2.6 WHY SELF-DETERMINATION RIGHTS

While addressing several aspects of minority rights, it would be rational to write separately about those rights regarding political representation. The thesis context with the Sami parliament makes this useful. Arend Lijphart writes about self-determination in relationship to pre-determination. Lijphart makes three main points. The first one is regarding the consociation. These democracies are considered the solution to the problems that deeply divided societies are facing. This solution has been rediscovered and reused. Secondly, those principles much be thought of as broad guidelines that can be implemented in different ways. However, they differ in nature and merit and the different types cannot be recommended to different societies.

The third point is the most important: an especially important set of alternatives in applying convocational principles here is the choice between pre-determination and self-determination of our constituent groups in a power-sharing system. The group has to be the collective actors among the forces that share the power (Lijphart 1995: 275).

What is meant by self-determination and pre-determination? Self-determination refers to national self-determination. This implies that nations should have the right to form separate sovereign states, within an existing nation-state. This is indeed autonomy rather than sovereignty. With pre-determination, the groups that plan to share power are identified in advance. When talking about democracy in a culturally divergent society, some have expressed that it simply can't work. On the contrary, there are numerous examples of places where it does work. However, a multicultural, or plural, society has less chance of becoming successful in terms of democracy. If it functions, it would often not be a true democracy, because the groups (like in Northern Ireland) are practically excluded. More accurately, democracy in a deeply divided society may be possible, but it would be a consociation democracy. Different principles and variations exist (Lijphart 1995: 275-9): a grand-coalition system in a parliamentary or presidential system, a segmental autonomy (may or may not be

geographically based), proportional results (which may or may not be in proportional ways), and a minority veto (may be absolute or suspensive), even varying between types of decision. Finally, the agreements setting up these minority solutions may or may not be formal. Seven arguments in favor of minority self-determination are given by Lijphart (1995: 283-86):

1. It avoids the problems of invidious comparisons and discriminatory choices.
2. It would often help smaller minorities in a country with two large segments.
3. Pre-determination may make the foundations for discrimination also against the members of different groups.
4. It gives equal chances also to groups and persons that reject the idea of a society organized on a segmental basis.
5. It is flexible, in contrast to a pre-determinative system where for example the strength between groups in parliament may be fixed.
6. It often lets individuals decide group membership, which is important where groups are geographically concentrated and their members are mobile.
7. It may be a complementary method to pre-determination system, e.g. pre-determinative system for the larger group, and self-determination for the small(er) one(s).

The only listed drawback, however, is that it may create minority overrepresentation. However, the guaranteed minority representation, autonomy and perhaps veto are much more important than this (Lijphart 1995: 283-86). In other words, arguments in favor of self-determination seem easy to find, whilst the opposite are rather difficult.

3. THE PROBLEMS WITH DOUBLE VOTES

3.1 INTRODUCTION

This first chapter of analysis which addresses the problems with the double votes, after this introduction, will have one section about judicial issues regarding the Sami people; because this is seen as important in relation to the contents of the dissertation. The double vote problem will then be addressed as a principle, in order to avoid misunderstandings. I shall then look at the concept of voting, and what it means in relation to individuals and groups. There will then be a section about the ordinary political system in Norway in relation to the Sami people; the Sami have the same political opportunities in Norway as the other Norwegians, but in addition, they have an extra channel. A section about the Sami people in relation to the Norwegians would then follow, because of the importance of context-specific information. The arguments in favor of the right to a double vote and the problems surrounding it would then be looked at. Lastly, there will be some scenarios presented, where the Sami parliament has achieved increased power in some specific areas. This is because it is deemed as possible that the institution could become more powerful in the future, and make the double vote problem more apparent. I have chosen scenarios regarding tax power, veto power, control of the reindeer industry and Sami language power as rationale issues to examine.

After describing the Sami parliament in the introduction and exploring the minority rights in the theory chapter, I will now try to combine these phenomena to analyze the double-voting problem. As discussed in the introduction, the term minority can be misused. Although many Norwegians would probably regard the Sami as a national minority, they are in fact an indigenous people. This would maybe strengthen the arguments in favor of rights, and, more relevant for the thesis, the right to double voting. With this status, they should be regarded as a people who arrived in the actual territory first, and the Norwegian government should feel obliged to protect such an ancestral culture. However, this question will not be discussed any further and the dissertation will not make any distinctions between minorities and indigenous people's description.

Are there other context-specific issues that should be mentioned in the discussion about the extra political rights of the Sami people? As stated in the introduction, I regard this minority

as generally well-integrated. Few, if any, would say that Norway faces deep segregation regarding the relationship between the Sami and the others. However, when looking at the history of this minority in Norway, many interesting perspectives can be found. No questions would be raised concerning the fact that the Sami is a separate people. They had and have their own culture, language and other characteristics, but the development of minority rights for them could be seen as a development of the recent decades. The period when the state of Norway tried to treat the Sami exactly like Norwegians, called the “Norwegification” was described in the chapter of introduction.

Today, few would deny the infringement and injustice carried out against this people. This historical context could be taken into account in favor of rights for this people. However, I could describe the policy regarding this people in a long-term perspective as ambivalent. Various Norwegian governments have treated them unjustly, but far from as badly as they could have done, compared with innumerable examples from indigenous people around the world. One would expect that the historical circumstances for a minority people would be of significant importance for their chances of winning rights. This is probably true, but other important elements are public opinion in the country, (which will be addressed later), and judicial elements, like the ILO-convention no. 169. What does the international law say about the threatening of indigenous peoples? One specific and important judicial element for the Sami context is the ILO-convention.

3.2 JUDICIAL ISSUES REGARDING SAMI RIGHTS

The ILO-convention number 169 about indigenous peoples and tribal peoples in independent countries was ratified by Norway in 1990 (Ministry of government administration, reform and church affairs). The main principle in this convention is the indigenous people’s rights to maintain and develop their own culture, and the duty of the governments to take measures to support this work. Interestingly, Norway was the first country to ratify this convention. It was also decided, that in regard to Norway, the convention should apply to the Sami people. Several clearly described rights for such groups are mentioned, also the right to establish their own institutions to speak on their behalf in relations with the governments (Ministry of government administration, reform and church affairs).

In other words, there are international laws that give the Sami people the right to have their own institutions. Since Norway did ratify the convention at an early stage, the government must, without doubt, have known about these principles. We can therefore assume that the ratification was done as a sign of goodwill towards its indigenous people. The right to establish their own institutions to communicate with the governments alone says little. The article 6 seems to be of specific interest for the context of the Sami parliament. This reads as follows:

1. In applying the provisions of this Convention, governments shall:

(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;

(b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programs which concern them;

(c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

(Convention No. 169, ILO online)

The article section 1(a) seems to take for granted that a separate organ for the actual people exists. Since section (b) tells that they should be able to participate to at least the same extent as others, it seems to say that they certainly should have such an institution. This section seems to encourage the governments to use their goodwill to make the institutions as good as possible. When the section 2 talks about the objective of achieving agreement or consent to the proposed measures, this could be read in the way that the governments should certainly give the institutions the right of veto. However, taken into account that the Sami parliament has only consultative power, the possibility of a scenario where the Norwegian parliament gives it a varying degree of veto power must be assumed to change the situation clearly, and the double voting problem would probably become more visible to many. I will address the aspects of a potential veto power later. Another interesting (and opposite) effect is a potential termination of the Norwegian recognition of the ILO convention 169.

Another judicial document which is interesting to look at is the constitution of Norway. When unfamiliar with this issue, one could maybe ask if the constitution really would accept such rights to a specific group, such as the present situation in the context of the Sami parliament. They could argue with the fact that a constitution usually has statements about equality, anti-discrimination and similar issues. The constitution also specifies that “the people exercise the Legislative Power through the Storting”, according to article 6 (Stortinget online) which could be used to question the legality of the Sami parliament. This makes little sense however, when we bear in mind that the Sami parliament is a consultative-based organ (it doesn’t make laws). However, this may change if the organ is given increased power in the future, which is a distinct possibility. Many may wonder if the constitution has something specific to say about the Sami people. It does indeed have an article dedicated to this indigenous people that inhabit the country. The article 110a, which can be described as the “Sami article” extracts, read as follows:

“It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.”

(The constitution of Norway)

As mentioned above, the Sami people are here given some degree of protection, although in general terms. This should also be seen as a kind of goodwill from the state of Norway. However, the duty of giving them a representative organ is not mentioned. This would have been important in strengthening the arguments in favor of their rights to double voting, as the ILO convention should be seen as doing. It is not impossible that the existence of a representative organ would be described in this article sooner or later, changing the constitution requires (simplified) a two third majority in the Storting that is elected after the one in which the change has been proposed, according to article 112 (The constitution of Norway). One could also ponder upon the possibility that the Sami parliament could be regarded as a constitutional convention. The article was adopted in 1988 (Lovdata online) and is indeed new, however, the possibility can’t be excluded in the future.

3.3 THE PRINCIPLE WITH DOUBLE VOTES

As stated in the introduction, it was very important to explain fully, the term "double Sami votes"; it means that the Sami people (depending on definitions) have a Sami parliament, an extra democratic electoral channel that non-Sami peoples are excluded from. This comes in addition to the other democratic electoral channels that they and other Norwegians have access to (municipalities, counties and the national legislature). In other words, the Sami are voting in elections in Norway in the same way as the non-Sami, with one exception: They have their own assembly reserved for themselves, while retaining every political right that they would have had as Non Sami. This is what is referred to as the double vote, (the right to vote double). It is not related to a system where different group of voters have different voting weights in the same election, as some may believe.

There are still context-specific issues that are important to remember. The first one is that the Sami parliament follows a non-territorial administrative principle. This is not especially related to the double votes, none the less it should be mentioned: if a territorial-based model had been selected, the issue would have got a more localized approach, but since Sapmiland is so large, it seems that this was difficult to select. Another issue is about the Sami parliament having issue-specific areas it has power over, compared to the areas which the other political organs in Norway, at various levels, have power over. This is important because the issues the organs have power over, could be completely separated between them, or they could overlap to various degrees. If the administrative and political issues had been completely separated, the double vote problem would not exist. As will be shown, the policy at the Sami parliament interacts with other political organs and units to various degrees. The possibility of completely issue-separated power will be addressed in the second chapter of analysis, but this should already be regarded as a purely theoretical possibility.

A practical impact, or significance, of the double votes, can be seen when the Sami parliament are consulting, or more importantly, negotiating, with other actors. In such processes, a negotiation table should be imagined. Those registered in the Sami census could vote in elections to the Sami parliament, but also in the other elections in the country, namely the municipality, county, and national legislature (stortinget) elections. The non Sami voters only have the last electoral channels. In other words, the Sami are sitting on both sides of the table. What should be remembered here is the "people to people" approach (Semb 2009: 171-2). The one people are a completely integrated part of the other. This should easily illustrate

the double vote principle, but on theoretical grounds, it has to be imagined that the negotiators on the non Sami parliament side of the table are representing both of the voter groups, those on the Sami parliament side are of course only representing the Sami parliament voters.

Another aspect which needs to be clarified here is that of the different political levels, or more precisely, administrative units, that exist in Norway. Norway has three levels in this respect, the municipality, county and the state level. This isn't necessarily so easy, administrative and political issues could overlap in different ways. However, all of the three levels have democratically political bodies. Although there are discussions in Norway about dissolving the county level, a Norway without elected bodies at a lower level than the national one, should be seen as meditative. The scale problem in the Norwegian society makes this political organization necessary (Weigård 2009: 48). Some issues that the Sami parliament could (theoretically) be able to gain control over, like culture, health, industry and others, are divided between the three different administrative levels. The scale aspect isn't necessarily a problem in the much smaller Sami community, but it's still essential for the politics in the larger Norwegian society.

The problems with the different administrative levels could be one of the main reasons why the Sami parliament doesn't have a territorial-based existence; such an existence would have solved the double vote problem. However, the different administrative levels are important to address also with the non-territorial model that the Sami parliament are based on. The institution is still seen in relationship to the three administrative levels in the larger Norwegian society. In the examples of scenarios with conflicts between the Sami community and the Non Sami Norway, I will try to explain at what level it is relevant on the Norwegian side. However, with the term "double vote", it could be said that the electoral channels, (other than the Sami parliament one), be regarded as a single one. This isn't necessarily a problem, but differences between the levels regarding potential conflict scales could be significant. At a local level for example, the non Sami and the Sami voter would have a higher chance of knowing each other.

When different administrative levels are seen as something that is complicating the issue, their responsibilities also make problems. The decision-making skill of the Sami parliament does not comply with that of one of the three different levels in the larger Norwegian society. If that were so, the Sami census voters could have been deprived their vote to this election (Weigård 2009: 48). As it is, the Sami voters would lose influence on the issues that these

Norwegian organs have power over them on. Another scenario is one where the Sami parliament is getting a power that corresponds to that of a county/regional level, but how could that work? Alternative ways of organizing the Sami political power don't seem to be easy to find.

3.4 SAMI VOTING – AS A GROUP AND AS INDIVIDUALS

In the theory chapter, the individual and collective rights were described. This could be important to connect to the Sami and their rights, specifically the extra political influence. Simplified, the Sami people are the collective group and the members are the individuals. Those who recognize themselves as Sami may differ in terms of daily life and practice, but this thesis is concerned with those defined by the Sami census, described in the introduction chapter.

The relationship between individual and collective rights was clearly complicated (as explained in the introduction). Firstly, collective rights weren't the opposite of individual rights. Although many would believe that collective rights were exercised by collectives and individual rights claimed by individuals, this isn't necessarily the case. In the Sami parliament context, the group members have the right to vote, but they are voting as individuals. It could be said that there are internal restrictions and external protections. A minority group can raise two types of claims: the first is against other members of their group, the other one is (with the group) against the larger society (Kymlicka 1995: 34-6). It would be easy to see that the Sami in this case are making a claim against the larger society, it could be said that they are claiming the right to talk seriously with the larger Norwegian society (the consultative power) and they are idealistically claiming the right to decide against it (they do not have veto power yet) on fields that they regard as important to them. However, it is less visibly apparent that they indeed also claim against each other. It could be difficult to see this, although their representative organ should be regarded as representing them against the rest of the Norwegian society, they have the right to vote for it, and that's done as individuals. It should be recognized, in theory too, that they as individual voters have different preferences.

Another aspect of the relationship between the collective and individual rights is, as mentioned, the ambiguity of collective rights. A problem is that it suggests a false dichotomy with individual rights (Kymlicka 1995: 45). As mentioned, collective rights are often exercised by individuals. But other rights could be collective and exercised by individuals, but

only when numbers warrant. The overlap between Sami language ability and the right to participate in Sami politics is interesting, bearing in mind that 13890 individuals were included in the Sami census before the 2009 election (Samediggi online). The overlap could cause problems for the double voting issue, I say that it would maybe create more polarization against the larger Norwegian society if it is strong; since the Sami public sphere would probably be more segregated from the Norwegian one and the Sami identity could be strengthened. However, they may then need the representative institution more. A lesser overlap, in contrast, could create lesser polarization, but may also weaken the legitimacy of their extra vote, since they then could be regarded as more integrated in the larger Norwegian society.

In general, it can't be said that the right to vote double is exercised by the Sami voters only where numbers warrant. This is because their parliament was given to them (although it could still be abolished). When they got the institution it should be seen, at least from a formal angle, as if the turnout should be irrelevant. However, the turnout must be seen as important for the legitimacy of this institution, and for the practical problems related to the double voting problem that the institution creates. I maintain that both lower and higher turnouts may create problems; a high turnout may polarize the climate between the minority and the majority, while a low turnout could undermine the legitimacy of the right to vote twice. In the 2009 election, the turnout was 69, 3 % (SSB online).

From an objective perspective, commenting this turnout isn't easy. Whether a turnout should be regarded as low or high depends heavily on the eye of the beholder, and in what political culture that eye is located. However, I think it should be regarded as relatively high largely because the linking of the turnout to the fact that the Sami parliament only has consultative power. Indeed an amazingly large number of those eligible to vote, did utilize their right recently when reminding ourselves that the institution doesn't have real independent decision making power. On the other hand, since the Census registering was optional; an interest in the election could be expected from everyone who chose to register. When the power is expected to grow gradually (as I earlier stated is reasonable to believe) significantly more voters can be expected to arrive, both in the census, and on Election Day. Such a development should be seen as important for whether or not the double voting right becomes a serious democratic problem; but the power that the institution exercise in the future, should be regarded as more important for a potential Sami/Norwegian polarization

3.5 THE SAMI PEOPLE AND NORWAY'S ORDINARY POLITICAL SYSTEM

Since I have argued in favor of a possible future polarization between the Sami people and the larger Norwegian society, based upon the right of the first group to double voting, why is it then of interest to look at the participation of the Sami in Norwegian politics in general? The term “double voting” means an electoral channel in addition to the ordinary channel, but it should, to some degree, be seen in relationship to their practical use of the ordinary political channels. One might imagine that the Sami voters concentrate their interest on the Sami parliament and Sami politics; they may then be indifferent to the ordinary elections in Norway, even boycotting them. Such ideas are of little value to the context of this thesis. I myself stated earlier in the thesis, that the Sami people should generally be regarded as well integrated in Norway. In one of her articles, Anne Julie Semb wrote about “*The Alienation hypothesis*”. This hypothesis, by Alan Cairns, states that “alienation” from the domestic constitutional order is common among minority indigenous nations” (Semb 2010: 81).

It is very important to mention that (even several years after the establishment of the Sami parliament) there is still a significant lack of knowledge on this area I'm trying to look at, (Semb 2010: 76). As a consequence, I have to use that which is in fact accessible. I think there are few people, who believe the Sami are alienated in the Norwegian political system, (or more significantly), the Norwegian society in general. But is that really true? Do Sami people trust the important societal institutions, to the same degree as the population in general?

Research (from 2006) has shown that they do. The Storting,(parliament) the government, the municipalities, the courts, public administration at both state, and municipal level have, in general, equal levels of confidence among the Sami, as in the population in general (Semb 2010: 91, table 4.2). The defined groups were Non-Sami, unregistered Sami, and registered Sami. The only significant difference in confidence was, not surprisingly, the trust in the Sami parliament, in which the registered Sami had a much higher level of confidence (5,7 points) than the two other groups (3,2 points each). The larger Norwegian population has of course problems trusting an institution in which they can't vote, and at the present time has little impact on them. The low level of trust among the unregistered Sami was to be expected; they probably oppose the institution or have no interest in it.

Another relevant objective should be the Sami people's participation in the ordinary political channels. Among those who were registered Sami, 88% used their vote in the last Sami parliament election, in which they alone could vote. However, in the last elections to the Storting, the Finnmark county council, and the municipalities, the turnout among the registered Sami was also significantly higher than that of the unregistered ones, as well as the Non-Sami (Semb 2010: 97, table 4.5). Other tables presented in the article (Semb 2010) leave little doubt that the Sami people are engaged in the general political system of Norway, at least to the same degree as the majority population. With such findings it would be reasonable to think of the "*people-to-people approach*": the one people (the Sami) are fully a part of the other (Semb 2009: 171-2). The findings addressed here, show that this is not only in theory, but also in practice.

As a conclusion to this section, I would say that with such a clear connection between theory and practice, the double vote issue must also exist in practice. So far, I have argued that a powerful Sami parliament could lead to division between the Sami and the larger population. These findings should strengthen the argument; Sami voters are using their additional channel, but are still using the ordinary electorate channels at least to the same degree as the larger population.

3.6 THE SAMI IN RELATION TO THE NORWEGIANS

It's not impossible to speculate that the course of development regarding double voting could (in public opinion) be regarded as creating segregation; and some may even regard it as racist. The rights to land and water are an example. Although the public law could develop such rights to be acceptable from a legal perspective, I still believe that the public opinion could see it very differently. Even the situation of the minority double vote is a situation in which people are treated differently.

The most essential dimension to describe the relationship between the Sami and the larger Norwegian society is a cultural one. Kymlicka tells us that there is a connection between freedom and culture, and this has an impact: expanding minority rights could lead to more freedom because of this connection (Kymlicka 1995: 75). The kind of culture that is relevant is a societal one, a culture that gives meaningful ways of life to its members. There is no

doubt that there exists a Sami culture. Furthermore, language and borders are important to such cultures. The Sami language was addressed earlier, but although there are areas in Norway where there are many Sami inhabitants, no borders exist. Modern day development, like the educational system would be essential. As stated in the theory chapter, the societal culture should be regarded as essential for the modern economy to work. A society with a high level of solidarity and a welfare state would probably also benefit from this. Kymlicka (1995: 76-7) looked especially at the situation with the English language in the US.

Using the Norwegian-Sami context however, could be interesting. The languages of the Sami people were looked at in relationship to the Sami parliament elections. Those who meet a Sami would almost certainly be able to speak Norwegian with him, although he may also speak Sami. The policy of “Norwegification” (fornorskningspolitikk), which nowadays few would deny was unjust, was primarily carried out through the education system. It lasted for decades and tried, in accordance with its name, to remove that which could be called Sami. The banning of the Sami language in schools was a central method of implementing this policy (NOU 2008: 5, ch. 6.4.3).

How is this relevant for the societal culture and the decision for giving minority rights? When Norwegian authorities implemented the assimilation policy, they did in fact violate the Sami societal culture. The maltreatment of the Sami language and culture is indeed an argument in favor of the right to double vote, seen in the light of giving them justice on historical grounds. If that is a main reason for their rights, there seems to be a case for stating that the double voting problem in general, is something the larger Norwegian society has to live with. One could then ask the question if it's fair that Norway's future generations should pay for the maltreatment of the indigenous people in the past; while the present day members of the Sami people benefit from the fact that their ancestors were badly treated by Norwegian authorities. I don't think any good answers can be given here. The justice theorists (addressed in the theory chapter) like Rawls, Hayek and Nozick would probably have different opinions on this, but I think, it's difficult to argue in favor of double voting right on the grounds of reverting historical injustice. Although it may be possible in theory, the public opinion is likely to disagree with it, especially if the Sami parliament has visible, indirect power over them.

The US had minorities which were institutionally established outside the Anglophone language culture. They faced enormous pressure to integrate, but they did still determine to

keep their cultural existence (Kymlicka 1995: 79). This is an interesting comparison, it could probably be said that the Sami culture didn't, originally, have any connection to the Norwegian language. The similar pressure they endured to assimilate was addressed, but in the same way as their US counterparts, their culture survived, although it was probably much damaged. As the assimilation was unsuccessful, at least in terms of wiping out the Sami culture, this could create problems for the double vote right of this people. This is because bearing in mind that the policy didn't succeed; it is more difficult to argue in favor of rights on historical grounds. On the other hand, if it had succeeded, there may not have been a culture to protect and a minority people to give rights to. However, my main point is that as the Sami culture has managed to exist without the extra political rights, it is more difficult to argue in favor of them being needed. It could be argued, against the Sami parliament, (and the double vote right it contains), that the Sami culture would have existed anyway, and been clearly visible without it.

The problem here is still the legal dimension, since the rights, and also the rights to have an own representative organ was given on legal grounds; it's difficult for Norwegian authorities to oppose, although they could for example, terminate Norway's participation in the ILO convention. Whatever the legal dimension tells about rights, the public opinion could still be a practical problem. This is related to the legitimating of democracy, which is an important issue for this dissertation. As stated in the introduction chapter, the establishment of the Sami parliament is anchored in public opinion, with a 60,1% of support (NSD 2004). But then again, this is of little value, with the low level of power the institution has today.

Those in favor of the double vote right (and minority rights in general) for the Sami people, would perhaps focus on the costs that this people sustained during the assimilation period. This cost is probably impossible to estimate, but I myself would consider the very difficult school years for many youth belonging to this group, and the creating of bitterness against Norwegian authorities among other things. These hardship costs could indeed be weighed up against the costs of their political rights which could become very visible in the future. As said earlier, the double vote right was considered capable of creating division/polarization, (especially locally), and in the future.

Scenarios regarding increased power to the Sami parliament will be addressed later, but the attempt to weigh up these potential costs against each other has already created headaches. If we continue to make the Sami parliament stronger, the costs of polarization and division from

the larger society, may be necessary to accept. If we change back to an assimilating policy, the costs of making an entire minority group into a part of the majority has to be taken, (such as dealing with the problems for those who are unable to assimilate). Which is the most rational scenario is an open question, but either option would probably require controlled moderation.

3.7 ARGUMENTS FOR THE DOUBLE VOTING RIGHT, AND THEIR PROBLEMS

Four arguments were given by Kymlicka for minority rights in general. Equality was the first issue that we remember. A problem arises immediately from a simplistic point of view; increased inequality is already created when people are treated differently, and one group could use the rights to oppress and dominate the others. However, the problems that rights are creating have to be weighed up against the problems it solves. Group-specified rights could be seen as necessary to accommodate differences. If we see the Sami parliament as an institution where this minority is taking decisions on matters that are important to them, it could be rational to let them do so. This could probably work perfectly on many issues. The problems arise when decisions are taken that have a clearer impact on the majority population. Kymlicka (1995: 108-9) mentioned the rights to fishing and hunting. The future development regarding land and water rights, the “Finmark Act”, reindeer husbandry among others are issues that I believe, really could create significant division between the Sami and the larger population. Kymlicka does have good arguments, but they are separated from the public’s opinion and reactions to them. Philosophical arguments are separate from the reactions, but those reactions which I believe could make polarization, are still a problem.

As far as historical agreements are concerned, it is more difficult to find arguments for the Sami context. The argument regarding cultural diversity is addressed earlier. The culture of a minority is something that could be seen valuable, although the majority may not necessarily agree with this position. Democracy is, however, not always about the will of the majority. The question of costs for Sami double votes sustained by each part is interesting, but an answer would be difficult to estimate. When the government of Norway gave the Sami’s the rights to decide for themselves, and to some degree, influence the majority negatively (in the light of a potential future polarization), they did actually agree to a situation where the majority had to take the costs of integrating the minority. Whether or not this is justifiable

probably depends on the eye of the beholder, however, if one agrees to basic principles of minority protection, I would think one would have no choice.

The last of Kymlicka's general arguments in favor of minority rights was called the analogy with states (Kymlicka 1995: 124-5). This is related to the fact that the rights given by a state to its people are in the context of a citizenship. The interesting point here is that the Sami rights, and especially the political ones, are given to them by a definition which I believe could be comparable with citizenship. As addressed, the right to vote for the Sami parliament was granted by membership in an ethnically based census. The term Sami citizenship has indeed been used (Selle & Kristin Strømsnes 2010), and could be used here. This creates a problem comparable to a general citizenship case. This is because, in many countries, far from everyone who applies, or wishes to become a citizen gets their wishes granted. One could believe that there are people wishing to become a Sami (by census membership definition) who don't get their wish granted. They maybe don't have Sami ancestors, but they still feel themselves to be members of this indigenous people. They could have interests in the use of land, water, or reindeer husbandry among other things, that the Sami parliament have (and could be expected to get) power over. Or they may speak the Sami language and participate in that public sphere. No doubt, this is complicating the issue, when those who feel themselves to be, and maybe rationally should be able to become a Sami, are rejected. Then the double vote right, most probably on principle, could lose its legitimacy. Examples of people who were refused a "Sami citizenship" are, and will most likely remain, nonexistent.

The second point was concerned with seeing the consociation recommendations as broad guidelines. This is interesting because the Sami political rights issue is, at least to some degree, a unique situation. Of course there are other situations where a minority is given their own assembly, but they may not tell us much about how to make a well functioning solution in Norway. Maybe the most similar cases are the situations for the Sami minority in Sweden and Finland, which seem to be somewhat comparable. I myself would imagine that a weaker position for those assemblies and the minorities' different numerical proportionality related to the majority are the main problems. Lijphart's main point seems to be the including of all parts in decision making processes. This is being violated by the Sami parliament when it uses powers that make decisions only for themselves. Then again, to make a less divided society, solutions to better this problem have to be found.

In any case, Lijpharts theory was most likely to have been related to larger minority groups; in cases of smaller minorities, such as the Sami, an institution would probably be chosen. The description of self-determination and pre-determination is more difficult than many might think. The self-determination term means that nations should have the right to form separate sovereign states, inside the existing nation state, which is really autonomy rather than sovereignty. With pre-determination, the group's plan to share power were identified in advance (Lijphart 1995: 275-9). There is no doubt about the group in the actual context. The self-determination term is therefore of most interest in the analysis. There should be no doubt that the Sami people are a nation, and not forming something inside the existing state of Norway either. Despite the fact that they could be said to have some form of autonomy and that they could get increased power in the future, it's still not possible to call this a sovereign power. As seen earlier, the rights and privileges given to this group aren't given indefinitely; if we remember, the ILO convention could (at least in theory) be terminated, and there is, as yet, no guarantee to the Sami parliament in the constitution of Norway, despite the fact that the Sami people were mentioned in a separate article. Therefore, the power of the Sami parliament is given them by the National Assembly and doesn't need to remain forever. Even if the constitution did secure it, the constitution itself could of course be changed.

It is interesting, the fact that the power given to the Sami people, is not constitutional. If it becomes so, those of the majority facing significant trouble with the double vote issue may simply give up their political interest due to alienation. Then the Norwegian democracy, at least locally/regionally would be facing severe damage. If (a strong) power to the Sami parliament remains unconstitutional, but still creates division, a solution may still be the abolition or reversal of its power. If that should happen, one consequence of the double vote problem would be a step back for the rights of the Sami people. This could be regarded as highly speculative; however, it is still a situation worth pondering upon. As mentioned earlier in the dissertation, the policy regarding the Sami people, generally faces consensus among the established parties, the Progress Party is the marked exception. What if they get into power?

They would probably still be alone in their opposition to the Sami parliament, but a theoretical scenario where they form a majority-government with the Conservative Party could none the less be mentioned. As of early 2011, about three and a half years before the next Storting election (General Election), public opinion doesn't seem to be unfamiliar with the idea of a majority government consisting of a coalition between the two parties

(Dagsavisen online). I would think that the conservative party would reject proposals to abolish the Sami parliament and the minority rights. More importantly, it should be stated that the institution is in fact, still far from powerful enough to cause the division I have written so much about. However, developments like the Finnmark Act and scenarios that will be addressed later, do show tendencies. It should be seen as realistic that the possible future government (mentioned above) would at least slow down the expansion of power to the Sami parliament. In other words, reactions against the right of double votes for the Sami minority could be arising in the not too distant future.

Lijphart (1995: 283-86) gave seven arguments in favor of minority self-determination that should be connected to the Sami parliament context. The first one, that it avoids the problems of invidious comparisons and discriminatory choices, is interesting if seen in connection to the position of the Sami people in Norway. There are many ethnic and cultural groups in Norway and deciding who should get more political influence isn't necessarily easy. As mentioned, Norway has five national minorities, whilst the Sami people are an indigenous people, which mean a stronger protection. I think few would find it unjust that the Sami get an extra voting channel while other groups, (like the five defined minorities), do not. This is simply because of the position of the Sami. Although there may still be claims of injustice and discrimination, there are at least decisions made about the model beforehand. The second argument that says smaller minorities would often be helped in countries with two large segments holds little relevance to this situation. The next argument was that pre-determination may lay the foundations for discrimination, also against the members of different groups. This was especially related to New Zealand and the Maori; this was solved by making Maori register registration optional, making it irrelevant with proportional representation. At the national level, Norway has the PR. Reserved seats for Sami in the Storting (parliament) have never been introduced, however, I think that this could have been even more controversial in public opinion than the right to vote double, due to the visibility of reserved seats at the national level.

Regarding the argument that it gives equal chances also to groups and persons that reject the idea of a society organized on a segmental basis (Lijphart 1995: 283-86), it could make sense if other groups, (like those not culturally or ethnically based), learned something from it. The fifth argument about the flexibility of self-determination versus pre-determination is of interest. One example of giving a specific number of seats in the National assembly of

Norway and, maybe also seats in the government could have been claimed instead of a minority assembly. Also the last proposal should be seen as much more controversial than the right to vote twice; because the double vote right was for a dedicated extra assembly. The argument about the individuals' rights to decide membership doesn't really apply for the context; people who wanted to become a Sami couldn't necessarily do so, although it's optional for those who can register, to do so. The Sami parliament wasn't territorially based. However, the rules about membership in the census may become more liberal later, although it is difficult to imagine a full option to every individual in Northern Norway, (which would have changed the double vote problem), and even more utopian, optional to the whole national population. The last argument about a complementary system, giving pre-determination for the larger groups and self-determination for the smaller also makes problem for this dissertation, as long as ignoring a more unrealistic vision about a shared Norwegian-Sami power in national government and dedicated to the very small other minorities, like the five national.

The only defined drawback for minority self-determination by Lijphart, were concerning minority overrepresentation. It is possible to talk about minority overrepresentation through the existence of a dedicated minority assembly where only the minority may vote. In other words, the only drawback was that drawback which this dissertation is seeking to address. And therefore, it has to be of significant importance in relationship to the arguments in favor. As of today, I would regard it as far from large enough, but as always, the problem may come in the future. Could some scenarios about future power to the Sami parliament be considered?

3.8.1 FUTURE SCENARIOS WITH INCREASED POWER TO THE SAMI PARLIAMENT

As stated several times earlier, there should be little doubt about a possible development giving Sami parliament increased power. This should be seen as a factor which could bring the double vote problem on the agenda with increased relevance. Although the problem exists in principle already, the fact that the Sami parliament have only lesser and consultative power gives reason to believe that there isn't really much problem with the Sami having added influence at present. Discussing the problem in principal could be sufficient; however, I think that would have made the dissertation too narrow. Some speculation about future development therefore has to be undertaken.

One specific development that has to be addressed is that of a possible veto power to the Sami parliament. With a veto power, an actor has the ability to say “no” to a proposal. In some way, it could be said that it exists already. Although consultations should be formally regarded as something different than a veto power, it’s still a kind of power where the first part is expected to meet the other, at least to some degree. If imagining that the Sami parliament is negotiating with Norwegian authorities, it should be expected that some kind of agreements are made. In addition, the term “self-determination” alone could mean a veto power, although it could also mean the right to take decisions separately from the larger Norwegian society. In other words, the problem with extra influence for the Sami people is already visible, although it could be small, even microscopic.

Another possible development is that of a Sami parliament which acts, in different ways more like the Storting. One example is the right to cede power. It has been stated that the right to self-determination also implies that the Sami parliament could cede decision-making power (Semb 2005: 533). This raises democratic problems; power could indeed be ceded to other actors, also those which are non-democratic. However, such abilities also apply to the National Assembly, which makes it a problem in general related to democracy theory rather than the double votes. However, if the Sami parliament became more and more similar to the National Assembly, the double vote right to the Sami should be expected to get more attention and make larger concerns, especially from the larger Norwegian opinion. It could perhaps be said that The Sami parliament could claim the Storting to cede power to them. This would then have much larger consequences; but it should be regarded as highly unrealistic. However, there could be speculation about situations where the majority in the Storting give the Sami parliament power, (at least in practice), whenever they are ask for it and maybe without serious concern for public opinion. This should also be regarded as unrealistic; however, lesser amounts of power could be enough to collide with the larger Norwegian society.

3.8.2 TAX POWER

One speculative development is that of giving the Sami parliament the power to claim taxes, in various ways. As of today, it has neither the power to do that, or to make laws. It’s difficult to see how the institution could be able to get any kind of law-making power, and I don’t know of any such proposals. However, the seed to taxation power has indeed been on the agenda. This was related to the work with the laws regarding minerals. The proposal from the

Sami parliament was that every mineral extraction in the traditional Sami areas should be covered by an indigenous peoples fee, which should be administered by the Sami parliament (Semb 2009: 169). The consultation processes related to this development, which were held between them and the Ministry of Trade and Industry were heavily criticized by the Sami parliament. Consultation procedures had been established after the passing of the “Finmark Act”. A proposal related to taxation, presented here, should no doubt, be regarded as controversial. With such a power, one could regard the institution as “a state within the state”, and cause concern within large parts of the public opinion.

Interestingly enough, the fee was supposed to cover the extraction in traditional Sami areas. These areas aren't always easy to determine. If we include the whole of northern Norway and recognize a border in the middle parts of Norway, (the Sapmiland definition), large parts of Norway, at least in terms of geography, will be included. If an area generally synonymous with the county of Finnmark is being used, the issue will have a more regional or local dimension. It's not easy to say what would make the most division among the Sami community and the larger Norwegian society. Mineral extraction is still an enterprise, a societal part which is not necessarily connected to individuals in the way that double votes in general are. However, the claim should still be thought of as a seed to a significantly stronger Sami parliament, which was my main concern for future polarization between the Sami and the larger Norwegian society, and the last word hasn't been spoken on this issue. As the Sami parliament thought that both the consultation procedure and the proposal itself was in conflict with the ILO 169 Convention, they wrote about their concern to the ILO in April 2009 (Semb 2009: 169). When thinking about the purely judicial dimension regarding the rights of indigenous peoples, it shouldn't be a surprise if they got their will in this matter. Naturally, this would increase the power of the Sami parliament, and then probably make the rights for a double vote for the Sami people more controversial; because taxation power is a significant power. However, it's still not taxation of enterprises in general, in Sami areas, or (far more important) people.

3.8.3 VETO POWER

The possibility of a veto right is another development which could significantly increase the power of the Sami Parliament. It is worth speculating the chances of that happening, and it is reasonable to believe that notable parts of the Sami community want such a right; and that it

was seen (albeit unofficially) as a future rationale when the institution was established. Anne Julie Semb (2009: 170) studied the proposal to a Nordic Sami convention. She believed the article 16 in that convention to state that the Sami parliament should have a veto right above the starting in some circumstances. If that should happen, certain political processes will become negotiations between two actors. Which, and how many issue areas that are possible candidates to be covered by such negotiations, is not decided. However, if the areas that are important to Sami culture, enterprise, and societal life shall be covered, as the article 16 stated, it's reasonable to presume that both the Sami language and the reindeer husbandry would be just such areas. And these are areas that I believe could create polarization between the Sami and the rest of the Norwegian society. I shall return to this later.

It is not necessarily easy to understand what a veto right really means. If the Sami parliament are given such a right, one could see a situation where the institution, (with the help of its ruling majority) vote "no" to a proposal given to them by the Norwegian National Assembly. Such procedures seem complex, and difficult to speculate upon. However, what could be expected to arise are negotiation procedures between the two actors. In such processes, unanimity is the rule, both parts have to agree, and that should be seen as the veto right. One of the problems with double votes was its threat to political equality. However, the proposed negotiation procedures and veto right, should be regarded where political equality is equality between two equal collectives, or "peoples" (Semb 2009: 170). It is not an uncommon situation in federal, or quasi-federal states, but still uncommon in Norwegian political life. The lack of tradition for such political processes could be a problem in itself, since political tradition should be regarded as important for the political development in an actual country. (This will not, be addressed in detail.) However, if the negotiations succeed in terms of being able to build political relations, there is still the problem of negotiations, as well as consultations, often being elitist, closed affairs offering few openings for outside influence. It is therefore far from a good solution (Weigård 2009: 49).

3.8.4 CONTROL OF THE REINDEER INDUSTRY

What if the Sami parliament becomes much larger or gains full control of the reindeer husbandry? This should be of specific interest because this enterprise is without doubt very important to Sami culture and tradition. Those outside the Sami community would probably often relate reindeer husbandry to the Sami. As of today, this enterprise is regulated by the Ministry of Food and Agriculture in Norway and it's difficult to speculate on future

development in this area. Since it should be expected that the Sami parliament get increased power, it could also cover the reindeer husbandry. However, since this husbandry is so important to the Sami people, many could ask why it hasn't been managed by the Sami parliament ever since the establishment of that institution. The reason is that the enterprise itself seems to be against such a shift of management.

The *Sami Reindeer Herders' Association* of Norway was and is against such a move (Bjerkli and Selle 2003: 64). When such an important issue is outside of the whole Sami parliament system, it's difficult to use it as an example of an area where increased power to the Sami parliament could create more polarization. Could it be that the administrative profession makes it simpler to include the enterprise within a Ministry? Or maybe the organization for those practicing the reindeer husbandry are in fact, aware of increased division between the Sami community and the larger Norwegian society? However, it's hardly feasible that they themselves don't view the husbandry in connection with a Sami approach. The organization does have this (*Sami*) in its name, and the reindeer is, almost exclusively Sami (Reindrifftsforvaltningen online).

However, it's interesting to see how other parts view the connection between the Sami people and their, to them, important Reindeer husbandry. It has not been uncommon to present a Sami as being synonymous with 'someone who practices reindeer husbandry' (Bjerkli and Selle 2003: 254-5). This is of course wrong, far from all Sami today are practicing this husbandry. Being a Sami isn't synonymous with being involved in the reindeer industry; but being involved in the industry is by far synonymous with being a Sami. This is what makes it so interesting to speculate about a future where the Sami parliament has the control of this enterprise, and the conflict it could create when those able to vote for that institution exercise double voting. Because there's no doubt that the reindeer enterprise is one that often comes into conflict with other enterprises, and other societal actors in general. Conflicts between reindeer husbandry and the agriculture industry are of interest here. In this situation, the double vote problem could be used more directly, although still theoretically. The policy regarding agriculture in general should be seen as controlled by the voters to the National Assembly. Every citizen would have the right to vote here, but in relation to the Sami parliament, (who now are thought of as controlling the reindeer enterprise), the Sami alone are able to vote. Since the husbandry was practiced almost exclusively by the Sami, it could be said that there are then no genuine double vote problems in this matter: the Sami

people would be voting on the composition of an organ, which handles an enterprise that they practice (almost entirely) for themselves.

But such a view should be seen to oversimplify the situation. There should be no doubt that the reindeer husbandry interacts with various kinds of societal actors. Innumerable examples exist, such as the grazing reindeer often cross property limits, roads and many other things. The coexistence with (the ordinary) agricultural enterprise is important. In this case, it is important to remember that a farmer could indeed also be Sami. This gives a practical view on “*the people to people approach*”, from the introduction; the one people (the Sami) are a completely integrated part of the other (Semb 2009: 171-2). So if thinking in terms of theoretical consultations/negotiations between the agriculture and the reindeer husbandry, the Sami reindeer part could be said to be sitting on both sides of the table. This could be seen to lessen the legitimization of such processes. In addition, non-Sami farmers could feel frustration concerning the fact that Sami parliament, (an organ in which they have no influence), makes all decisions related to reindeer and grazing (which has a significant influence on them). This should be considered to be a democratic problem, but is it one the farmers should tolerate for the sake of indigenous people rights?

One should also mention the feelings of the public opinion, which often show a lack of understanding for minority rights in general. For example, letters to the editor in Northern Norway newspapers on the issue of Sami rights, reindeer husbandry and similar themes, often seem to be unfair (Berg 2001). The practical difference between the rights of the Sami as minority people, and grassroots feelings among other Norwegians should be considered important, if trying to analyze challenges to democracy incurred by the double vote. Also the frustration among some actors, (often the Non-Sami), could be seen to create increased polarization with the Sami people.

What about the press? It is not only the public’s thoughts on the issue we should be looking at. Interestingly enough, in the last half of the 1990s, several papers, especially in Northern Norway, did a lot of coverage on the debate about Sami rights to land and water. News about the important reindeer husbandry focused mostly on the problems in this enterprise (Berg 2001:195-226). In conclusion, the press should be regarded as playing a major role in the debate about the development of Sami rights. They also have the power to sway opinion, and create negative feelings among the public in this issue: which strengthens my argument that increased power to the Sami parliament could increase polarization, especially locally in the

northern Norway, and Finmark. So, do the media take their responsibilities seriously? I think there are many nuances here, and there is work to be done, if an objective press in relationship to debates about Sami societies is an aim; as shown clearly by the examples of negative light being shed upon the reindeer enterprise, the press have work to do.

3.8.5 THE POWER OF SAMI LANGUAGE

Could the Sami's language play a significant part in dividing their people and the other Norwegians? Many local conflicts have arisen regarding the use of the Sami language, which gives reason to believe this is so. Typical examples include the question of whether or not road signs in a municipality in northern Norway should be bilingual. Several such controversies have been visible in the press and municipality councils for a long time. The situation in the municipality of Tysfjord should be familiar to many. Another more recent incident was the introduction of (bilingual) road signs in the city of Bodø, a city which few would regard as a pronounced Sami area. In this case, a Sami language sign was tagged only a few days after its presentation, accompanied by aggressive and unfair comments on the website of a local newspaper (TV2 nyhetene online). What makes such cases interesting for the future power of the Sami parliament, and the problems with the minorities double votes? In cases like this, the decision to put up bilingual signs could be seen as a sign of goodwill from Norwegian council politicians towards the Sami people, but the reactions could show that they were in conflict with public opinion. None of this can be concluded with certainty.

However, increased power to the Sami parliament could mean that local politicians could lose some power. One could speculate on a future scenario in which the Sami parliament get the power to decide, (along with Norwegian authorities), important questions related to the Sami language that also have significant connotations for the Non-Sami. This would lead to consultations, and when the above mentioned politicians take such decisions against the will of public, it will very likely increase polarization, when the (in an election) exclusively Sami institution, could have great influence on the issue. It is difficult to speculate upon the expected development here. Few would deem that the Sami parliament themselves could for example, decide about the status of the Sami language in a northern Norway municipality without the consent of the council there: nor that such decisions could be taken, with consequences at the national level. However, every prediction, from both sides, is as yet too speculative. I do foresee the possibility that the Sami parliament be given the power to take

important decisions on language issues effecting influence on Non-Sami people. Bearing in mind the examples with the signs above, even if such an influence were to be minor or symbolic, it should still be regarded as sufficient to cause dividing. One can then expect the additional Sami electoral channel, (or institution), to annoy or provoke people.

4. HOW TO FIX THE DOUBLE VOTE PROBLEM?

4.1 INTRODUCTION

After a rational disposition, this chapter of analysis will be relatively short compared to the first one. After this introduction I will be devoting time to discuss the consultation process between the Sami parliament and other actors. It will be important for the cooperation to see how it functions. The role of the media is the next to be examined, due to the importance that those actors have creating the impression people are getting regarding conflicts and politics in general. These two perspectives should be seen as pragmatic solutions to the double vote problem. I will therefore go on to address the problem in principle, asking the question: does a full-scale solution exist? Finally, comparisons will be made to models from other places I have looked at. I've selected the Scottish West-Lothian Question, and the Sami parliaments in Sweden and Finland.

With this second chapter of analysis, my purpose is to look at solutions to the problems that the double Sami votes cause. The main problem is the legitimization of the Sami voter's additional electoral channel, which is represented by the Sami parliament, where they alone can vote. The problem was described theoretically, but also illustrated with concrete examples of issues. A red thread throughout this dissertation has been a prediction of increased power to the Sami parliament. The reason being, that I think, few would deny the possibility of this coming to pass. The prediction is then very important for the whole analysis; as was shown earlier, the Sami parliament seems to have the support of a large majority in the public opinion (NSD 2004). Yet, by analyzing several forms of increased power the institution may

gain in the future, this support can be jeopardized, locally and/or regionally, maybe even nationally.

The research question of this thesis includes a question of what could be done with the (potentially) negative effects of the double votes. This is the basis for this chapter. It may be said that it is impossible to give rights to a minority without generating some situations where the majority has to give up various degrees of power. Remember, Lijphart (1995: 283-86) proposed seven arguments in favor of minority self-determination. Minority overrepresentation was seen as the only drawback, but the guaranteed minority representation, autonomy and perhaps veto are more important by far. In other words, perhaps the problems facing the majority, in the case double votes, isn't worthy of special attention? I think it is: the majority should also experience living in a democracy which is legitimate from their point of view. A powerful Sami parliament, in which the majority can't vote, could be said to be positive discrimination and alienation, and they need feel no real sympathy for the minority, even if it is on historical grounds.

Among the solutions that could be considered, are also those of principal. If one argues that the Sami parliament should be abolished, the problems that the dissertation seeks to describe would be solved immediately; although the problems with the lack of an institutionalized minority voice, which the institution was designed to solve, would remain. However, as addressed, I regard abolition as unrealistic, even in the event that the one major party supporting such a move was to come into power. A development in which the transference of power over to the Sami parliament was being stalled was also studied, and found to be a feasible scenario. However, in this chapter, the continued existence of the Sami parliament, also with increased power, will mainly be accepted. Instead, an analysis of the institutions' relation to the larger Norwegian society as one of cooperation should be realistic. How do the Sami Parliament communicate with other actors, what problems are the talks faced with, and what could be done? Could the Norwegian Sami context learn something from other "double vote contexts" like that in Scotland, or the Sami parliaments in Sweden and Finland?

4.2 THE CONSULTATION PROCESSES

As mentioned several times, the Sami parliament of today has mainly consultative power. I also wrote at length about the possibility of increased power in the future, and forms of veto power. Although such power could be regarded as realistic, it would still be rational to believe that consultation be given a key role, also in the future. This is because both parties (the Sami

people and the larger Norwegian society) should be expected to have an interest in making political processes as harmonious as possible. Why should they not see the Sami parliament as a cooperating institution, despite it being established as an agent for the Sami affairs? Even if it gets a power of veto, the Sami parliament would be expected to have negotiation processes with other political and/or societal institutions; and to use the veto right only if the negotiations were unsuccessful.

In this matter, it is important to realize that consultation processes between the Sami parliament and other actors have indeed been around for a long while. One such process was addressed in the first analysis chapter, in relation to work on laws that would regulate minerals in areas that were traditionally Sami. The consultation between the Sami Parliament and the Ministry of Trade and Industry was heavily criticized by the former part. The consultation procedure used in this case was established after the passing of the Finnmark Act (Semb 2009: 169). However, the procedure, and the law proposal itself was seen as so problematic from the Sami point of view that they launched a complaint about it to the ILO. What impression is created from such a development? Cases like this probably have various aspects, but the main concern should be with the unsatisfactory consultations. If consultations are to be regarded as helpful and meaningful, both parts should achieve satisfaction and agreement. If meaningful consultations creating cooperation between the political institution of the Sami people and other actors appear, then the double vote right of the Sami should be seen as less problematic. It will however be impossible to eliminate in principle, or at least, as long as a minority-representation model with an especially dedicated assembly are selected.

Can helpful information be found in the consultation procedures that exist today? As stated, procedures were established after the passing of the Finnmark Act. These were called “procedures for consultations between state authorities and the Sami parliament”. In the introduction, the following statement was made:

“As an indigenous people, the Sami have the right to be consulted in matters that may affect them directly. In order to ensure that work on matters that may directly affect the Sami is carried out in a satisfactory manner, the Government and the Sami Parliament agree that consultations between State authorities and the Sami Parliament shall be conducted in accordance to the annexed procedural guidelines.” (Ministry of labour online)

Of course such statements can often differ somewhat from the reality. There could also be a wide gap between politicians and bureaucrats at the top level and the negotiators at grass

roots. However, the statement implies that the parts should be committed to the rules. The judicial dimension of this won't be addressed, but although this can't be seen as law, it should be expected that the parts are following their instructions. The purpose of the procedures, say little about the obligations, with the exception of the rules for the international obligations towards the Sami having a practical approach (Ministry of labour online). However what is of interest here is the point about a partnership perspective between State Authorities and the Sami Parliament, when consideration is given to administrative or legislative measures that may directly affect the interests of the Sami. I believe this is the kind of plan which could be of importance towards a goal of minimizing potential division over disagreements.

The proceedings also include areas which may be consulted on. All material and immaterial forms of Sami culture could be included, but named examples were: music, theatre, literature, art, media, language, religion, cultural heritage, immaterial property rights and traditional knowledge, place names, health and social welfare, day care facilities for children, education, research, land ownership rights and rights to use lands, matters concerning land administration and competing land utilization, business development, reindeer husbandry, fisheries, agriculture, mineral exploration and extraction activities, wind power, hydroelectric power, sustainable development, preservation of cultural heritage, biodiversity and nature conservation (Ministry of Labour online).

The majority of these examples could perhaps be seen as less controversial areas where a partnership development should be easy, whilst others could be more difficult. Interestingly enough, areas in which the Sami parliament has no power today, were also mentioned. This includes the reindeer husbandry. Could this be because there are actors already now, who believe that this area could be under Sami parliament power in the future?

Where material basis for the Sami culture is involved, the three northernmost counties of Norway, together with some municipalities further south, are within the area where the State has to consult the Sami Parliament (Ministry of Labour online). It should be mentioned that the future of the counties, at least as political units, remains uncertain. Although this debate shall not be looked at in depth, its result may be of some importance. There are those who wish to abolish counties in general, keeping only two administrative levels in Norway in the future. This could mean that the Sami parliament has to talk to the municipalities involved, although that consultation nowadays is with the State. In other words, conflicts between the

Sami parliament and other actors could gain a more local perspective, which I believe could be dangerous, if we are to avoid division between the minority, and the majority.

The “people to people” approach would appear again. Those in the Sami census may vote in municipal elections among the Non-Sami, in addition to the electoral channel they have for themselves. This development shall be seen as unrelated to the debate about the administrative levels in Norway; it could be expected in the future, that the Sami parliament will have consultations with the municipalities anyway. However, if consultations are done between the municipalities and the Sami parliament regarding controversial and emotional issues, in the future, this could be a dangerous development. The two parts would have to agree, and the Non-Sami may be aware of the extra vote that their opponents have. Especially dangerous here are smaller municipalities. Think about the (earlier addressed) situation in e.g. Kåfjord. I think, in such circumstances, where places are often transparent, and the inhabitants (which include Non Sami and Sami) often know each other; the split in the local society could be more serious.

In any case the consultations must be expected to arrive at some point. What would the problems in general be with consultations? In negotiations there is of course someone who is negotiating on behalf of the involved parts. The parts here would be the Sami Parliament and some institutions belonging to the larger society, certainly the State, and perhaps regional and/or local level. It could be deemed that negotiators, on different levels, are representing the voters. Yet one could also agree with an allegation of remoteness between the negotiators, the institutions they are representing, and (more importantly for the democracy), the voters. Seen from a democratic theory perspective, it has to be stated without doubt, that consultations and negotiations are procedures that are elite-based. They also often have a lack of openness and are closed to the influence from external actors. They are not an ideal decision-making model (Weigård 2009: 49). Unfortunately, there seem to be few solutions to these problems. Despite consultations and negotiations being regarded as elite-based by nature; it could perhaps be something a democracy has to accept. What’s important in relation to such processes is that they are exercised by professional people. This is probably necessary, in order for negotiations to be successful. But, maybe something could be done to lessen the elitist-mark on the processes?

If the lack of openness is a serious problem, in practice (something I know too little about) there could be solutions toward a larger degree of openness. In a democratic theory

perspective, few really purport that 100 % openness and flow of information is necessary for an idealistic democracy to work. Too much media attention could damage decision-making processes. One example, where they are probably aware of this, is the closed committee-meetings in the Storting. The will to negotiate and compromise could be reduced if journalists are able to record everything. Anyway, the consultation procedures between the State Authorities and the Sami parliament did mention something about this, and it seems that they agreed with my ideas about “rational secrecy to some degree”:

“Information exchanged between State authorities and the Sami Parliament in connection with consultations may be exempted from public disclosure provided it is authorized by law. The principle of expanded public disclosure shall be practiced. The final positions of the parties in individual matters shall be made public.” (Ministry of labour online).

Most importantly, the final positions taken by the actors are still made public. However, I still think that processes should have an underlying principle of being as public as possible. This would probably lessen splitting between the minority and the majority in a potential future in which the Sami Parliament has significant power; also impacting (either directly or indirectly) the Non-Sami part of the population. Information flow is important in a functioning democracy, the lack of it leaves room for misunderstandings, and could cause unnecessary partition. However, free information flow, providing there are no serious reasons to the contrary, should be an aim for the Sami parliament on a daily basis: and this should also apply to those institutions influenced by their policy. It should also be a goal to make all information bilingual, at least for the Sami Parliament, since their voters usually master Norwegian, while Non-Sami very rarely understand the Sami language.

4.3 THE ROLE OF THE MEDIA

Since media are often said to be the “fourth power of State” the role of this societal sector has to be addressed. I have written at length about the possible role of the public opinion, and reactions to decisions taken by a Sami Parliament (which they are unable to vote for), and which could potentially be more powerful in the future. The media create the agenda, and their role in covering conflicts and the presentation of policy, is an important one. However, it isn’t so easy to write about their role directly related to the double vote problem, because this problem is of principal character and therefore an issue for democratic theory. The press would probably report the point about the Sami voters place on both sides of a negotiation table and the public opinion would pick up on this. However, I’m not so sure the Sami

Parliament authority, politics and agenda would receive much attention in the Norwegian (Non – Sami) press. A great deal (if not the most) of what goes on in the Sami Parliament in the future, will receive very little coverage in the Norwegian Press, on a local, regional or National level, unless it happens to be of a controversial nature.

The role that the media plays in controversial issues between Sami and Non-Sami, and in which Sami Parliament has influence, is therefore of relevant interest. We could start by remembering the Finnmark Act. Although I don't have analyses, I believe that this Act was widely covered by the press, and that they communicated that this act had widespread future consequences. Next, we can look at the role of the media when the Sami rights are debated in general. As stated in the first introduction chapter, letters to the editor in Northern Norway newspapers often seem to be unfair in this matter (Berg 2001). This could create a dilemma for the newspapers; the freedom of speech should ensure that unfair letters from angry readers get published. But then the papers themselves, should at least take responsibility when politics which involve the Sami Parliament are on the agenda. Firstly, they need visit the institution regularly and show interest.

In the event of the Sami parliament getting most or all control, of the reindeer industry, then the press has a job to do. The negotiations between the Sami parliament and other actors (at various levels) would create a situation where the Sami part is sitting on both sides of the table. Agreements of some nature would then be necessary. Although very different results could result from such negotiations, one might expect some antagonism from one or both parts, but particularly from the Norwegian one. As division is believed to arrive from such misunderstandings, the role of the press becomes more interesting. As mentioned in the first introduction chapter, the coverage in the newspapers about the reindeer husbandry focuses largely on the problems in the enterprise (Berg 2001:195-226). This shouldn't necessarily be negative, what if the enterprise itself focuses on the problems because, there are, (from an objective point of view), many problems there? This could be the case, but it is too difficult, and unnecessary to speculate upon.

But there is evidence that the Norwegian media is lacking in insight into the reindeer enterprise. For example, Aftenposten, a major national newspaper, clearly seems to be without sufficient knowledge about it (Berg 2001: 197). The paper is using persons of authority to get information, like the Sami parliament, but their viewpoints don't necessarily correspond to that of the enterprise. This is of notable interest, when writing about a potential

split between the Sami and the larger Norwegian society. Due to the double voting rights, it was almost taken for granted that the Sami parliament did represent the interest of the Sami voters. When taking into account the threat of a division, it isn't always as straightforward. However, the result could be that both groups feel alienation in relationship to the Sami parliament. This is only speculation, but tendencies do have to be noted in order to predict the future; as of today, the Sami parliament doesn't even have control over the reindeer industry.

However, I still want to focus on the point that the media should strive to cause as little misunderstanding as possible. In regards to the reindeer husbandry there seem to be some errors which the Norwegian press make repeatedly. There seems to exist a classical variant of reindeer reportages. These reports involve people (not usually Sami) who are being sent off the land by Reindeer herders (owners). However, the journalists rarely interview the Sami Reindeer herder in question (Berg 2001: 111). The press should seek to avoid situations like this. If dividing occurs as a result of these misunderstandings, it's vital to put a stop to them. In addition, any issues considered to be complicated, should be explained in the media. In light of the "Aftenposten example" above, it's reasonable to believe that many Non-Sami (alongside those outside the reindeer enterprise) and probably many journalists have limited knowledge of this industry. The solutions are simple, the journalists have to do more research and present the facts to the public in a justifiable way. Correct information is of significant importance to presenting fair coverage in general.

However, the media could make an effort towards clarification related to Sami rights and industries, and also in relation to the political debates regarding Sami rights in general. As stated before, language barriers could still be an obstacle to providing adequate information and debates about Sami issues. The Sami parliament should make an effort to be as bilingual as possible. However, it's worth taking a look at the press. The Norwegian language in the Non-Sami Norwegian press doesn't usually present problems for Sami speaking people, yet Non Sami Norwegians will probably not be able to read Sami language news and articles. How does the Sami press meet these problems? In the "Sami press", the *Sagat* paper does indeed use Norwegian as their written language. This fact is of great importance, as those wishing to gain insight into the Sami public life might otherwise expect language barriers to prevent them from doing so. The Sami press is larger than this newspaper, but *Sagat* should still be regarded as the most important. Sami media choosing to publish exclusively in the Sami language would face a dilemma; and may then have to accept that the Non-Sami population has limited access and understanding of their stories and issues.

4.4 DO REAL SOLUTIONS EXIST?

After recommending the best possible consultation procedures between the Sami parliament and other actors, and giving the media a sense of their responsibility; it's now time to see if more complete solutions exist to the problems with the double votes. An easy one does exist, and it will eliminate the problem completely. This solution is simply the abolishment of the Sami parliament. As stated several times, it's not very feasible to believe that will happen, but it's still possible. An abolishment would reactivate the problem of a lack of minority representation, but that isn't something this thesis is concerned with. One solution may be that the Sami Parliament becomes a purely consultative organ, much like today's situation, but it neglects the likely scenario of the institution gaining significantly more power in the future. The double vote problem would continue to exist in such a solution, but the Parliament would be viewed as completely advisory. This could also be seen as problematic, the double votes could still be visible even if the various Non-Sami authorities follow the advice, but the problem should at least be minimized.

One solution could be to segregate the case-sharing between the Sami Parliament and other political elected bodies completely. This would mean that the agenda in the Sami Parliament becomes totally segregated from that of the other actors. It would then mean that issues handled by the Sami Parliament would be related only to the Sami people, (or those registered in the Sami census), and would no longer affect the Non-Sami. This idea should be considered purely in principal. Would the double votes actually still exist if such a division of the policy making came to pass? This isn't an easy question; the Sami voters would still have an extra electoral channel, whether or not this assembly (in this particular situation) worked alongside, or towards, the other elected political levels. How could this be possible? I have previously shown how the Sami Parliament could be expected to consult and negotiate with other political actors, and how that could make the Sami double votes more visible. However, is it possible for the Sami Parliament to exist without cooperation and talks with the other actors? The term "talking" could easily be related to consultations/negotiations, but the institution could, on different questions, simply clarify their views. The role of a pure advisory organ would mean even less power than the institution has today. Other ways of separating the Sami Parliament from the other political environments in Norway could be to give it powers in areas that are not considered to have any impact on those outside the Sami public sphere.

There exist two Sami high schools in Finmark (Karasjok and Kautokeino). In 2002, a committee proposed that those schools should be administrated by the Sami Parliament (Ministry of Education and Research online). The committee found it reasonable to give the assembly the power to administrate and develop these schools. The Sami Parliament suggested that they should be able to decide on the content of pupil's curriculum. This kind of jurisdiction could be interesting if we want to create a Sami parliament which doesn't have a practical overlap with other political actors in their areas of work. Some other problems could still be addressed here. For example, how if some Non-Sami pupils use the same school and experience a lack of serious influence on the school regulations? Again, such a situation should only be considered in principal, if such pupils wished to study at these schools, they would almost certainly accept, that the school has a primary Sami facilitation.

Another example could be in cases when the Sami parliament is give grants for enterprise development from its Sami development fund. They have the power to allocate such grants in areas regarded as Sami language areas, related to Sami enterprise developments. This should also be seen as a way of making an (almost) complete separation of power between the Sami parliament and other political actors. A less controversial step could be if the same principle was applied to cultural development. A similar problem of principal exists here; the grants are given in geographical areas, unrelated to the ethnic status of the receivers (Weigård 2009: 40). A Non-Sami applicant could probably accept that he receives advantages that are mainly established for the Sami people. He would be unlikely to criticize the organ that gives him the grants, even if he himself was lacking influence. In the examples with the schools and the grants, the double vote problem isn't completely eliminated, but at least minimized. However, since the Sami Parliament can be expected to get power far beyond these examples, the solution with segregated case-sharing between the Sami parliament and other actors, should be seen as mostly a theoretical option. As I addressed, various issues, like the reindeer husbandry, language power and other areas would probably interact too much with the larger Norwegian society.

Some solutions exist in principal, but they are unrealistic. Those who are now registered in the Sami census could simply lose their votes in the future to one or more of the elections in the larger Norwegian society, namely the municipal, county and Storting elections); it's still possible to discuss such a scenario in theory. The significant democratic problem then caused would be that the Sami voters lose influence over those decisions that affect them directly. (It could perhaps be argued that they deserve it because the Non-Sami Norwegians have no

influence on the politics within the Sami Parliament). In such a situation the most important factor would be whether or not the decision capability of the Sami parliament is overlapping with one, or more, of the other related political organs. Since its decision competence doesn't match that of the other organs, the solution to abolish and redirect Sami voting rights to one or more organs outside the Sami parliament is too complex (Weigård 2009: 48). Those who eventually argue that the Sami voters deserve to lose their voting right to one or more other organs, have to take into account the fact that the Sami Parliament are much less powerful than for example the National Assembly or Storting. If the Sami voters should lose their voting right to the National Assembly of Norway, (thereby gaining a mighty Sami Parliament in return), the process of establishing a Sami State may well be underway. This is of course highly meditative. A solution that would give the Sami Parliament power equal to for instance, a county could also imply that everyone living within specific border-defined area (like Northern Norway, Finnmark) would be able to vote. In other words, this would become a territorial based assembly. Weigård (2009: 41) believed that this would entail the institution being transformed into a new (excess) administrative level; whereby the Sami objective would be diluted after some time. It's rational to agree with that, but the role of the Sami people and Sami politics in a future Northern Norway regionalization context (maybe also involving areas of neighboring countries) could be an interesting conjecture.

4.5 LEARNING FROM OTHER PLACES?

As addressed before, the problems with double votes are not unique for the context of this dissertation. Despite believing that every situation should be considered to be unique, it's still rational to believe that some lessons could be learned from other situations, because the double vote problem is one of principal. I have now shown that (an unlikely) abolishment of the actual institution seems to be the only way to solve the problem completely, although I did present various ways to compensate or minimize the problem. What then could be learned from other contexts where a voter group has an additional electoral channel for themselves?

One model exists which could be addressed; however, I still have doubts about its relevance. The so called *Renner/Bauer model* was a proposed model to regulate the relationship between different national groups in the Habsburg monarchy (Austria-Hungary) prior to the First World War (Semb 2005: 543). Using such tools designed for a multicultural empire which

was dissolved nearly a century ago would have little relevance. However, the principles are worth looking at. The core in this model was a “personality principle”; the individuals had two votes, and two types of jurisdiction existed; one territorial, and one cultural. One way to do this in Norway could be as follows: the National Assembly of Norway, at this time, could be transformed into a “territorial parliament” and designated fundamental tasks such as foreign policy, defense, and basic economic policy. In addition, the Sami Parliament would then coexist with a Norwegian Parliament (or *Norske-tinget*). They could then have cultural jurisdiction over both Sami and Norwegians respectively, but independent of where in Norway they are living (Semb 2005: 544). All voters would then have the right to vote for the Territorial Parliament, but they would have to choose whether they vote for the Sami or Norwegian Parliament. With this model there is indeed a theoretical solution to the double vote problem. But is it worth putting into practice? Not necessarily. If the climate between the Sami and the rest of the Norwegian society had been showing greater signs of polarization, this model could possibly function; and in fact, no eventualities can be ruled out in the future. An extremely complex pattern of decision-making could create (serious) new problems. One example is how culture should be defined (Semb 2005: 545).

Scotland now has its own parliament. A “*devolution*” process was carried out in the United Kingdom before the millennium. Scotland and Wales got their own parliaments, in addition to the Westminster Parliament in London. The Sami people are an indigenous people, while Scotland and Wales, once upon a time, were independent kingdoms. This would be a main context problem. The Scottish solution (a more rational case choice to study than the weaker Wales Assembly) does however imply double votes. The West Lothian question could be defined as:

The question of the role at Westminster of members representing constituencies in parts of the United Kingdom to which a measure of self-government in domestic affairs has been granted. Another is the role of such MPs (And those representing English constituencies) in the consideration of matters now devolved to bodies elsewhere in the UK (Gay (edit) 2011: 1)

We could refer to this as “the English question”: how England should be governed after the devolution process in the UK. The question is about a constitutional anomaly; MPs in the Westminster Parliament from Scottish constituencies (indeed also those from Wales and Northern Ireland) can vote in London on legislation that affects England, but English MPs can’t vote on issues that are now devolved to the Scottish Parliament. The question addresses

double votes and is analogous to our situation. While voters in England have no electoral influence on the work in the Scottish Parliament, Non-Sami Norwegian citizens are without the democratic influence on the policies formed in the Sami Parliament.

What solutions could be made to fix this problem in Britain? The establishment of parliaments for the nations of the United Kingdom (although territorially-based) could rationally lead to the establishment of a parliament for England too. Or, in other words, the United Kingdom could become a federal state. In the manifesto of the Conservative Party prior to the 2010 parliament election, they did propose new rules that would make it necessary to have the consent of the English (or the English and Welsh) MPs to pass legislation that refers to their area (*Gay (edit) 2011: 27*). This would probably mean that the Scottish MPs lose their votes when issues which are devolved to Scotland are on the agenda in Westminster, and thereby only apply to England. The problem for comparability is that the Sami Parliament has devolved power, but the Sami census voters aren't represented as a group in the national assembly in addition, as Scotland is.

A solution with Sami representative members of the storting could have created a somewhat comparable situation. This idea isn't new, and various solutions could be designed, such as Sami voters voting for Sami members, in addition to the ordinary seats in the storting. This would in fact give them "triple votes". However, it's most likely that they would have their own members of the storting, but without the right to vote on ordinary candidates in addition. In such a situation, the Sami members could be unable to vote in matters relating only to the larger Norwegian society, because power in this field would be devolved to the Sami Parliament. A significant problem here would be the "people to people" approach, (that the Sami voter is also a Norwegian voter at the same time). The solution could work theoretically, but would most likely be easier to implement if the Sami Parliament was territorially-based.

What we can learn from the West Lothian question however, is that the double vote problem is probably more of a principal than a practical character. The problem has led to a perceptible debate, but it isn't deemed to be a dangerous threat to democracy, and therefore little has been done to resolve it. In addition, there are a larger percentage of Scots compared to Englishmen in the United Kingdom than there are Sami compared to Non-Sami in Norway (*Weigård 2009: 49*). In addition, the Scottish Parliament is far more powerful than the Norwegian Sami Parliament. Bearing in mind that the problem isn't regarded as significant in the United Kingdom, it could be viewed as negligible in Norway, and of a purely principal art.

However, the problem could receive more attention at the regional or local, than the national level. Especially if the power of the Sami Parliament was seen to clearly overlap that of Finnmark County; many of the voters to the county assembly are also members of the Sami census (Weigård 2009: 49).

Lessons from the situation with Sami Parliaments in Sweden and Finland seem to be difficult to grasp. The double vote problem in general may be even more negligible in Sweden and Finland, because those parliaments are not regarded as very powerful. The Sami Parliament in Sweden wasn't established for its own sake, but in order to give the Sami people some real authority in relation to the state (Solbakk 2004: 191). The main tasks seem to be related to culture, but other issues, such as reindeer enterprise are addressed by the assembly. The problem with dividing could also arise here, although it is impossible to speculate further. An interesting difference to the Norwegian situation is that the Swedish Sami Parliament are partly elected, and partly governed by the State. The institutions speaker is elected by the Swedish government (Solbakk 2004: 195). This is somewhat interesting; maybe the Norwegian government should get some control over the daily life in the Sami parliament to avoid its potential power increase in the future?

There doesn't seem to be much help available from the Finnish Sami Parliament in this matter. Interestingly enough, Finland gave its Sami inhabitants a parliament that is partly territorial, and partly ethnicity-based. However, with a budget consisting of a few million Finnish mark in 2001 (Solbakk 2004: 214-15) it seems unlikely that the institution can become powerful enough to cause problems in relation to the Non-Sami. Both the Swedish and the Finnish Sami Parliaments seem to exhibit the principles of double voting, but they are probably too negligible to give solutions towards dealing with the double vote problems. The Swedish situation with some level of government interference could be of some interest, but it should be seen as a form of control rather than a reversal of the assembly's (expected) increased power.

5.1 CONCLUSION

The research question was as follow: *“Which democratic-theoretical problems could double Sami votes create? If it creates unjustifiable outcomes, what can then be done to make up for the negative effects?”*

After researching this problem, I would still say that complete answers aren't easy to give, and indeed that they shouldn't always be necessary when working with social sciences, of which political science is a part. Reflections may be a better way of answering such questions than “hard facts”.

The problems with “double Sami votes” in democracy theory can be analyzed from both a theoretical and a practical perspective. The theoretical perspective could be explained in the simple way that the Sami people, represented by those registered in the Sami census, have an electoral channel, in the Sami parliament, (which only they alone have access to), in addition to the other electoral channels in Norway. The problems which arise from this, on the one hand, are that such a double voting right are threatens one of the main principles of justice, namely the equality of citizens. A principle with “one man, one vote” would make the practice with double votes a serious, and fundamental, threat to democracy. It's impossible to accept from such a point of view. However, those who are arguing in such terms have to reflect on the meaning of “democracy”. The term is indeed a complex one. A well-functioning “rule by the people” can't necessarily involve the principle of equal votes. The reason should be well-known, the protection of minority rights is vital for a democracy to work well. Essentially, the context with Norway's indigenous people, the Sami people, is a minority context.

In the theory chapter, it was seen to be quite easy to find arguments in favor of a minority's right to self-determination. In fact, the minority overrepresentation could be seen as the only drawback, while the arguments in favor should be regarded as much more important than this (Lijphart 1995: 283-86). I myself would also say that the rights of the Sami people, and especially their right to have their own Assembly, should be regarded as well justified. Since the arguments in favor of minority political rights are as strong as they are, some could question whether the right to a double vote really is a problem for democratic theory at all. In fact, the lack of such rights could be a larger threat to a well working democracy, in contexts where minorities exists. Therefore, an important task is to assess how large the problems with double votes for a minority, our Sami minority, really are. The only real drawback should be

tested. Could it really be significant, or is it actually a drawback that only creates a problem in principal? This state of wondering, lead me to study the relationship between the Sami minority and the larger Norwegian society. Such a theme is perhaps much larger an issue than this thesis can address. The historical circumstances, with the “Norwegification” (fornorskningspolitikk) were addressed. Further, as stated repeatedly, few would regard the relationship between the Sami people and the larger Norwegian society as visibly problematic.

Regarding the Sami parliament, the institution seems to have the support of an overwhelmingly large part of the population in Norway (NSD 2004). In other words, the minority overrepresentation, the only drawback with minority self-determination rights, doesn't seem to be a cause for concern to most people in Norway. However, this was viewed in relationship to today's situation. The thesis was intended to have a futuristic approach. The “red thread” was an assumption that the Sami parliament could be expected to get increased power in the not too distant future. Few would deny this possibility, but it can't be taken for granted. But it should be seen as a far more realistic scenario than that of a reversal of power for the Sami institution, or indeed an abolishment altogether.

Assumptions about a significant different role for the Sami Parliament in the future, (namely one with much more power) would make a great difference. This was in fact, the reason for writing the master's thesis in a somewhat futuristic perspective. Despite the undisputed fact that the Assembly has support of the public opinion, its power is, largely consultative at this time. A red thread during the thesis was warnings about potential dividing/polarization, between the Sami people and the larger Norwegian society in the event of the institution gaining a significant increase in power. I stated that this could be expected in the future, and the Non-Sami populations' attention could be alerted to the double voting rights which Norway's minority has. Some specific issues were addressed, (these were issues which should be regarded as policy areas) which often show conflicts between Non-Sami and Sami. One example is the reindeer industry, which often seems to get the Medias attention regarding its problems. An important point to note, this industry isn't controlled by the Sami Parliament at all, as of today. However, this was still viewed as a possible scenario. Another scenario which was considered possible of causing notable division was that of cases regarding the Sami language (in situations that involve many Non-Sami), as was the case with the road signs.

What does such speculation have to do with the Sami people's right to vote double? In fact it doesn't need to have connection with the double vote problem at all. However, I did regard the relationship between the Sami Parliament and "the outside world" as being important. In fact, the policy agenda of that institution doesn't need to have notable interaction with those outside its voter census. Yet I did show that such a development is too difficult to envisage. Only if the institution has limited power over some issues, like culture, could it be regarded as having an agenda separated from the other political organs, and societal actors, in Norway. A completely separated agenda should however be regarded as impossible in practice.

The reason being that the issues that the Sami Parliament could be expected to work with should be regarded as interacting too much with other parts of the larger society. I took a look at the reindeer industry, an enterprise which the Sami Parliament could perhaps gain control over in the future (those involved at present don't seem to want that yet). The interaction between that enterprise and for example, the agriculture could often lead to conflicts, and this gave us a practical approach to the double vote problem. Those unable to vote for the Sami Parliament could still be affected by its decisions. Without the possibility to affect decisions that have clear impact on them, I suggested, several times, that splitting could arise between the Sami people and the larger Norwegian society. In conclusion I would say that the probability of increased polarization, if and when the Sami parliament gets significantly increased power, is the closest to a theory that I could present. How great a challenge could this be for the Norwegian democracy?

5.2 A PRIMARILY PRINCIPAL PROBLEM

With several arguments in favor of minority self-determination and minority overrepresentation as the only drawback (Lijphart 1995: 283-86) it is essentially to say some final words about how great the problem really is, (and more importantly), could be expected to become in the future. Since it's impossible to foresee future development, we have to use today's situation as a guide. We get an idea of differences emerging between the national, and the regional/local level. In general, most would agree to an assessment of the relationship between the Sami people and the Non-Sami Norwegians being without significant confrontation. The public opinion did also clearly support the minority's right to its own parliament (NSD 2004), which is a basis for the double vote principle. Other comparable

contexts seemed difficult to find. The West-Lothian Question in Scotland, however, could throw some interesting light on the matter. The aspect of double Scottish votes was heavily debated, but wasn't seen to be a major problem there (Weigård 2009: 48-9), and this was a situation with a much larger minority, and a far more powerful parliament.

The regional, or local levels, should therefore be of more interest, in anticipation of a future threat of polarization due to the Sami people's right to a double vote. Firstly, the situation in Finnmark could well become more important, because of the large percentage of Sami voters in relation to the overall county voters (Weigård 2009: 49). Secondly comes the fact that the relationship between Sami and Non-Sami at a local level would be more significant; due to the transparency often revealed at this level. Some political issues like those regarding the use of Sami language in places which aren't regarded as distinctly Sami, could escalate, becoming more explosive in the future. This indicates that power to the Sami Parliament on such issues could create more problems than it solves if a well-working democracy is to be the goal. Another example illustrating a greater chance of polarization at the regional/local level are the unfair manners in which the Non-Sami press present stories concerning Sami issues (Berg 2001). I believe such tendencies in the grassroots can be a source for increased splitting at these lower levels in the context of a future Sami parliament with a much more power, and where only the Sami may vote.

5.3 THE SOLUTION - CONSOCIATION AND COOPERATION

As was shown, the problems related to the double vote right of the Sami people, namely a possible future polarization, probably exist primarily as a principal problem. The feared dividing should be considered to cause most concern at the regional and local level. It could be asked whether or not the double vote problem, really are a problem for the democracy to deal with at all. My answer is that it is, and it should be dealt with. Idealistically, all efforts should be made to ensure the democracy of a country function as well as possible. It doesn't need to cost too much either, but if the double vote could be given both a principal and a practical study, the same would be rational for suggested solutions.

A solution to this problem doesn't really exist, with two exceptions. The first one is the abolishment of the Sami parliament. It's unlikely to happen, but still idealistically possible, and it would have solved the problems with double votes, but the problems caused by a lack of minority representation, and which existed prior to the establishment of the institution, would then return. But those problems wouldn't be considered relevant to this thesis. In

today's situation, when the double vote isn't regarded to be major problem, it can't be said to justify the abolishment of the Sami Parliament. The other solution to the problems was of a theoretical nature, namely "a shared procedure" between the Sami Parliament and other institutions. Although it could very well work on some issues, I still believe that the policy agenda of the assembly interact too much with the larger society to make it feasible.

The practical solution approach looked at ways of minimizing the potential conflicts between the Sami Parliament and other societal actors and institutions. This is probably the path to take. The Sami Parliament as an institution should be seen as an organ to cooperate with, rather than confront. It should be engaged in talks to find the best possible solutions for all parts involved. The consultations would be important. In these processes, the double vote problem is of somewhat more practical nature, since the voters to the Sami Parliament are sitting on both sides of the table, when the Sami parliament are negotiating with another democratically elected actor, (like the municipality, the county, or the State). This is however still a principal situation, the negotiators could still be regarded as having a significant distance to the voters. In an attempt to solve the problematic scenario where one part sits on both sides of a negotiating table, it would be imperative to make the negotiations as successful as possible. All agreements should strive to satisfy both parts equally. One might say that this is a fundamental requirement of all negotiations anyway. However, one case at least failed to meet such standards, and they were criticized by the minority, represented by the Sami Parliament (Semb 2009: 169). If well-working negotiations were to be established, the goal to form a cooperative relationship with the Sami Parliament would be achieved.

The role the media play is another important aspect which I believe should be used to minimize the danger of double vote problem sowing the seeds of increased polarization. This is simply because of the power that the media has in swaying public political opinions. Reliable information is essential to stop misunderstandings, also in the consultation processes, (although some secrecy could be justified there). Bilingual coverage in the media, at least in the Sami Press, should be an aim, and the Sami Parliament should strive to be as bilingual as possible. The presentation of political news by Non-Sami media is also important: the journalists have to be knowledgeable in the relevant issues, and most importantly, present it in a fair and well balanced way.

5.4 RECOMMENDATIONS

A main challenge when writing this dissertation was the lack of former research on the precise problems that were addressed. I had to stake out my own path to some degree. I had no guidelines for literature, but I consider the chosen sources to be the best available to me. However, tips could be given about future research on the topic, and issues around it. Firstly, more precise information about the attitudes and Norwegian public opinion towards the Sami minority would be of interest. Other research issues should be related to how the Sami Parliament interacts with its environment and how it talks with other actors, in the present day, and in the future. With sufficient materials on these topics, it would be easier to evaluate the double vote problem and to estimate how large it could become.

I consider the theory of minority rights, to be an excellent approach to analyzing the problems of double votes. However, it may be regarded as biased; it was easy to find strong arguments in favor of minority overrepresentation, and the drawbacks weren't regarded as substantial. For those who want to do further research on the issue, it would be interesting to speculate about results from other approaches. One approach could have focused on how conflicts are created, since a main point has been that the double votes could cause dividing between the Sami people and the larger population in Norway. If others were to take such an approach on the Norwegian Sami minority context, they could perhaps better predict whether or not significant dividing could be expected.

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