

# Problems and challenges for user participation: The system of representation in reindeer husbandry in Norway

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*Abstract:* This article is based on a case study of reindeer husbandry management in Norway. I argue that the inclusion of resource users in a co-management process may at times increase social tension and weaken the system of governance. The co-management experience indicates that the system works well in most areas. However, because of the differences in contextual circumstances, the system suffers from a legitimacy deficit with respect to how representatives are appointed and how interests are distributed among the various boards. The study argues that even if policies and institutions are adapted to local contexts, there may be a need for a stronger connection between the co-management boards and other institutions, such as the Sami Parliament and the Reindeer Husbandry Administration. Specifically, I argue that instead of increasing legitimacy through equal user-group representation in management decision making, the very structures of the system—in particular, nominations and appointments—may lead to unequal user-group representation and thus threaten the success of the management system.

**Key words:** co-management; decision-making; justice; legitimacy; politics; power; reindeer husbandry; representation; user participation.

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## Introduction

This article discusses user-group representation and co-management of natural resources. Co-management is defined as “a collaborative and participatory process of regulatory decision-making between representatives of user-groups, government agencies, research institutions and other stakeholders” (Jentoft, 2003:12). The essential principle of co-management is that the people whose interests are affected by management decisions should have a voice in those decisions. Moreover, managing natural resources is a complicated task that calls for the involvement of industry representatives because of their lifelong experience and understanding

of the issues involved<sup>1</sup> (Jentoft & McCay, 1995:228; Berkes, 1997:5; 2009:1692).

Reindeer husbandry co-management in Norway forms a complex system in which authority is delegated to representatives at different man-

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<sup>1</sup> Reindeer husbandry is both an industry and a livelihood for the Sami pastoralists. Reindeer husbandry is not only a way of securing an income but is also a long cultural tradition (Paine, 1994). In this paper, the term “industry” will be used, but I will not exclude the social and cultural aspects of reindeer husbandry. Because my paper focuses on the reindeer husbandry management system and because reindeer husbandry is managed as an industry, the term “industry” is used in this paper.

agement levels. The co-management system emanates from the Reindeer Husbandry Board at the national level, from six area boards at the regional level, from approximately 80 district boards at the local level and from approximately 100 *siida* boards at the local level (Lov av 15. juni 2007 nr. 40 om reindrif (reindrifstloven) [The Reindeer Husbandry Law], §43, §71 and §72). Despite their broad representation at all levels, several of the Sami pastoralists have claimed that their views have not been taken into consideration during decision making (Sara, 1993:125-129; Paine, 1994:134-167). Combined with other challenges, such as environmental factors and the lack of trust in the co-management system, this situation led to a new reindeer husbandry law in 2007 (Ulvevadet, 2008:66). Nevertheless, establishing a system of representation in which the Sami pastoralists feel that their voices are being heard is a challenging task. This problem is a central theme of this article.

In the following, I focus on the regional management level of the reindeer husbandry system, the area boards. The Area Board is a professional advisor and a premise provider for the public management of reindeer husbandry in each of the six reindeer husbandry areas in Norway: South Trøndelag/Hedmark, North Trøndelag, Nordland, Troms, West Finnmark and East Finnmark (see Fig. 1 in Ulvevadet, 2008).<sup>2</sup> The area boards are tasked with managing a wide array of challenging issues that directly affect users, e.g., recruitment (§2), *siida*<sup>3</sup> shares (§3-8), fences (§9-10), reindeer population and use rules (§13-15), grazing times and

zones (§16-17), penalties (§20-24), and land use (§26) (Instruks for områdestyrene [Area Board guidelines]). In sum, users are widely involved in the development of both premises and decisions in the management system. Therefore, reindeer husbandry provides a useful prism through which one can view issues related to “co-management.”

The main purpose of co-management is to increase the legitimacy of the management system by involving user-group representatives in the decision-making process. This practice is believed to lead to less conflict among the resource users and between the management authorities and resource users. Involving user groups in the decision-making process also leads to a higher degree of compliance with regulations and thus, a more sustainable approach to resource exploitation (Jentoft, 1989:139; 1998:175-176; McCay, 1996:120; Mikalsen & Jentoft, 2001:281; Armitage *et al.*, 2007:3; Sandström & Rova, 2010). Co-management refers to a partnership between public and private actors (Carlsson & Berkes, 2005:67). It is an arrangement that invests a substantial degree of power in the resource users (Wilson, 2003:28). This arrangement is not a fixed state but rather a process (Carlsson & Berkes, 2005:67). However, for co-management to succeed, power and authority must be perceived as legitimate and responsible by the resource users and by the management authorities at the highest levels, e.g., governmental bodies (Jentoft, 1989:145-147; 1998:79; Pomeroy & Berkes, 1997:469; Kalstad, 1998:239).

The Norwegian state deems this system to be “self-governance,” which suggests that a higher degree of self-management increases the credibility of the system both within the reindeer husbandry industry and in relation to other user interests. The state authorities also argue that such self-regulation brings local knowledge into the management system (Ot. prp. nr. 25 (2006-2007) pp. 31-32, 45).

2 This figure is found at <http://www.ub.uit.no/baser/septentrio/index.php/rangifer/article/viewFile/156/145>.

3 Reindeer are individually owned and herded collectively, usually by kinship groups. This labour unit consists of the *siida*. The families are likely to group and regroup in different formations over the course of the year (Sara, 1993:31-32; Karlstad, 1998; Solem, 1970:190).

Although the co-management system discussed in this article comprises a high number of users, e.g., Sami pastoralists, some users still consider the co-management system to be an organization that represents only certain interests rather than all of the interests that deserve to be considered. At the outset, this discrepancy suggests that it is difficult to implement a system with fair and equal user-group representation that satisfies the requirements of all users. Society consists of an infinite number of heterogeneous interests, and incorporating all of them into a system based on user participation is impossible (Dahl, 1989:30; Mikalsen & Jentoft, 2001:282-284; Jentoft *et al.*, 2003:282). The same is also true in reindeer husbandry. In this study, I address the following questions; *What are the challenges involved in establishing a system of representation that encompasses all interests? Which elements of the system of representation are not functioning as intended?*

To answer these questions, I begin by outlining the different perspectives on representation. First, I discuss the theoretical implications of the term “representation” and the problems that representation entails. Management system representatives as well as the relationship between representatives and their constituents are emphasized. Second, I describe the management structure, i.e., the regional Area Board system and the appointment procedures. Third, I discuss the theoretical issue of representation as it relates to the empirical focus of this article by analyzing the different aspects of representation in the reindeer husbandry industry. Finally, I discuss certain challenges that representative systems face, such as fair and equal representation and arm’s length decision making.

Methodologically, the article is based both on data from documents and interviews with the representatives of the Ministry of Agriculture and Food (MAF), the Sami Parliament, the Reindeer Husbandry Administration (at

the national and regional levels) (RA), the Sami Reindeer Herders’ Association of Norway (NRL<sup>4</sup>), and the national, regional, and local co-management boards. I interviewed twenty-five persons from 2006 to 2008. Approximately half of them were interviewed three to five times. During the fall of 2010, I also conducted a series of open-ended phone interviews with eighteen of the present and previous representatives of the six area boards along with one employee from each of the six local RAs. I interviewed both types of board representatives, user representatives as well as non-user representatives, to compare their views of the area boards and their perceptions of the boards’ work. The statements from previous and current board members are anonymous.<sup>5</sup> In total, I interviewed nearly fifty individuals involved in the reindeer husbandry management system.

## Theory

### *Co-management*

Scholars commonly assume that a management system relying on a deliberate agreement is more legitimate and hence more robust than a management system that solely relies on force and penalty (Jentoft, 1989:139-140; 1998:164-165; 2000:141; Berkes *et al.*, 1991:12-13; Berkes, 1994:20; 1995:371; Pomeroy & Berkes, 1997:465-466; Armitage *et al.*, 2007:1; Borrini-Feyerabend *et al.*, 2007:52-57). Co-management systems are

4 In Norwegian: Norges Reindriftssamers Landsforbund.

5 I interviewed fewer Area Board representatives from East Finnmark than from the other areas because reaching them by phone was difficult and because the representatives did not respond to my e-mails. Citations in the text are not necessarily those of current board representatives; the citations may also be from previous board representatives. All citations used in this article are from Sami pastoralists in current and previous boards.

based on management functions delegated to user organizations that make autonomous decisions. Hence, users become directly involved in the management process and assume both rights and responsibilities within the management system (Berkes *et al.*, 1991:12; 1995:373; Jentoft, 2003:4). "But the degree of autonomy, delegations and decentralization may vary between levels. Co-management is formal, it has a charter, it specifies mandates, membership and procedures for election, representation and provision for scientific advice" (Jentoft, 2003:4). This additional level of formality increases the users' adherence to rules and regulations. One may call this level the moral aspect of the management system because the perception of the management system's legitimacy is ultimately a question of the users' moral perceptions of the management system (Jentoft, 1989:139; 1998:72; Pinkerton, 1989:5, 30; Singleton, 2000:6).

However, a management system is also legitimate in the sense that it has instrumental validity. Instrumental validity means that the system itself serves to accomplish its goals, such as conservation, sustainability, and economic efficiency. Instrumental validity also includes procedures because legitimacy may also be perceived in terms of the manner in which decisions are made. For this reason, it is important to distinguish between moral and instrumental legitimacy because one type of legitimacy may not relate to the other. They may even be in conflict. Because user participation increases the legitimacy of its management system, groups outside the process may view this conferral of legitimacy as a step in the wrong direction. They may do so because the increased participation of one group may lead to the numerical marginalization of the other groups under the same management system (Jentoft, 1989:145-146; 1998:176; 2000:145; Hanna, 1998:S173; Mikalsen & Jentoft, 2001:284, 292; Nielsen, 2003:427-430; Zach-

risson, 2004:22-23; Borrini-Feyerabend *et al.*, 2007:337-338; Connelly, 2011:932).

### *Representation*

Representation occurs in various forms, including functional and territorial/geographical representation (Jentoft *et al.*, 2003:284). An essential claim of democratic theory is that democracy itself causes governments to be representative, although the views on the expected duties of a representative body of citizens diverge (Manin *et al.*, 1999:4-5). The term "representation" implies that the representatives forward the interest of the public and/or those they represent. Therefore, the connections between the representative institution, the government and the people are important to understanding how democracy becomes legitimate (Manin *et al.*, 1999:2). Co-management arrangements are no exception. The government delegates authority to the representative institution, and the representatives promote the interests of the electors by making decisions on behalf of the citizens that elected them (Jentoft *et al.*, 2003:285-287). The same is true for the reindeer husbandry industry in Norway.

One problem is that as the organization becomes larger, it becomes more difficult to maintain a democratic process based on direct participation because of the problems associated with the aggregation of interests. Aggregation is a process whereby the people involved 'deliver' their demands to a higher body, which must then identify the solutions that best meet the needs of all of the citizens (Dahl, 1989:30; Jentoft & McCay, 1995:234; Plotke, 1997:28-29). To some extent, one may claim that the problem with aggregation is related to identifying a representative cross-section of all of the interests that are to be represented. The more people are represented by one representative, the more interests must be aggregated, and the more challenging it is to identify the interests

of those represented. This appears to be one of several issues affecting the larger reindeer-husbandry areas.

Systems of representation can be implemented in various ways. The two most common forms are systems in which the representatives act on the direct demands of the constituents or in which the representatives act on what they perceive to be the best interest of the public (Manin *et al.*, 1999:2). An essential point in the latter is that the elected person's knowledge and experience allows him/her to act in the overall best interests of the constituents (Mitchell, 1997:161-162; Plotke, 1997:28-29). Such an arrangement requires trust between representatives and constituents (Purdue, 2001:2213-2214). Both of these forms are believed to be ways in which the public's best interest is expressed in a democratic fashion (Manin *et al.*, 1999:2).

#### *Representatives and authority*

In democratic countries today, we often find a pluralist political system with many different representative groups (Dahl, 1989:30). Given the increasing ethnic, cultural, and economic diversity in society and the increasing number of non-governmental organizations seeking influence, questions regarding the accountability and representativeness of both councilors and leaders are commonly discussed in the academic literature. Who are these individuals representing in reality? It is difficult for a group of representatives to represent multiple publics and a fragmented set of interests. The representatives also need to balance their 'insider' and 'outsider' roles, especially with respect to issues of power, conflict and collaboration. This balancing act is a difficult task, and the representatives often encounter criticism (Jentoft, 1998:431; Taylor, 2003:132; Gaventa, 2004:11; Häikiö, 2007:2157-2158).

There are many considerations to take into account when considering systems of repre-

sentation among board members that are appointed politically. It is not unusual to observe that a smaller group inhabits these positions, and that they are reelected multiple times (Taylor, 2003:184; Gaventa, 2004:13). There may be a number of reasons for this phenomenon. For instance, the representative position might be highly politicized, with mobilized interests and a struggle for power in which only the strongest candidates win (Pomeroy & Berkes, 1997:478; Lemos & Agrawal, 2006:305). In the case of reindeer husbandry, these elements are also reflected in some areas. Przeworski argues that decision making is generally delegated to representatives because they have privileged knowledge of the issues (Przeworski, 2003:95), which also holds true for the representatives appointed in the reindeer husbandry industry.

One might also imagine that power is transitive: if someone gains power in one political sphere, she/he also gains power in other related political spheres. Such transitivity is generated both because power in itself may be transitive but also because members reinforce networks by electing one another to an expanding number of positions as the network itself expands (Palmer *et al.*, 1986:8).

Nevertheless, if all interests are to be equally and fairly represented in each board constellation, it is important to prevent uneven distributions in which some groups achieve higher representation than others. If not, elements of conflict will be built into the structure of the board, and the relationships between stakeholders and the board may suffer (Scott 2003:20). This balance is difficult to find, and it becomes especially pertinent when discussing co-management systems. Such systems are characterized by the participation of many different actors with differences in social status, power, and knowledge, all of which affect the way that the system works (Mikalsen & Jentoft 2001:284; Jentoft *et al.*, 2003; Häikiö,

2007:2159). Conflicts regarding legitimate representation and participation are especially noted at the local level, which historically has been understood as the key site for democracy building and citizen participation. However, in smaller communities, residents typically come into contact with politicians or public officials on a face-to-face basis. Because of the closeness of these social relations, personal relations may have an effect on executive behaviour (Lowdes, 1995:161). As will be discussed later, a number of these observations are also relevant to the reindeer husbandry co-management system.

### Management of reindeer husbandry in Norway

This section outlines several of the factors involved in reindeer husbandry management in Norway. First, I offer a general overview of the reindeer husbandry co-management system. Second, I describe the co-management governing boards' appointment system. Third, the six reindeer husbandry areas are described in Table 1, in order to show the context in which the governing boards operate in the different husbandry areas.

#### *The management structure*

Power sharing as a governance principle was introduced for the first time in Norwegian reindeer husbandry through "the reindeer husbandry law" in 1978 (Lov om reindrif av 9. juni 1978 nr. 49 (Reindrifstloven) [The Reindeer Husbandry Law]). In essence, the law enacted a co-management system that was designed to include various user groups and stakeholders at all levels of the governance chain. As shown in Fig. 5 in Ulvevadet (2008),<sup>6</sup> the geographical structure of the co-management boards at both the regional level (area boards) and the local level (district boards) covers all of the areas in which Sami reindeer husbandry is

performed. In this way, board representatives are in a position to address the interests and needs of the pastoralists and other stakeholders in the various regions. As seen, the geographical distribution of the co-management systems is quite extensive.

The government delegates important tasks to the Reindeer Husbandry Board, which combines advisory and management roles. The board supervises the six area boards and serves as an appeals system for the decisions made by the area boards. The management tasks of the central Reindeer Husbandry Board include allocating and distributing pasture areas, determining grazing times and zones, and approving and controlling the number of reindeer in each siida. The area boards are primarily professional advisors who lay the groundwork for regional public management pertaining to reindeer husbandry. The area boards report on their activities to the Reindeer Husbandry Board. These activities include commenting on plans made by county municipalities, controlling and assessing new recruits to the industry, and a wide range of other administrative tasks related to regional issues. In sum, the Reindeer Husbandry Board and the six area boards make important strategic and practical decisions related to the industry's development. At an even lower geographical level, the district boards and the siida boards manage practical matters and implement policies and regulations at the local level (Lov om reindrif av 15. juni 2007 nr. 40 (Reindrifstloven) [Reindeer Husbandry Law], §43-44, §71-72).

In addition to this fourfold structure, a separate structure has also been established to provide administrative services to the industry and its management system. The Reindeer Husbandry Administration (RA) is a state government directorate under the MAF and located in Alta, West Finnmark. There are also six area RAs, one in each of the six main herding areas at the regional level. The RA in Alta is the

<sup>6</sup> This figure is found at <http://www.ub.uit.no/baser/septentrio/index.php/rangifer/article/viewFile/156/145>.

secretariat for the Reindeer Husbandry Board, and the six regional RAs serve as the secretary for the area boards in each of the six herding areas. These regional government agencies provide pastoralists with assistance and advice and can be considered as both service and administrative units (Reindrifftsforvaltningen [Norwegian Reindeer Husbandry Administration], 2008:1).

#### *The structure of the Sami pastoralists' organization (NRL)*

The NRL is the interest organization of the reindeer husbandry industry. The organization has an executive national unit and six regional branches (one in each reindeer herding area). The Sami pastoralists are democratically elected by the members of the NRL to the national and regional boards as long as the pastoralists are also members of the NRL. The representatives' tasks are to protect the interests of the Sami pastoralists and represent their interests in the annual negotiations with the MAF. The NRL and MAF negotiate an annual agreement that constitutes the economic and political vehicle that the state uses to achieve its various goals for the industry. The NRL does not have the authority to appoint members to the Reindeer Husbandry Board and the six area boards, but it has the right to nominate board members to the appointing bodies, the County Council, the Sami Parliament, and the MAF (Bull, 1997:19; Kalstad, 1999:204-206; Ulvevadet, 2004:123; 2008:59-61).

#### *Appointments and politics*

In the period of time from the implementation of the law in 1978 to 1996, the MAF appointed the representatives of the Reindeer Husbandry Board, and the County Councils appointed the representatives of the six area boards (Bull, 1995:398). The appointment system was revised in 1996. It was important to include the Sami Parliament in the reindeer

husbandry management system because the Sami Parliament played a vital role in the Sami political development in Norway in general (Landbruksdepartementet [Ministry of Agriculture and Food], 1992:87-88). After 1996, the Sami Parliament became a part of the reindeer husbandry management structure.

The Area Board is a governmental collegiate management institution at the regional level. The area boards were originally designed to establish a public management body at the regional level that was responsible for controlling and managing the tasks (both those decreed by law and others) that were initially delegated to the district boards. Government papers, especially the proposition of the 1978 Reindeer Husbandry Law, emphasized the need for representatives with privileged knowledge who could handle these types of tasks because of the area boards' regional origins (Ot. prp. nr. 9 (1976-1977) pp. 54-55; Ot. prp. nr. 25 (2006-2007) pp. 16). Thus, the Area Board was not meant to be a political body in which the delegates and members of political parties pursue their own goals and in which the majority wins. The law (2007) states that when Area Board representatives are appointed, the County Council, the Sami Parliament and the MAF must look for the following: (1) a reasonable geographical distribution, (2) broad professional qualifications, and to the greatest possible extent, (3) equal gender distribution. Additionally, there must be active pastoralists among the members (Instruks for områdestyrerne [Area Board guidelines], 2009, §1).<sup>7</sup>

The Sami Parliament is a democratically elected political organization. All Norwegian Sami have the right to vote in the election every four years, following the election cycle of the Norwegian Parliament. According to the

<sup>7</sup> It is important to note that the MAF has the right to review and reverse the decisions made by the area boards and has done so on several occasions.

Sami Parliament, there are no specific requirements for the people who may be appointed to the area boards or to the Reindeer Husbandry Board. Thus, the parliament establishes its own election criteria. Moreover, the Sami Parliament has not made any rules, guidelines or mandate that can impose demands or restrictions on the appointed representatives once they become board members. Instead, a practice has been established in which the representatives are primarily chosen for their knowledge, gender, connections to reindeer husbandry and geographical origins. The NRL has a legally granted right to nominate candidates to the Reindeer Husbandry Board and the Area Board. Therefore, the Sami Parliament routinely considers suggestions made by the NRL. Additionally, the Sami Parliament Executive Council (Sametingsrådet) routinely asks the political groups to suggest representatives before the appointment process starts. Thus, when finally appointing members to the boards, the Sami Parliament Executive Council considers suggestions from both the political groups in the Sami Parliament and the NRL<sup>8</sup>.

The Sami Parliament Executive Council has discussed whether it should establish a set of guidelines for the board members they appoint. If the Sami Parliament introduces such guidelines, the Sami Parliament, according to their own understanding, may also choose to appoint representatives (Sami pastoralists) who are not members of political parties. With a guide for its appointees, the Sami Parliament

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8 The Sami Parliament Executive Council has always appointed representatives with connections to reindeer husbandry. Nevertheless, the NRL and other Sami pastoralists have criticized the council over the years. The main criticism has been that the appointed representatives have not been active pastoralists and that the Sami Parliament Executive Council is more occupied with appointing members based on political affiliation than appointing members who can perform well in the boards.

can focus more on finding the most qualified candidates irrespective of their political orientations. According to the Sami Parliament, such guidance will, *inter alia*, require the representatives to keep the Sami Parliament Executive Council informed about the board's political work. In this way, the Sami Parliament can influence the representatives' positions in cases of political importance. A mandate may also provide the representatives with an institutional arrangement through which they may receive help from experienced people in the Sami Parliament, if such people are available. Such an arrangement may also serve to render the appointed members the formal agents of the Sami Parliaments in the management of reindeer husbandry. The Sami Parliament Executive Council considers the representatives it appoints as an unused resource because the Sami Parliament and the representatives are decoupled. Thus, this discussion may be considered as a means of identifying an integrated platform.

The County Council is the other institution that appoints members to the area boards. This council is the highest elected political body in each county, such as Finnmark. The County Council is elected every fourth year at the mid-term of the Norwegian Parliament. The Council appoints members based on the constellation of political parties in the County Council. Whether the representatives have significant knowledge of reindeer husbandry does not necessarily matter. In reality, however, the representatives appointed by the County Council are local politicians who tend to have extensive political experience. The County Council, the Sami Parliament and the NRL are only responsible for appointing representatives. Once the representatives are formally members of the boards, there is no part of the system in place to guide, train or support them.

Table 1 depicts the six reindeer husbandry areas. The number of people involved in reindeer



Table 1. An overview of the six reindeer husbandry areas.

	South Trøndelag/ Hedmark	North Trøndelag	Nordland	Troms <sup>a</sup>	West Finnmark	East Finnmark
<b>Number of people/ groups</b>	Approx. 150 people/30 groups	Approx. 187 people/39 groups	Approx. 224 people/44 groups	Approx. 167 people/46 groups	Approx. 1370/216 groups	Approx. 938 people/181 groups
<b>Land use</b>	Private property owned by non-pastoralists and state-owned property	Private property owned by non-pastoralists and state-owned property	Private property owned by non-pastoralists and state-owned property	Primarily state-owned property	State-owned property, the Finnmark estate	State-owned property, the Finnmark estate
<b>Challenges</b>	Many conflicts between Sami pastoralists and others. Constructions of secondary homes (i.e., cottages.), predators, and high-voltage transmission lines.	Some conflicts between Sami pastoralists and others. Development of windmill plants, construction of secondary homes, predators, and high-voltage transmission lines.	Some conflicts between Sami pastoralists and others. Development of large windmill parks, construction of secondary homes, predators, and high-voltage transmission lines.	Some conflicts between Sami pastoralists and others. Windmills, secondary homes, and high-voltage transmission lines.	Reduction in the number of reindeer, <sup>b</sup> secondary homes, predators, high-voltage transmission lines, mining, internal conflicts, <sup>c</sup> design use rules, <sup>d</sup> and common pastures. <sup>e</sup>	Reduction in the number of reindeer, <sup>b</sup> secondary homes, predators, high-voltage transmission lines, mining, internal conflicts, <sup>c</sup> design use rules, <sup>d</sup> and common pastures. <sup>e</sup>
<b>Board composition</b>	Six representatives. The Sami pastoralists constitute the minority.	Five representatives. The Sami pastoralists constitute the majority.	Five representatives. The Sami pastoralists constitute the minority.	Five representatives. All representatives are Sami pastoralists.	Five representatives. The Sami pastoralists constitute the majority.	Five representatives. All representatives are Sami pastoralists.

- a) In the early 1990s, as a result of internal rivalry in the industry, the Sami pastoralists from the islands and peninsulas of Troms established their own organization (Ytre Troms Reinsamslag). At the outset, this branch was a local branch of the NRL and represented the interests of the Sami pastoralists on the islands and peninsulas of Troms. The members of the new organization wished to have the same power and the same rights as the original local NRL branch in Troms. The board representatives of the NRL at the national level agreed that the organization could be formally established as a second local branch of the NRL in the county. However, the representatives agreed that the organization would not receive financial support or have the right to nominate board members at the same level as the original NRL branch.
- b) The fact that Finnmark has a reindeer population that far exceeds the carrying capacity of the available pastures is the most important challenge for reindeer pastoralism in Finnmark. This situation has numerous consequences. If the Sami pastoralists have larger herds than the winter grazing territory (winter siida) can support, the Sami pastoralists compensate by moving into pastures outside their traditional territories by crossing boundaries into the territories of other siidas. This situation leads to social tensions and conflicts among the Sami pastoralists and among the different siidas (Reindriftsforvaltningen, 2009:3-4).
- c) Cases regarding social conflicts are difficult to address. To prevent any involved parties from feeling that the Area Board representatives have made decisions based on personal preferences, the board has suggested sending this type of case to be considered by the Area Board in Troms.
- d) The reindeer Husbandry Law of 2007 introduced a system in which the district boards had to design a number of rules that subsequently were validated or rejected by the area boards. The intent behind the system was to grant districts more self-determination when organizing their activities. These activities included the rules of pasture use, fence maintenance, use of motorized vehicles, and – perhaps most important – determination of an ecologically sustainable reindeer population. The current Area Board representatives, who were appointed for the 2008-2012 cycle, are the first to be responsible for approving the self-designed rules established by the district boards. These new tasks present additional challenges to the Finnmark districts because the system must adjust the number of reindeer to the pasture capacity and allocate the pastures to each siida based on historical use and legal rights (Reindriftsloven [Reindeer Husbandry Law], 2007, §§57-60; Reindriftsforvaltningen, 2009:4).
- e) In Finnmark, only the coastal summer pastures have formal borders. The remaining seasonal inland pastures are shared by the Sami pastoralists and are referred to in the Reindeer Husbandry Law as “common pastures.” No individual or siida rights of use have been specified for the common fall, winter, and spring pastures, but the Sami pastoralists do have informal, traditional areas. However, the increase in the number of reindeer and Sami pastoralists have destabilized these boundaries and undermined the informal, traditional management system (Reindeer Husbandry Administration, 2009; Ulvevadet & Hausner, 2011:2796).

husbandry in each area determines how many groups of Sami pastoralists are administered and managed by the various area boards. The different types of land use determine the types of conflicts and problems that the Sami pastoralists experience in the various areas, including conflicts between pastoralists and farmers. The primary challenges in each area reflect the type of cases the area boards normally handle. The composition of the representatives in the various area boards (in terms of the number of Sami pastoralists) provides information about the power of the reindeer husbandry industry in the co-management system. If Sami pastoralists constitute the minority, they will most likely be voted down when the board makes its decisions, especially in the cases in which the interests of the Sami pastoralists and non-pastoralists collide.

#### **Issues in the co-management of reindeer husbandry – legitimacy, representation, and scale**

In this article, I posed a research question asking why it is difficult to accommodate all interests and asking which elements of the representation system are not functioning as intended. The first part of this section discusses representation associated with distribution of interests and procedural legitimacy. Although formal procedures were followed in the Area Board in Troms, the outcome was not always optimal for all parties. The second part of this section discusses the autonomy and flexibility of representatives as well as how these factors affect the legitimacy of the decisions made by the boards. The last part discusses how the size of an area may affect the work of the area boards.

##### *Procedural legitimacy*

The participative component of the co-management system in the Sami reindeer husbandry industry in Norway is organized according to geographical criteria because the Sami pastoralists experience specific challenges

depending on where they keep their herds. The organization allows for the management system to be adapted to local challenges, regardless of whether these challenges are ecological, economic, social and/or political in nature. Additionally, geographical representation enables regional public interests to be included and thereby strengthens the support for the system (Sara, 1993:123-130; Paine, 1994:99-105; Ulvevadet, 2000:63-64; 2001:103-108). However, one problem is that only a subset of interests is granted membership in the representation system, whose decisions affect a larger group of people (Dahl, 1989:230-231). To meet this challenge, the appointing bodies are instructed to search for a group of appointees with a reasonable geographic distribution (Area Boards guidelines, 2009, §1) to include multiple interests in the boards.

An overview of all of the Area Board representatives in Troms from 1979 to 2011 demonstrate that a majority of the Sami pastoralists who have been on the boards are from the inland districts of Troms, which is close to the Swedish border. The representatives from the districts that are located on the islands and peninsulas of Troms have been members of the minority for nearly the entire period that the co-management system has been in existence. The interviews with the Area Board representatives and the information from the Sami Parliament also demonstrate that there are few politically active Sami pastoralists in general. Therefore, it is difficult to locate Sami pastoralists with political experience from all of the geographical areas. These statements appear to be counter-intuitive because the aforementioned second reindeer husbandry organization (see Table 1, a) was established in Troms to pursue the interests of the Sami pastoralists living in the coastal districts. This specific case merits further attention. At the outset, the establishment of the new organization indicates that the Sami pastoralists from coastal districts were not satisfied

with the strong representation from the inner districts, and it may be a signal that decisions made in the area board were not considered legitimate by this group of Sami pastoralists. This finding also demonstrates that there was a lack of trust between the constituents from the coastal districts and the board representatives appointed from the inland districts, even though the board representatives were appointed because of their privileged knowledge and their abilities to identify solutions that best would serve everyone involved.

Political engagement increases the representatives' understanding of the socio-political processes in society and thus also increases their abilities to look beyond their personal interests in their work. Politically active people become trained to use a wider perspective if they must make difficult decisions. If important principles are at stake (Prezeworski, 2003:95), they must produce results that favor the greater common good (Dahl, 1989:30; Jentoft & McCay, 1995:234; Mitchell, 1997:161-162). Nevertheless, Jentoft argues that the system is only legitimate if it works both instrumentally and morally among the users (Jentoft, 1998:176; 2000:145; Zachrisson, 2004:22-23; Borrini-Feyerabend *et al.*, 2007:337-338). That is, a procedurally correct appointment process is not always sufficient, as witnessed in Troms. A person from Troms stated the following: "Leadership and majority [of representatives] in the Area Board should rotate between the inland and coastal groups of Sami pastoralists. When the power is unequally distributed outside the Area Board, it becomes unequally distributed inside the Area Board. The law states that geography and gender must be considered [in the appointment process], but in this case geography is not taken into consideration." The problem that structural inequalities become formalized and entrenched within the co-management systems is a well-known issue that is often difficult to detect (Mikalsen

& Jentoft, 2001:284; Scott, 2003:20; Borrini-Feyerabend *et al.*, 2007; Häikiö, 2007:2159).

Moreover, many of the politically active Sami pastoralists from the inner districts are also actively involved in the politics of the NRL, and, therefore transitive power easily occurs. Given the NRL's right to nominate board members to the County Council and the Sami Parliament, the Sami pastoralists from the inner districts achieve power in the co-management system through their vested power and their networks in the NRL. In other words, the Sami pastoralists with a certain amount of power and a certain position in the NRL reinforce and expand their networks by electing one another to the Area Board through the County Council and the Sami Parliament. Power in one network translates into power in another related network. This form of transitivity has been discussed in the academic literature (Palmer *et al.*, 1986: 8). This arrangement does not suggest that the reindeer husbandry management system is only serving political elites. However, for those who stand outside the system, this arrangement may resemble elitism because the people who are recruited to the management system are limited to one interest organization (NRL). Moreover, the success of the system is affected by the extent to which the board members act in accordance with the procedures anchored in the customs of the reindeer herding community and the extent to which the users perceive these procedures in the same way as the political actors. This issue has been discussed in the context of other sectors as well (Scott, 2003: 91-95; March & Olsen, 2006: 12-13), but this does not seem to be the case in parts of Troms. This situation decreases the level of trust between the representatives and the constituents.

The MAF has the main responsibility for the boards and can ask for the appointment process to be reviewed if the criteria are not fulfilled (Area Board guidelines, 2009, §1). Accord-

ing to the interviews, this review procedure has not been put into practice. A person from one of the southern areas stated, "The ministry [MAF] has never intervened in my 10 years in politics, and I don't think it has ever done so." In co-management systems, functions are delegated to user organizations that make autonomous decisions (Pomeroy & Berkes, 1997:469; Jentoft, 1998:79; 2003:4; Kalstad, 1998:239). State interventions may decrease the representatives' independence and undermine the co-management system. Therefore, this balance between state intervention and autonomy is difficult to achieve, as is also the case in the reindeer husbandry co-management system. As a result, the state refrains from interfering in situations in which it should have taken an active role. The MAF may have refrained from intervening in the appointment process to prevent public scrutiny of the board's independence.

User organizations also have certain responsibilities if they join management systems (Berkes *et al.*, 1997:469; Jentoft, 1998: 165;2003: 4). One important responsibility is to identify the compromises that suit all of the actors involved (Dahl, 1989:30; Jentoft & McCay, 1995:234; Christensen *et al.*, 2004:96-97). Another important responsibility is to ensure that elections are conducted as intended (Jentoft, 2003; Connelly, 2011:932). This responsibility prevents conflicts that may arise if the board members and the institutions are not perceived to be accountable or if their decisions are not considered to be legitimate (whether in terms of procedure or outcome) (Jentoft, 1998:164-168; Connelly, 2011:934).

Neither the reindeer husbandry law nor the Area Board guidelines specify any requirements for the appointing bodies. They only state that the appointing bodies must seek a group of appointees with a reasonable geographic distribution, broad professional qualifications, and societal experience (Area Board guidelines, 2009,

§1). These guidelines are rather diffuse and provide a considerable amount of discretion to the County Council, the Sami Parliament, and the regional branches of the NRL to form the system of representation as they wish. However, the lack of boundaries between the different political systems may lead to network effects in the recruitment process, which may, in turn, cause issues of legitimacy to surface because the appointment process may be perceived as unfair to some groups.

#### *Representatives' flexibility in their work in the area boards*

In co-management, management functions are delegated to user organizations that make autonomous decisions (Pomeroy & Berkes, 1997:469; Jentoft, 1998:79; 2003:4; Kalstad, 1998:239). The following question then arises: how autonomous can local management be? One could argue that the lower the level of the management to which authority is delegated, the less independent the decisions will be. Jacobsen supports this argument to an extent by contending that the relationship between politics and administration at the local level is regulated to a large degree by state management through various economic, legal, and normative incentives. In some ways, this arrangement decreases the opportunities for local politicians to exercise their flexibility on issues pertaining to their communities. However, rules, regulations, and decisions made centrally must be interpreted and implemented within local communities by the local politicians and administrators. This process gives local politicians and administrators considerable influence over the decision making process, although there are limits to this influence (Jacobsen, 2007:1-2).

This argument was also confirmed by several Area Board representatives interviewed for this study. They respect that there are different laws, such as the Reindeer Husbandry

Law, the Law on Agriculture and Farming, and the Planning and Building Law, which must be considered before the area boards can make their decisions (see Table 1). Although the laws are important and impose certain limits, the representatives sense that they are an essential piece of the decision-making process. It was for instance said by different pastoralists, "I do feel that we have some say [in the Area Board]". "I don't feel bound [by the County Council]". "I make decisions based on my own evaluations". "Yes, I absolutely feel that we have influence through the [Area] Board." In addition to their performances and assessments, their knowledge and experience reflect the outcomes of many of the cases handled by the area boards. The Sami pastoralists truly feel that they are an active part of the reindeer husbandry management system.

As co-managers, the representatives must address conflicting interests, some of which present unpleasant challenges. For example, § 24 in the Area Board guidelines 2009 and §79 in the Reindeer Husbandry Law of 2007 give the Area Board the right to enforce measures on the Sami pastoralists who do not follow instructions. These pastoralists may not have intentionally broken the law. The pastoralists may be in a situation in which following instructions is difficult. For example, grazing or weather conditions may make moving their herds to their assigned grazing territories difficult or even impossible (Riseth, 2000:68; Ulvevadet, 2001; Lie *et al.*, 2008:89-90; Tømmervik *et al.*, 2009:254). Nonetheless, the Area Board has a mandate to intervene with strict measures in an objective way. They are appointed to make decisions that are founded on formal rules and regulations that are in everyone's best interests. Generally, the representatives can rarely satisfy everyone, and they are also bound by external social, economic, legal, and political structures that impact their decisions (Jentoft, 1998:431; Gaventa, 2004:11). Some board members find

this situation difficult and would like the government to enforce sanctions. One pastoralist stated, "When the agronomist makes a decision, for instance about forced close-down of somebody's husbandry, I had hoped that someone at a higher level in the system would have followed this decision all the way through." Recent research from Finnmark also confirms that many Sami pastoralists want a competent, independent authority to solve difficult distribution conflicts (Prestbakmo & Ravna, 2009:223-224).

An important question is the degree of flexibility desired by the Area Board representatives. They may not desire total freedom but may rather wish to make decisions and manage outcomes within a well-founded legal framework. However, this arrangement gives the representatives fewer choices, as argued by Jacobsen (2007:211) in his research on municipalities in general. However, this arrangement may also give the representatives better guidance for making sound decisions. The representatives of the area boards in Finnmark stated that even if reindeer husbandry is often understood to be a way of life, it is still an industry. One board member said, "Even though customs, culture, and social relations are important factors affecting the development of reindeer husbandry, one needs to look at the Sami pastoralists as entrepreneurs with professional and sound economic orientations. Most business owners in all types of industries need to make tough decisions in order to stay alive. However, to escape criticism and avoid accusations of bias, as discussed in the theoretical literature (Jentoft, 1998:431; Scott, 2003; Gaventa, 2004:11), the Area Board representatives in West Finnmark wish to send cases regarding internal conflicts to the Area Board in Troms for further treatment (see Table 1, d). One of the representatives stated the following: "We want to send difficult cases to [the Area Board in] Troms, so we won't have any problems or ques-

tions regarding legal incompetence. This does not necessarily mean that we are incompetent legally when we treat cases, but other people may think that we are. Besides, other people outside the area [in West Finnmark] may look at the case from a different angle.”

The research on fisheries co-management has followed a different line of development because fishermen’s representatives usually work within a fixed mandate from the organizations that they represent (Jentoft, 2000:144; Jentoft *et al.*, 2003:284). The representatives appointed by the Sami Parliament do not have a specific mandate. The interviewed representatives, especially those on the boards in which the Sami pastoralists are in the minority, stated that a closer dialogue with the Sami Parliament would be beneficial. For example, a more structured dialogue during the election cycle would be useful. One representative said, “It would have been really nice with a closer connection with the Sami Parliament in order to get some help and input in some of the cases. (...) If we are not able to do the work we are set to do in a democratically elected body, the result will not be democracy.” Another person said, “The Sami Parliament should have sent an observer to the meetings. But this has of course to do with time and resources” [available in the Sami Parliament]. Both statements were made by persons who were in the minority in their respective area boards and who were constantly voted down by the majority of the representatives who came from outside of the reindeer husbandry industry.

This idea has also been discussed in the Sami Parliament. The system was not designed this way because the area boards were originally designed to be governmental collegiate management bodies (Ot. prp. nr. 9 (1976-77) pp. 54-55). However, when it was decided that politically elected bodies, such as the County Council and the Sami Parliament, were to be responsible for the appointment

of board members, this policy influenced the area boards. As a consequence, the area boards developed into political management bodies. Organizational systems have a tendency to develop into different forms depending on their contexts and pre-established institutions (Jentoft *et al.*, 1998:431; Young, 2002; Scott, 2003:23; March & Olsen, 2006:14-17). Likewise, the area boards transformed into political boards whose compositions depend on the constellation of political parties in the County Council and the Sami Parliament.

The Sami Parliament has experienced politicians who can teach Area Board representatives the required legal-case administration skills, communicative proficiency, and other skills that are important to their work. Because the Area Board system operates differently from the original design, there are no formal linkages between the Area Board representatives and the Sami Parliament after the members are appointed. According to the interviews, the Sami pastoralists on the boards do not wish to be controlled or mandated by the Sami Parliament, although some of them believe that additional support and dialogue would be helpful. Nevertheless, the representatives need flexibility and independence to make sound decisions in each case. Drawing upon past research on the fisheries, Jentoft argues that the fixed mandate restricts the representatives’ choices, which sometimes harms the relationship between the representatives and the represented (Jentoft, 2000:144; Jentoft *et al.*, 2003:284). In the context of reindeer husbandry co-management, the representatives can be more flexible and independent. They can make autonomous decisions that they believe are in the industry’s best interest. However, this freedom may lead to difficult relationships between the representatives and the represented because many decisions relate to difficult issues, such as distribution of pastures between individual Sami pastoralists or between groups of Sami

pastoralists. Those pastoralists negatively affected by the decisions may not care whether the representatives have a mandate to follow or not, as long as the decisions contradict their particular interests. This sentiment affects the relationship between the representatives and their constituents.

#### *Size of the co-management area*

For the representatives to do their jobs well, there must be a strong connection not only between the state and the board but also between the board and their constituents (Manin *et al.*, 1999:2). The larger the scale of the system, the more difficult it is to establish close relationships between the representatives and their constituents. This challenge is augmented by the problem of aggregation because identifying solutions that satisfy all or most of the constituents becomes more difficult (Dahl, 1989:30; Jentoft, 1989:152; Pinkerton, 1989:28-29; Jentoft & McCay, 1995:234). This challenge is also evident in the current case of the reindeer husbandry industry.

A close relationship between the representatives and the represented opens channels for direct dialogue, something which some of the board representatives from the smaller areas outside Finnmark have discussed. Closeness allows the representatives to draw upon the knowledge and experience found among the Sami pastoralists from various reindeer husbandry districts. A pastoralist from one of the smaller areas said, "I can discuss cases with districts affected by the same problems before meetings in our Area Board." In this manner, the board members gain a better perspective on how the Sami pastoralists perceive certain matters. There are also problems with social relations of this type. Issues of legal incompetence are not unusual among local-level management because of the tight social relations. The relationship between the individual and the organizational system is legally well defined but

can become unclear in many situations (Searing, 1991:1248-1249; Biddle, 1986:82). A recent report published by the MAF shows that people (i.e., both the Sami pastoralists and others familiar with the reindeer husbandry) find it difficult to distinguish between the management institutions and the industry as such. The report also found that the management institutions do not have the necessary distance from the industry and that the industry is managed by people who also have private interests in the industry (Landbruks- og matdepartementet MAF, 2011a:8). Moreover, because social relations are transparent in small communities and because the social network inside the community is also small, people frequently come into contact with public officials and local politicians. In these local settings, questions regarding legitimacy and legal competence may arise (Lowdes, 1995:161). Ultimately, this closeness may also decrease the constituents' trust in the representatives if the board's decisions have not been favorable.

There is another problematic aspect of management in small communities. Research has revealed that municipal politicians in Norway at times are involved in preparation of cases which are sent to affected interest groups for comments and input, and where the same politicians appear in administrative positions in such groups and make comments and input back to the municipal authorities (Jacobsen, 2007:235-239). Such conflicting roles are also found in the reindeer husbandry co-management system. The representatives of the area boards are also members of the municipal council. In these cases, we find that the same people prepare a case for the municipal council and also make assessments and decisions on the same case in the Area Board. This conflict of interest raises the question of whether the representatives can properly separate their different roles.

The reindeer husbandry areas of the South

Trøndelag/Hedmark, North Trøndelag, Nordland, and Troms counties each have between 150 and 224 users who comprise between 30 and 46 groups of Sami pastoralists working together in each district (see Table 1) (Reindrifftsforvaltningen, 2009:40, 50). At this scale, it seems reasonable to assume that the representatives might reach compromises that satisfy all of the parties involved. In the above areas, the interviewees argued that the connection between the representatives and their constituents were close enough that the representatives could initiate dialogues with district leaders. Additionally, conflicts were not reported to be a major problem in the areas outside Finnmark. This situation suggests that there are fewer interests to consider and that making decisions that satisfy everyone involved is easier as a result. Similar results can be found in the academic literature regarding other contexts (Dahl, 1989:30; Pinkerton, 1989:29; Jentoft & McCay, 1995:235; Ostrom & Schlager, 1996:142; Jentoft, 1998:172, 186).

However, in Finnmark, the situation is different. Here the area boards represent between 938 and 1,370 individual Sami pastoralists who form 181 groups in West Finnmark and 216 groups in East Finnmark (Reindrifftsforvaltningen, 2009:50). Therefore, the probability that the area boards in Finnmark reach a common agreement may be smaller than the probability for the area boards outside Finnmark to reach an agreement, as multiple interests must be considered. However, the interviews with current and former Area Board representatives indicate that the representatives were less concerned with the size of the area and more concerned with fulfilling their responsibilities. A person from Finnmark stated, "I don't think that the size of our area matters as long as we treat cases according to [formal] procedures and make decisions in accordance with rules and regulations." Another person said, "We do have many challenges to resolve

due to the state's unwillingness to interfere [with the management of reindeer husbandry] here in Finnmark."

According to the interviews with the Area Board representatives in Finnmark, the difficult tasks are not directly related to the size of the co-management areas today but rather the impacts of the size and locations of the pasture areas on the management of reindeer husbandry in Finnmark over the past several decades. The Sami pastoralists in Finnmark were regulated by law much later than the other areas. As a result, the industry has experienced less interference from outside industries, such as agriculture. Thus, the industry was able to develop more freely in Finnmark than in the other areas (Berg, 1994:34-37; Riseth, 2000:136; Bull, 2001:101-102; Riseth & Vatn, 2009:99). This development has also likely strengthened the pastoralists as a cultural group and made them more autonomous. The MAF and the RA had a harder time managing (through co-management boards) the reindeer husbandry industry in Finnmark when the co-management system was implemented in 1978. In addition, because Finnmark encompasses 75% of all reindeer husbandry in Norway, the reindeer husbandry industry in Finnmark is a large system to manage. The co-management system has had difficulties controlling recruitment to the industry and the reindeer number from the mid 1970 and onwards. This development has deteriorated, as the MAF has been reluctant to intervene when the co-management system has experienced problems with local self-governance, as they have met resistance from some groups of pastoralists. Instead of "steering" the system toward a more sustainable direction, the state has been waiting for the Area Board representatives to accomplish this goal on their own (see Table 1, b, c, and e) (Ulvevadet & Hausner, 2011:2799-2800). This delay has decreased the management system's instrumental legitimacy.



## Conclusion

In this article we have seen how the regional level of the co-management system in reindeer husbandry functions. Co-management usually connects the state and the users through cooperation, communication, and power sharing (Kalstad, 1998:239; Armitage *et al.*, 2007:3-4). Theoretically, this type of cooperation is believed to establish collective legitimacy and support for the political system (Jentoft 1989:139; 1998:175-176; McCay, 1996:120; Mikalsen & Jentoft, 2001:281; Armitage *et al.*, 2007:3; Sandström & Rova, 2010). A functioning management system requires compliance. To obtain compliance, the regulations must be perceived as legitimate (Hanna, 1998:S173; Scott, 2003:91-95; March & Olsen, 2006:12-13). They must also be the result of a fair process with an outcome that is acceptable to all of the parties involved (Jentoft, 1989; Hanna, 1998:S173; Pomeroy & Berkes, 1997; Borrini-Feyerabend, 2007:102).

The co-management system of the reindeer husbandry industry in Norway is designed to include multiple interests in the area boards. However, experience from some of the areas shows that certain groups in the area boards almost always end up as a minority, e.g. the Sami pastoralists in South-Trøndelag/Hedmark and the Sami pastoralists from the coastal districts in Troms, both claim that they are voted down when important decisions are made. In some districts, this claim has led to a lack of trust between the representatives and the constituents. As a consequence, support for the system has diminished. Some groups of pastoralists do not feel that all representatives have relevant knowledge regarding this industry or the ability to make decisions that favor the greater common good, as discussed in the theoretical literature (Dahl, 1989:30; Jentoft & McCay, 1995:234; Mitchell, 1997:161-162; Prezeworski, 2003:95).

It is often assumed that local managers have less autonomy and are more bounded by centrally prepared decisions and regulations. However, past research on municipalities in Norway has found that there is some flexibility and autonomy at the local level of governance (Jacobsen, 2007:1-2). This tendency has also appeared in the field of reindeer husbandry management. All of the Area Board representatives interviewed in this study clearly understood their roles. Nevertheless, several representatives noted the difficulties of sanctioning other pastoralists. These difficulties indicate that the responsibilities accompanying the role can be problematic. Scott argues that it is difficult to completely eliminate this dilemma because the role confusion occurs unconsciously (Scott, 2003). This problem is also present in the reindeer husbandry co-management system (Ministry of Agriculture and Food, 2011a:8).

The representatives from the area boards in small areas struggle with legal incompetence, whereas the representatives from the area boards in Finnmark struggle with addressing the unsustainable development of the industry in many parts of Finnmark. The findings in this study demonstrate that size impacts representation systems because the smaller areas outside Finnmark have had more success with the co-management system than East and West Finnmark. However, other intervening factors have affected the regulatory development of the reindeer husbandry co-management system in Finnmark. Compared with the smaller areas outside Finnmark, the larger areas of East and West Finnmark have been more difficult to manage than the smaller areas because of the later interference from the state. These factors, combined with other factors not discussed here, such as the subsidy system (Riseth & Vatn, 2009:100-101; Ulvevadet & Hausner, 2011), have led to an expansion of the industry in Finnmark in terms of the number of

both people and reindeer. This development has again led to a difficult resource situation (overgrazing) and unclear siida boundaries for resource use (Karlstad, 1998:247; Riseth, 2000:174-178; Riseth & Vatn, 2009:102). According to Ostrom (1990), clear boundaries and defined rights to use resources are the basis of good management and sustainable development (see also Pinkerton, 1989: 29; Acheson, 2006:127). The MAF often lists these two factors when political instruments fail to achieve their goals in the management of the Norwegian reindeer husbandry industry (Ot. prp. nr. 25 (2006-2007) pp. 32). However, Ostrom contends that if the rules are devised and managed by the resource users, the rules will be viewed as more legitimate and will lead to more successful management of common areas (Ostrom, 1990:88-90; Dolšák & Ostrom, 2003:22). Despite a co-management approach, this goal has been difficult to achieve in Finnmark.

The state has hesitated to intervene in the unsustainable development of the industry in Finnmark (Hausner *et al.*, 2011; Ulvevadet & Hausner, 2011). Additionally, the MAF and the RA have been criticized by the Office of the Auditor General (Riksrevisjonen) in its 2003/2004 report for not handling the problem of the reindeer population and overgrazing at a much earlier stage. The Office of the Auditor General has stated that the MAF and the RA have not accomplished the task set before them by the Norwegian Parliament. Their failure has decreased the management systems' instrumental legitimacy. After the implementation of the 2007 law, this has become the responsibility of the district boards. The area boards are responsible for monitoring and controlling the situation. Thus, the area boards have been delegated sensitive tasks and will likely face criticism for their work, which leads to diminished trust between the representatives

and the constituents.<sup>9</sup> The boards must handle difficult distribution issues and sanction those who do not adhere to the guidelines. In this process, it is important that the constituents view the boards' work as legitimate (from both a moral and procedural perspective) such that those who are affected by the boards' decisions support these decisions.

The MAF recently proposed abolishing the regional area boards and suggested that all land-use cases affecting reindeer husbandry be handled by the County Governor's Office, which has the professional capacity to handle such cases.<sup>10</sup> The MAF further suggested that the County Governor's Office should consult directly with the NRL and the Sami Parliament during this process. According to the state, this recommendation is primarily intended to simplify the management system, to clearly distinguish between the industry and the management system and to reduce the strong interest constellations found in the area boards today. The battle between the different interests does not result in the best overall solutions (Landbruks- og matdepartementet, 2011b:8-9). It is difficult to predict the consequences of such a change, but a rather obvious consequence is a strong reduction of the participatory aspect in the reindeer husbandry industry in Norway. Paradoxically, in some of the areas, this recommendation may be the fairest solution to the problem of representation in the reindeer husbandry industry in Norway.

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9 The Reindeer Husbandry Law of 2007 has been in effect for 4 years, but the secondary laws have only been in effect for the last year or so.

10 The MAF informed the public about the changes to the management system in April 2011. The proposition implementing the changes to the reindeer husbandry law was subsequently issued for consultation to the affected parties on September 30, 2011.

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Problemer og utfordringer for brukerdeltakelse: Representasjonssystemet i reindriftnæringen i Norge

*Abstract in Norwegian / Sammendrag:* I denne artikkelen, som er basert på en kvalitativ studie fra forvaltningen av reindriften i Norge, hevder jeg at inkludering av ressursbrukerne i medforvaltningsprosessen kan i noen tilfeller i strid med antakelsen om effekten av medforvaltning, øke sosiale spenninger og svekke opplutningen om styringssystemet i ressursforvaltningen. I reindriften utgjør medforvaltningssystemet fire nivåer; de to øverste nivåene består av styremedlemmer (både reineiere og andre) som er politisk valgt og dermed tar politiske beslutninger. De to lavere nivåene, på det lokale plan, har kun reineiere som styremedlemmer. Denne artikkelen fokuserer på det regionale medforvaltningsnivået: de regionale områdestyrene. Erfaringer fra medforvaltning i reindriften i Norge viser at systemet fungerer relativt bra i de fleste områdene, men på grunn av de ulike forholdene mellom områdene oppstår det et legitimitetsproblem i tilknytning til hvordan representantene er oppnevnt og hvordan de ulike interessene er fordelt i styrene. Jeg hevder derfor at selv om politikken og institusjoner er tilpasset de lokale forholdene, så kan det være nødvendig med en sterkere kobling mellom styrene og andre institusjoner, som for eksempel Sametinget og Reindriftsforvaltningen sentralt. Mer konkret, hevder jeg at i stedet for å styrke legitimiteten gjennom å forsøke på å oppnå lik representasjon av brukere på arenaer der forvaltningsavgjørelser bli tatt, fører selve strukturene i systemet – spesielt nominasjon og oppnevning – til ulik brukerrepresentasjon og dermed til at forvaltningssystemet ikke fungerer etter intensjonen.