

## **Decolonialization in the Arctic? Nature Practices and Land Rights in the Norwegian High North.**

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### **Abstract**

Drawing on current changes in nature practices in the County of Finnmark in Northern Norway we reflect upon the ways in which indigenous and non-indigenous locals, in a period of transition, engage with and relate to their environment in a place which is often described by outsiders as remote. Here, nature and nature activities remain central to peoples' identity, their belonging and heritage. Nature is regularly cited as the reason for staying when so many people move away.

Nature practices both unite and separate indigenous and non-indigenous locals. Locals are united in emphasis on hunting and gathering as a significant part of life. Their approach to nature products is also similar. The products procured are kept, displayed, and circulated, as part of performances of identity and community.

As we will show, the establishment of the Finnmark Estate in 2005, caused fear that relations between indigenous and non-indigenous locals, land and natural resources would change. Formally, returning the Finnmark commons to the people of Finnmark was to involve documenting and recognizing user rights to the commons. Non-indigenous locals feared that Sami ties to the land would count for more.

At the same time, the changes of legal structure have implied an opening up of the Finnmark Estate not only to other Norwegians, but also to new groups of tourists that are attracted by wilderness and the prospect of engaging in the same kinds of nature practices enjoyed by different kinds of locals. This article sees the existing nature practices in Finnmark in relation to new nature management practices. We wish to shift the attention from discussions of whether the Finnmark Act favors one ethnicity over another, to a discussion of what local inhabitants are given rights to, and what kind of decision-making power they are provided with.

Keywords: Finnmark, Norway, nature tourism, identity, heritage, indigenous locals, Sami rights

## 1.0 Introduction

Anja is on her way out. It is late July, an early summer morning in east Finnmark, and she will have to go to work shortly. I<sup>1</sup> see her walking purposefully at great speed towards the mountain top some kilometers behind our houses. As I do every time I see her move through the tundra landscape up here in the far north, I marvel at the differences in the way she and I move. She walks straight through the small bushy birches and juniper that increasingly crowd the tundra. Anja needs no tracks, but rather knows that tracks should be treated with suspicion: Most likely they are made by sheep, not the most trustworthy of animal trackers. As she starts walking up hill she turns and responds to my silent question. “I am just going to quickly check the ripening of the cloudberries before I go to work! You know it’s all about getting there first!”

Outside her house, there is the snow mobile, the sledge, the caravan, the ATV (All-terrain vehicle). An outdoor bench top is made ready to clean the salmon that her husband brings back from the river in the bottom of the valley. Anja’s family spends the summers along the Tana River. For centuries, the start of the salmon season has signaled spring, and a moratorium on all other subsistence activities. Towards the end of summer, people will start to joke about being sick of salmon. Sometimes the men will go trout fishing in the mountains, and come back with fat mountain trout for dinner, or they will go to the fjord and spend a week or so fishing pollock, stocking up for the winter. In autumn, when the reindeer must be moved from the summer grazing areas to the autumn and later winter land, everyone must take part. Likewise, upon arrival to the winter land the reindeer are counted and selected for slaughter. For many, the autumn season is also the time for moose hunting. When snow comes, there is grouse hunting. Some weekends after Christmas, the caravan outside her house is loaded onto the snow mobile sledge and driven up to a nearby mountain lake, close to the tents and caravans of friends and relatives. Entire days are spent outside, in scooter clothes, ice-fishing, tobogganing, skiing, grouse trapping, driving snow mobiles and hanging out. For many, this is the best time of the year. After Easter, reindeer are moved back to the coast. In the spring, people often take out fire wood for the coming winter. Then, people will start to wait for the ice on the river to break up, so that the salmon fishing season can begin. This cycle of events is a common regular pattern that constitutes the seasons and seasonal changes for many inhabitants of Finnmark. Not everyone takes part in all these activities, but most people take part in some.

But first, let us turn to this particular region, its affordances, peoples, and the particular forms of decolonization that is ongoing in this region. In this article we use Anja and Lena, to reflect upon the ways in which indigenous and non-

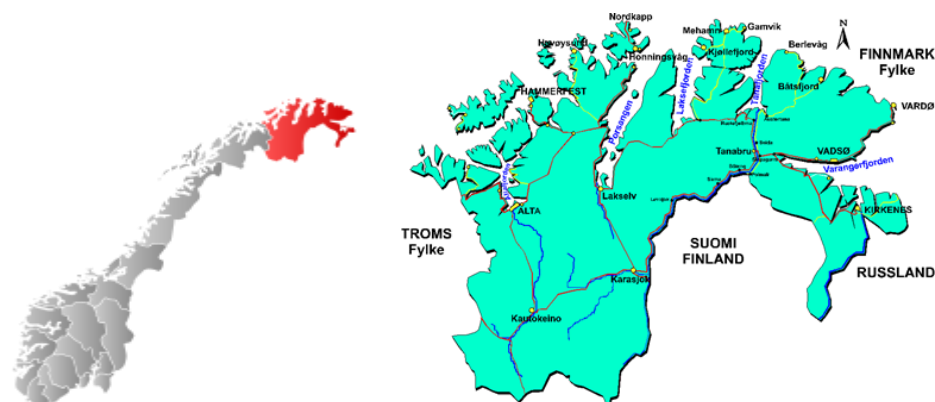
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<sup>1</sup> When we use first person singular in ethnographic sections, we refer to Ween. The authors are both trained in social anthropology, and have done ethnographic fieldwork, including participant observation and interviews in the region. Lien’s engagement with Finnmark started in 1985, when she did 8 months of fieldwork on the coast of the Varanger peninsula. Since then, she has stayed in touch with people in the community, and returned intermittently on short fieldtrips. Ween’s engagement with Finnmark began in 2008, through her work in the collaborative project *Newcomers to the Farm: Atlantic salmon between the wild and the industrial* (NRC 2008-2011). This involves fieldwork along the Tana River during the summers 2009-2011. The authors are also inspired by PhD candidate Stine Rybråten. Stine Rybråten’s work is in Nesseby. The comparisons between Norway and Australia in this article are made possible by Ween’s previous doctoral fieldwork in North-west Australia.

indigenous locals engage with and relate to nature. In the Norwegian decolonization process, nature practices have become central. Nature uses were repeatedly returned to in the 25 years of the Sami Rights inquiry, leading up to the legal acknowledgement of Sami rights, the recognition of the Norwegian state's unlawful acquisition of Sami lands, and the subsequent establishment of the Finnmark Act (2005) and the Finnmark Estate (Ravna 2006, Sillanpää, 1992; Thuen, 2002). These inquiries documented nature uses both from before and after colonization, and involved considerations of local knowledge and local legal perceptions, as well as recognition of immemorial and customary rights (NOU: 1984:18, NOU 1993:34, NOU 1997:4, NOU 2001:34, Smith 2004).

In this article, we draw attention to the tensions that regularly occur in such decolonization processes. We are interested in how processes of decolonization draw attention to and play off essentialized ethnic identities, serving to deflect attention from concurrent bureaucratic processes, such as environmental regulations, often with adverse, recolonizing tendencies. What makes this case example from sub-arctic Europe different from many comparable cases of decolonialization (such as Australia or Canada) is the way in which, for centuries this region has been home to people of different ethnic and linguistic background. Indigenous Sami and non-Sami peoples have inhabited the region side by side long before the emergence of Norway as a nation state.

As we shall demonstrate, this particular decolonization process emphasized that nature practices both unite and separate indigenous and non-indigenous locals. The recent establishment of the Finnmark Estate brought the connection between rights to land and questions of indigeneity to the public agenda. As we shall see, some population groups responded by mobilizing imageries of new forms of ethnic exclusion. Thus, as a decolonizing move, the Finnmark Act caused both hopes and fears. In what follows, we will first describe the Finnmark Estate and the historical colonization of the Sami regions, before we turn to a variety of contemporary nature practices. By introducing contemporary nature practices into the equation, we wish to shift the attention from discussions of whether the Finnmark Act favors one ethnicity over another, to a discussion of what it is that local inhabitants are given rights to, and what kind of decision-making power they are provided with.



*Figure 1.* Finnmark is the northernmost county in Norway. Facing the Arctic sea, Finnmark borders on Russia, Finland and Sweden. Here, 74, 000 people share 50 000 square kilometers of land.

## **2.0 Finnmark and its Peoples**

Finnmark is the northernmost county in Norway, situated in the sub-Arctic. In spite of its northern location, the coasts are rarely frozen, due to the effect of the Gulf Stream. Consequently, Northern Norway is a fertile region for coastal fishing, and settlements tend to concentrate around good harbors. This has made Finnmark an important destination for migration, and the earliest settlements date back at least 10,000 years. Nevertheless, a short summer season and low temperatures imply that there is little arable land, and farming practices in the region predominantly involve hay production and animal husbandry.

Coastal areas of Finnmark are green, with fjords, islands and mountain plateaus falling steeply into the sea. For centuries, small farms, mostly consisting of some grassland and a few cows and sheep have managed to remain viable at the end of the fjords. Hence, small settlements are often found in areas with grass, fresh water from the mountains, and sheltered harbors. Heading up from the coastal lowland, one finds the tundra, miles of open landscape crowded with marshes, short shrubs and lichen. These are reindeer herding landscapes. Every spring the reindeer move against the wind, from these inland plateaus towards the coast.

Large rivers create constant movement in this barren landscape. In inland areas rivers were in many areas the main transportation route up until the 1960s. In the river valleys rich and deep soil gave possibilities of larger scale farming than in the coastal areas. This is also where many non-Sami Norwegians settled when opportunities arose.

Some 74.000 people live in Finnmark. At fifty thousand square kilometers it is the largest county of Norway and represents fifteen percent of the Norwegian territory. The population density is comparable to South Australia, or the Great Plains region of North America. Here, people speak Norwegian, Sami, Kvæn, and Russian. At some point in time, these were predominantly Sami areas. Now, it is almost impossible to determine the relative number of each ethnic group, simply because defining ethnic identity is not a straight-forward task. The Norwegian Bureau of Statistics notes the difficulty in defining Saminess. Its policy is therefore not to provide numbers. In the Sami Parliamentary Act (*Lov om Sametinget og andre samiske rettsforhold*, 1987) a Sami identity is granted to everyone who identifies as Sami, and who either has a) Sami as a home language, b) has a parent, grandparent or great grandparent with Sami as a home language or c) is the child of someone who is registered in the Sami Parliamentary Electoral Roll. Although the number of people on the Sami Electoral Roll is not that high today, only 14 000 members from all over Norway, the number could potentially be much higher. This is because in areas like Finnmark, many people have ‘mixed’ ancestry, including both people of both Sami-speaking and Norwegian-speaking communities. Identifying as Sami is, for them, partly a question of whether or not one chooses to make these relations relevant.

### ***2.1 Nature practices and indigeneity, - to be – or not to be - Sami***

Anja is Sami. She is the kind of Sami that some commentators like to call super-Sami. Her ancestors have dedicated themselves to fight for their right to remain Sami since the start of modern colonisation in the 19<sup>th</sup> century, when her great great great grandfather was beheaded for killing the sheriff in the Kautokeino Rising. She speaks Sami, and so do her husband and three daughters. Her husband is from a

Karasjok reindeer herding family. The family lives in the Sami core areas. They use nature for subsistence in the way Sami have since time immemorial. There are however many other ways of belonging in Finnmark.

Lena could be Sami too. According to the criteria for inclusion in the Sami Electoral roll, she could clearly identify as Sami, as her mother spoke Sami at home when *she* grew up. But Lena herself did not. Unlike Anja, she grew up on the coast in the 1950's and 1960's, when being Sami held a social stigma (Eidheim, 1969). By then, her mother had become fluent in Norwegian and her Sami background was not a topic she talked about. Aware that any indication of a Sami identity would almost certainly trigger some harassment for a seven-year old girl in boarding school, her mother wanted to protect her. So instead of teaching her daughter to speak her mother-tongue, her mother taught Lena to speak Norwegian. Lena never once questioned her identity as a Norwegian. Only very late in life did her mother tell her daughter about her Sami own upbringing. By then, the stigma was no longer an issue, and Lena's children enthusiastically embraced their new dual identity as, becoming a bit of both. Lena herself, however, remains Norwegian" I grew up as a Norwegian, I don't speak a word of Sami, how could I all of a sudden be Sami now?"

Lena's story is not uncommon for people along the coast. She lives on the Varanger peninsula, in a fishing community that was established during the 1960's. The shift towards larger vessels and industrial processing triggered new settlement patterns, and fishermen moved in from small villages to the sheltered harbour. Thus, we find that people with Sami descent came to co-exist with people with Kvæn, Finnish and Norwegian descent and in the spirit of the 1960s, they all 'became Norwegian' (Lien, 2003).

These two are only examples. There are many ways of being Sami and non-Sami. On the coast, there are exclusively sea Sami villages, along with Kvæn communities. Further inland there are river-Sami, what some coastal people would in a slightly derogatory manner call 'Mountain Lapps' (*fjellfinn*). Some are ambivalent about the reindeer herding Sami of the core Sami territories, and feel that they have contributed to Saminess being defined too narrowly. Only a small proportion of the Sami population are able to take part in the stereotypical Sami reindeer herding industry. On the coast in particular, many people are adamant about remaining ethnically ambiguous. As some will often comment, 'In this area, we are a mix of everything'. Some find then, that the public expressions of Saminess do not incorporate the various experiences of the coastal Sami, who through the combined effect of harsh assimilation policies and close social ties with Norwegian speaking people appear today as less 'pure'.

This forms the background for the negative reception of the Finnmark Act (2005). As the act recognised Sami ownership to land, many worried that this legal redefinition and redistribution would threaten their rights to use local resources, and grant such rights strictly to those that identify properly as Sami and that vote in the Sami Parliament. As Lena would comment, prior to the establishment of the Finnmark Act:

"I don't think the right to land should be defined by descent. Why should I have any greater access to berries, fish, or moose hunting than my husband, whose ancestors are from this area as well?"

## **2.2 Nature as space apart from vs. nature as space of everyday life**

Several things can be learned about nature practices and ethnic identities in Finnmark. Firstly, nature is not a place apart. Rather, it is an integrated part of everyday life. In this sub-Arctic region, survival has always depended upon an active use of natural resources. As Anja's description illustrates, the areas traditionally used for subsistence purposes have always been substantially larger than in the south (Schanche, 2002).

If we take subsistence practices as a signifier of ethnic descent, we find that there are few differences. Lena, and her husband whose ancestors are all Norwegian, have also engaged in subsistence practices in a similar way to what Anja and her husband do. With the exception of the activities associated with reindeer herding, most citizens of Finnmark would recognize Anja's seasons. Fishing, berry picking and hunting are part of the annual cycle for most people, regardless of whether they identify as Sami or as Norwegian. Even those who live in larger towns often take part, although the outdoors is more accessible for people who live in rural areas. Being outside, being capable of harvesting from nature is constantly mentioned as reasons for staying in Finnmark. This is reflected in relations of reciprocity. Cloudberries especially move in circuits of gift-giving in ways that constitute giver and recipient, as well as their relation (Lien, 2001). Thus, berries are not given to just everyone, but are carefully kept for special occasions and relations. In this way, affordances of the land are used in claims about belonging, through an active and selective process of inclusion in gift giving. When asked about the reasons for staying when so many are leaving, people in Finnmark talk about nature, living in a similar manner to previous generations, the joy of passing knowledge and nature competence, identity and a sense of belonging to their children. Nature is depicted as a place where 'time goes slowly', as opposed to busy city life (Ween, 2010).

Although the appreciation of moving about is something a number of people in Finnmark share, it is important to note that this single geographical territory presents itself differently to different people. Rather than speaking about 'one landscape', we need to recognise that there are many, enrolled in different kinds of human practices and purposes, and on the shifting configurations of human practices (Ingold, 2000). Although the different landscapes are overlapping, let us—for the sake of the argument—briefly explain what they imply and how they differ.

In the eyes of a Southerner, or a typical tourist to the region, the land is barren; wide, open expanses of quiet wilderness, apparently untouched by human presence. This perspective draws on Euro-American notions of nature as a space apart (Lien & Davison, 2010; Ween & Abram, 2012). Along with this view of landscape a certain morality follows, as described in Ween and Abram's analysis of what in Norwegian is referred to as '*Friluftsliv*' (literally 'life in free air'). According to this morality, prevalent in the more urbanized south of Norway, nature should be enjoyed through bodily exercise, and without the aid of motorized vehicles. This view, and the tensions that emerge, may be illustrated by an episode that took place by the Tana River, where a group of natural resource bureaucrats camped for lunch. As someone (a local) drove past on an ATV, one of the campers (a southerner) looked up and said wryly: "Oh look, a finnmarking practicing for his Sunday walk!"

This southern Norwegian notion of wilderness is, however, an urban phenomena and relatively recent. Traditionally, in non-Sami agrarian traditions, the kind of landscape that Anja walks through would be referred to as 'utmark' as opposed to

‘innmark’ (literally, ‘outfield’, ‘infield’) and indeed this is what locals refer to, when speaking Norwegian. The distinction reflects an agricultural point of view (not a hunter gatherer perspective), but also the dependence of Norwegian smallholders on whatever grew and lived *beyond* their property (such as berries, fish, game, and grasslands for sheep, goats and cows). Such food procuring practices have been secured through the Norwegian judicial principle of ‘*utmark*’ being commons. In Finnmark, 95% of all land is commons. Close access to nature and its resources, and common access to resources is central to a number of people from Finnmark. This decoupling of access from ownership makes the Norwegian regulation of land use quite different from that in, for example, Australia. The point we want to make is that everyone has access to most of the land, including resources such as berries, game and fish, but not to the exclusion of others.

Hence, many locals, and perhaps particularly the non-Sami, engage the entire Finnmark as *one* common, where everyone has access rights, everywhere. Being able to fish, pick berries or hunt without fear of being refused access stands at the core of Norwegian identities. Such perceptions and practices associated with the commons clash, however with Sami perceptions of the land. In the Sami language, the word that corresponds most closely to ‘*utmark*’ is ‘*meahcci*’ (Schanche, 2002). *Meahcci* is also, like *utmark*, for most practical purposes engaged as commons, but instead of being based in notions of the right to roam, it is used according to unwritten rules agreed upon by local communities. Each family in each community traditionally has their user areas. Breaches of existing rules are sanctioned. According to one Sami spokesperson,

“We Sami have never owned land in the way that people do in the West. We have not, as people have in the West, cultivated the land, put up fences around it. But that does not mean that we do not leave traces, tracks and marks. A practiced gaze can see where others have been; where grass has been cut, where people have rested...” (Riseth, Solbakken, & Kittl, 2010, p. 51).

*Meahcci*, in other words, is related to movement and use, and is connected with what the land may offer in a *specific* location. *Meahcci* moreover connects land and peoples. Embedded in *meahcci* is complex networks of user rights associated with particular places and resources (Rybråten in prep.). Thus, this notion of *meahcci*, transgresses the agricultural distinction between *innmark/utmark* disappears. In Finnmark, and particularly in Sami areas, it is often said that the areas defined for subsistence purposes, *meahcci*, was large enough for the local men to disappear for six months at a time (Riseth et al., 2010). At the same time, *meahcci* is the landscape you are in when you leave your house, it is where you find everything you need, grass, lichen berries, fresh water fish or grouse (Riseth et al., 2010; Schanche, 2002). *Meahcci* is the opposite of *luondo*, abstract nature that exists independent of whether one uses it or not (Riseth et al., 2010). Given our description of the ongoing nature activities of Anja’s family, it becomes apparent that *meahcci* to many people in Finnmark, is a much larger area than *utmark* is to most other Norwegians, it can be further away, but also sometimes closer to home.

In Finnmark, the Hunting and Angling Association has a number of members who argue against Sami traditional nature practices, on the basis that Sami use, particularly involved in reindeer herding, makes common land and resources less

available for others. To the substantial number of people who identify with this national NGO, Finnmark is explicitly a commons. Although commons and *meahcci* are used for similar purposes, they are ontologically incommensurable. Not only are these natures spiritually different. *Meahcci* connects with historical narratives that are closely associated with specific localities, and with complex webs of distinct, acknowledged uses and user rights. Commons, on the other hand, is simply associated with communal use. The Hunting and Angling approach to commons is illustrative; it treats all land as equally belonging to all. For this groups' understanding of space it follows naturally to demand recognition of rights of access and use to all Norwegian commons.

Despite ontological differences, in practice, these group's uses of nature are not that different. What these groups have in common however, is that for most people living in Finnmark, the 'wilderness' is not wild at all, but a fine and familiar web of activity-based points of significance and routes in between them, e.g.: spots where the cloudberries are found, riverbanks for salmon nets, forests with elk in the autumn, precious groves for firewood, or flat areas that are ideal for skiing or snowmobiling in winter, and—for the reindeer herding Sami, grazing areas for reindeer and much more. The landscapes brought into being are both the same and different. People engage in similar practices but may think of them differently. Nature practices might manifest identity practices, but not necessarily. Diverse nature practices may occur in the same family, or even be engaged in by the same individual. Sometimes nature practices clash, particularly when a resource is scarce. Often they do not. In Finnmark, nature, as identity practices, must be approached envisioning a foundational fluidity (Kramvig, 2005, Ween, 2012).

### 3.0 Colonized Commons

Unlike in settler societies, where the beginning of colonialism is often marked by a 'discovery' of distant land by an expanding nation state, movements and exchanges between Sami areas in the North and regions further south predate the establishment of the Norwegian sovereign nation state. From early on, the recently acknowledged colonization of Finnmark occurred piecemeal and over centuries (Hansen and Olsen, 2006). In the following we describe how land in what today constitutes the county of Finnmark was appropriated and reappropriated. This historical description is key to understanding the fluidity of identity politics in Finnmark (Kramvig, 2005) as well as the recent strategies chosen as part of decolonizing efforts.

An important transition started in the 14th century, with the development of the Hanseatic fishing industry based in Bergen. Fishermen moved north primarily populating the open coast of Finnmark, which also constitutes the northernmost part of Norway, forcing the local Sami further inland. At this point, Sami areas in the neighbouring counties, Southern Troms and Northern Nordland, were affected by an expansion towards the north. From the mid-13th century, farmers from areas further south were living in areas previously populated by Sami, bringing with them different economic and administrative systems. The strategic expansion reflected not only an economic, but also a political interest in the north, and Christian missionary activity was a central element. The first Church was built in the settlement of Vardø on the Varanger peninsula in 1307, signalling Norwegian ownership to Russians and Swedes (Hansen & Olsen, 2006).



Coastal areas were the first to be populated by Norwegians. From the 17<sup>th</sup> century onwards colonization became more strategic and organised. Sami settlements remained along the coast but were under increasing pressure, both to assimilate, and in relation to an increased competition for natural resources. From the 17<sup>th</sup> century, the Danish-Norwegian kings' needs for land increased with the development of economic markets. At this point, the Sami understanding of rights to land emphasised user-rights rather than property rights, and the *meahcci* had the added disadvantage of not visibly being in use (at least not to an outsider). Combined, these conditions made Sami land *terra nullius* in the eyes of the Danish-Norwegian king, whom at this point claimed the land as his. All land did not however remain as the property of the King; some was leased to members of the aristocracy, sold or given away as gifts (Borgnes, 2003, NOU 2007:13). At this time, Norway was still a colony under Denmark, until the Napoleonic wars in which Denmark lost Norway to Sweden, which included Norway in a union which was dissolved with the Norwegian independence in 1905. The 19<sup>th</sup> and 20<sup>th</sup> centuries are marked by various processes of nation building that were expressed not only politically, but also culturally and linguistically. The interior of Finnmark remained a common area between Sweden, Norway and Russia, until the border between Norway and Sweden was settled in 1751 and with Russia in 1826. As pointed out by the Sami Rights Commission, these settlements established *national borders and sovereignty*; they did not concern ownership rights to land (NOU, 1997:4). Still, in the late 19<sup>th</sup> century, the notion came to exist that the Crown or the State *owned* unsold land in Finnmark. This is known as the State Land Doctrine (Ravna, 2006:67). At this point, a population explosion had made land resources scarce. One third of the able working stock in Norway had migrated to America. In the eyes of the nation state, Finnmark became more important from a resource perspective. Migration to Finnmark was encouraged as an alternative to America. The Land Sales Act of 1863 was created on the basis of such motivations (Ravna, 2006). According to this Act, land in Finnmark could be sold if the sale in question did not conflict with the benefits of the district or with national interests. A special provision was given, forbidding sale of areas that Sami needed for summer pastures (Ravna, 2006). The Land Sales Act was however revised in 1902. In the new Land Sales Act "the benefits of the district" was extended to include the "benefits of the nation." According to the new Act, land could only be sold to Norwegian citizens under special "consideration to advance the Settling of the District, its tillage and other utilisation to fit population, which can speak, read and write the Norwegian language and employ it for daily use" (Ravna, 2006, p. 69). The Act was in other words employed to encourage non-Sami settlement in the region (Jernsletten, 1998). The Act remained in Norwegian law until 1965 (Ravna, 2006). Still, the majority of land in Finnmark remained outside of private property.

Towards the 1920s, in the same spirit, the state further appropriated the highland areas outside of private property in the rest of Norway. State appropriated areas in the south were, however, provided with some level of self-determination. The same rights were however *not* granted to the population in the northern counties (Ravna, 2006). In Finnmark, the local inhabitants were left with no formal ownership over 95% of the land. Although the investigations of the Sami Rights Commission had been on-going for more than ten years, the state in 1993 transferred the deeds to common lands from the Directorate for State Forests to the State Forestry Company (Statsskog SF) (Ravna, 2006).

#### 4.0 Finnmark Act

The process of re-appropriation of what, with the Finnmark Act (2005) was recognized as formerly Sami lands, came after a process that started in 1982 with the establishment of the Sami Rights Commission. This legal narrative regarding the state's relation to land in Finnmark, related in the recommendations of the Sami Rights Commissions (1997), argued that the King's rights to the Finnmark commons was never clear. The acknowledgement that the Norwegian state unlawfully had appropriated the Finnmark commons rests upon an understanding that the Sami, through protracted traditional use of the land and water areas, had acquired individual and/or collective ownership and right to use lands and waters in Finnmark County (Ravna, 2006).

Superficially one could say that the mandate of the Sami Rights Commissions was to establish the grounds for Sami rights in Norway. However, going through the many thick reports that were produced in the course of the last almost thirty years; it becomes apparent that the Commissions' work had a more complex purpose. The reports of the Sami Rights Commissions not only made suggestions as to how indigenous rights legislation could be implemented into Norwegian law and bureaucratic practice, the reports also represented an effort to rewrite Norwegian history to understand the colonizing processes that hardly anyone in the south were aware of, before the Commissions started its work. In its recommendations, the Sami Rights Commission has continuously emphasized heterogeneity, fluidity, multiplicity of traditions and histories. In these documents, Saminess of several different kinds, non-Saminess, as well as Kvæn, Finnish, Swedish and Russian ancestry remains in on-going articulation (Ween, 2012).

In the new foundational narratives written in the Sami Rights Commission's reports, indigeneity is both present and absent. Indigeneity is present as the foundational history of the region and as the reason why the region must be decolonized, and both legally and historically rewritten. Indigeneity is also present as the foundation of indigenous rights, connecting the population of Finnmark to larger international indigenous communities rather than the non-Sami Norwegian population. However, in the overall conclusions and legal framework brought on by the process, indigeneity is made absent: The Sami Rights Commissions took on a reconciliatory approach (Smith 2004). As a result, all new legislation, all efforts to rewrite the legal nature of Finnmark, apply to all citizens of the county, regardless of ethnic identity. Rights are, in other words, attributed according to long-term regional inhabitation rather than indigeneity.

The Sami Rights Process took twenty five years, involving a number of official reports and several investigations. With the Finnmark Act (2005), the formerly appropriated commons of Finnmark were returned to an estate established for this purpose, the Finnmark Estate. Although the Act was adopted in acknowledgement of continued Sami settlement and use, and in recognition of Norwegian obligations according to international law,<sup>2</sup> the architects behind the Act took care to recognize that the county of Finnmark today, due to migrations and a number of colonization processes, is more ethnically mixed than other parts of Norway (NOU, 1997:4). Therefore, the strong Sami interests and rights that represent the foundation of the Finnmark Act have been balanced against the rights and interests of the other groups they share the county with (NOU, 1997:4). In the governing of the county, all groups

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<sup>2</sup> The ILO Convention no. 169, the Rights of Indigenous and Tribal Peoples.

should be equally represented and all must have the same rights (NOU, 1997:4). The structure of the board of the Finnmark Estate reflects this, by having equal members (three from each) appointed by the Sami Parliament<sup>3</sup> and the Finnmark County Council. The board's voting procedures moreover were diversified; so that the Sami Parliament appointed representatives are attributed weight on issues regarding inner Finnmark, (i.e. Sami core areas); while County appointed representatives would have a final say on issues regarding coastal areas, where most of the non-Sami population live. In an effort to recognize rights of ownership and possession, the Act also includes the establishment of a special court to identify people's customary rights to particular areas (Minde, 2005; Ravna, 2006).

We return to the concerns of Lena, and a number of others, who feared that the Finnmark Act would deny non-Sami locals their rights to land, and that only the people like Anja would receive recognition as the original inhabitants of the county. In all its articulations, the Finnmark Act stresses the equal rights of all inhabitants of the county. Today, there are those who think that the Act could go further to protect the indigenous rights of the Sami population. However, the Sami Rights Commission always believed that a differentiated approach to rights in Finnmark on the basis of ethnic belonging would be impossible, both due to the fluid nature of ethnic identity in the region (Kramvig, 2005), and because it would cause on-going strife.

#### **4.1 New Nature Practices**

Still, the establishment of the Finnmark Act did cause strong emotions, fears and sometimes anger, just as the Native Title Act (1993) in its time did in Australia (Ween, 2002). Many fears were based upon misunderstandings; founded on a lack of knowledge of the governing mandate of Finnmark Estate, or lack of precise information regarding the position of ethnicity or indigeneity within the new Estate structure. Even today, many do not know that according to the Act, *all* people in the county of Finnmark are legally attributed rights based on traditional use, but irrespective of ethnic identity. No one will lose such rights due to the establishment of the Act.

In itself, the institutioning of the Finnmark Act brought new nature practices. As a new, governing body the Finnmark Estate represent a nature practice in itself. Finnmark Estate is constructed as a self-financing independent body that governs renewable natural resources in Finnmark. *Governs*, however, is in this connection an imprecise term. According to the Finnmark Act, rights to resources in Finnmark are divided according to three levels. Local inhabitants in each municipality have the rights to fish for freshwater fish with nets, if they have been granted a salmon fishing place, they can fish Atlantic salmon with nets, they can collect egg and down, they can take out birch for heating up their own household, or as wood for fences. These rights are to a certain extent governed by local municipalities who also have the right to expand individual uses of resources for limited periods. All inhabitants in Finnmark moreover have the right to hunt large animals, predominantly moose, to pick cloudberries and to take out the wood needed for handicraft. Finally, everyone, and not just Norwegians, have the right of access to the same resources as they have everywhere else in commons. This includes the rights to hunting and trapping small game, the rights to fish in rivers with rods or other hand held gear. The Finnmark Act

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<sup>3</sup> Samediggi/Sametinget.

moreover states that if resources are plentiful, the rights reserved to local residents can be extended to everyone (Ot.prp. 53, (2002-2003)).

This all sounds well, but only if one fails to consider that the management of nature is, still largely decided by national environmental institutions (see also Jentoft, 2000, Jentoft et al., 2003). It is specified in the Finnmark Act that all national regulations apply on Estate land (Ot.prp. 53 (2002-2003)). Finnmark Estate is in many ways, simply a larger co-management structure than those that govern the commons in the south of Norway. Renewable resources are, in other words, ultimately governed by national legislation. It is, for instance the Directorate of Nature Management (DN) that decides hunting quotas, or which salmon populations in Finnmark Rivers that can be fished. DN and the Ministry of Environment moreover have the authority to determine where new national parks should be established, or other kinds of nature protection areas. These environmental institutions generally approach protection issues as technical and apolitical processes, up until recently, without consideration of cultural rights (Ween, 2009, 2010, 2012). As a large proportion of Finnmark is undeveloped land under environmental legislation, the Ministry of Environment and the Directorate of Nature Management has significant decision-making power in the region. This is often forgotten in discussions of whatever power and influence the Finnmark Estate has.

In a sparsely populated county where nature-based activities are central to many people's everyday lives, environmental laws and regulations also become highly significant. The following environmental laws apply to the territory; the Open Air Act, the Nature Diversity Act, the Motor Transportation Act, the Cultural Heritage Act, Salmon and Inland fisheries Act, Pollution Control Law. Compliance with the above mentioned legislation is required, and two institutions; the Directorate of Nature Management and the Nature Inspectorate, under the Ministry of Environment, are there to ensure that these regulations are complied with. The Nature Inspectorate moreover has six offices in Finnmark. Their job is to both audit the state of nature and to monitor human behaviour in nature, according to the above mentioned environmental laws.

What we find then, is that there are potential conflicts of interest regarding the use of land within and between different environmental authorities, but also, and more importantly for the following discussion, that there are distinct differences regarding *how* land issues and conflicts are interpreted, and according to what principles these conflicts ought to be solved.

## ***4.2 Nature Contested***

The ontological conflicts between technocratic natural resource management institutions and the local populations of Finnmark are substantial. First of all, conflicts arise as natural resource management institutions overlook human participants in their governing of the nature of Finnmark. The institutions' primary concern is the number of habitats and species in need of protection. In their eyes, the environmental problems in Finnmark are increasing, in part because of local nature practices, and particularly those associated with the Sami and reindeer herding.

In Finnmark, many people (Sami as well as non-Sami) argue that the Finnmark common is managed and governed by structures measuring the state of conditions according to the hegemonic ideals of Norwegian '*friluftsliv*', ideals that at their time of origin was associated with nation building processes in the urban South. In this spirit of *friluftsliv* – outdoors activities, nature is a space apart. It is a place to

be enjoyed in one's leisure time through bodily exercise. Being in nature in this context is morally constituted as a low-tech activity. *Friluftsliv* is explicitly associated with a healthy body in a healthy mind (Ween et al., 2012).

For many inhabitants of Finnmark, as we have illustrated, being in nature is more pragmatic. The hunting and gathering activities here are not, as they are in Southern Norway, practices romanticizing past ways of being in nature. To a large part of the population in Finnmark, hunting and gathering activities continue to be significant as a way of life.

After the introduction of the Finnmark Act (2005), the Sami Parliament has insisted that new practice should be established for nature protection processes in Finnmark. Since the early 1990s, Sami all over Norway have protested against the lack of recognition of Sami presence in national park processes (Riseth, 2007). With the Finnmark Act (2005), it became possible for the Sami Parliament to argue that it should be a requirement that nature protection processes should be beneficial to Sami ways of life. It is however still not clear if these negotiations between the Sami Parliament and the Ministry of Environment will have an impact upon how nature in Finnmark is managed.

Riseth et al. (2010) describes that as late as last year, how local people in Kautokeino, in the Sami core area, were upset that the areas they used for food procurement were determined as wilderness by natural resource management institutions, and attempted protected under the name of the Goahteluoppal national park. The notion of wilderness as it was employed in this national park context is problematic on several accounts. It is problematic because the Sami *meahcci* is replaced by wilderness. Here, the use of ATVs and snowmobiles, essential to local uses of nature, become illegitimate. Second, the term wilderness echoes the notion of *terra nullius* that once allowed the Norwegian state to appropriate these lands as 'unused', and 'unowned' land. Third, locals are frustrated because while nature-based tourism are encouraged while the sustainability of local subsistence practices is made invisible. People feel frustrated at what they feel is a painful paradox: That natural resource management authorities do not acknowledge that the areas *they* characterise as wilderness are worthy of nature protection *precisely because* the locals have taken good care of these areas (Riseth et al., 2010).

The recent introduction of the new Nature Diversity Act in 2009 strengthened Sami rights in nature protection processes. Paragraph 8 of this Act opened for a knowledge-based natural resource management regime that takes both scientific and local knowledge into account. Along with the requirement in the Finnmark Act of that nature management should be beneficial to Sami ways of life; these legislative changes have opened to suggestions of new nature protection practices. The Sami Parliament has argued that nature practices should include existing local subsistence practices, but also considerations of future developments of local subsistence practices. Consequently, when new areas are suggested for protection, initial mapping should be undertaken, focusing on the needs and nature uses of locals, including local uses of motorized vehicles (Sami Parliament/Samediggi, SAK 132/10, Riseth et al., 2010).

Negotiations between the Sami Parliament, the involved municipalities, the County Governor's office and the Ministry of Environment are still on going. Significantly for this article, however, is that the fact that they are occurring, and the changes these negotiations imply in terms of acknowledging existing human-environment relations.

### **4.3 New Uses of Natural Resources**

To define nature protection according to human needs is however not that new. Beginning in the late 1990s, Norwegian environmental legislation changed from regarding protection as an aim in itself, to consider protection as beneficial to tourism (Ween, 2009). National nature management policy documents from this period suggest that nature tourism might become the new source of income for people in the peripheries (Ween, 2009). In order to make room for tourists and their economic contributions, natural resource management regimes shifted from emphasising protection of nature as such to focusing on sustainable *uses* of nature.

By Norwegian natural resource management, tourism was perceived as nature practices without impact. Sustainable nature tourism was here simply defined as non-motorized, '*friluftsliv*'-based type activities, exemplified as angling fisheries, berry picking, but more significantly grouse and moose hunting. Such encouragement was authorized by calculations made by the tourist industry that as part of an angling experience, a salmon could be worth a 100 times more than if caught by a local fishermen. Similarly, national park land, as a tourist magnet, was assumed to be almost twice as valuable as agricultural land (Ween, 2009).

Beautiful nature was assumed to be a feature that attracts tourists to Norway. According to investigations of the State Export Bureau<sup>4</sup>, what most tourists like about Norway were the picturesque scenery and the quiet. The Ministry of Environment in turn, began to speculate if the national park status could be employed as a brand label, testifying to the quality of nature (Ween, 2009).

In cases where there is abundance of natural resources, hunting and fishing tourism could be unproblematic. However, when resources are limited, as has recent been the case with salmon and grouse, there are potentials for conflict of interest. Currently, the hunting and fishing tourism experiences on offer in Finnmark entail simple kinds of being in nature (in line with the *friluftsliv* ideal). Those interested, buy hunting and fishing licences and organize their own transport and accommodation (which typically inexpensive and simple). Little effort is made to find new ways to develop the experience and capitalize on tourism: Finnmark is simply left open. As tourism is not organized, and as the Finnmark Estate's role is to govern according to existing legislation, the Estate has not provided locals with much opportunity to influence tourism development. Little is also done in terms of long-term planning. 'First come, first serve' is the ruling principle, for ambitious entrepreneurs; for tourists; as well as for the locals themselves. Potential consequences of uncritically inviting tourist initiatives are conditions, as the Sami on the Finnish side of the Tana River experience, where some locals can not afford to fish themselves because they make so much more money selling fishing experiences to tourist fishermen (Ween, 2012).

For Anja and Lena, this means that natural resources must be shared in new and unpredictable ways: cloudberries may suddenly all have been picked before you arrive, and salmon may be fished up. When resources are limited or when nature is protected, new restrictions are imposed on how nature should be harvested, shifting attention from contemporary hunting-gathering involving sophisticated modern transport forms, to recreational, experience-based ways of engaging nature.

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<sup>4</sup> Innovasjon Norge.

## 5.0 Conclusion: Decolonization and Recolonization; On-Going Negotiations

This paper visits nature practices in Finnmark, in sub-arctic Norway as engaged by two local women and their families. Anja embraces her identity as Sami, while Lena finds the distinction problematic. These are just two ways of approaching questions of ethnic identity in Finnmark. Prior to the introduction of the Finnmark Act in 2005, many coastal people, and especially those without a clear Sami identity, were worried that they would become secondary citizens in the region.

Five years later, such fears still surface in public media from time to time. Despite the efforts of the Sami Rights Commission, processes decolonization, trigger the fear of new forms of exclusion, based on essentialized and dichotomized ethnic distinction.

In this paper, we have underlined the fluidity of identity politics in this region with reference to the history of colonization of Finnmark. By connecting identity to land use we have sought to complicate the picture further, showing how (with the exception of reindeer herding), subsistence practices do not necessarily signify ethnic descent. That is, active uses of natural resources are enjoyed by large numbers of the people living in Finnmark. In this region, as in many places elsewhere where people engage in food subsistence practices beyond their private property, nature is not a place apart. Nature in this context is not wilderness, but an integrated part of everyday life. However, engaging in the same, or similar, nature practices does not mean that people enact the same places.

In a period of transition, following the adoption and implementation of the Finnmark Act (2005) and the Finnmark Estate, identity politics became heated as a result of non-Sami fear of discrimination. However, formally and for all practical purposes, the Act emphasizes *both* Sami rights and equal treatment.

We suggest, however, that a focus on ethnic differences has diverted attention from another set of dilemmas, involving fundamental differences, not only in the uses of nature (recreational vs. food procuring) but also epistemologically. While the nature management governance primarily involves the mapping and monitoring of a non-humanized nature, local usage indicates and on-going engagement of care and adaptation. In this way, we have tried to show how nature practices display concomitant influences of decolonization and recolonization. This involves a questioning, not only of *who* has the right to land in Finnmark, but also of *what* this thing called nature might be, and a recognition of the many different practices through which people's immediate surroundings are constituted.

Despite this on going ontological politics, we will not however prophesize future on-going strife. Only up-close ethnographic descriptions of existing conflicts, as well as studies of local attempts to destabilize these, within the existing management structures, will indicate the whether the Finnmark Estate will become more or less a common.

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