

# Below the public policy surface: Local reality and popular resistance against the Finnmark Act

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Ladies and Gentlemen, organizers, I thank you for providing me this opportunity to give the audience some small insight into the realities of the Finnmark Act.

As the background for the Finnmark Act is duly introduced, I would like to dedicate this brief orientation to account for some aspects of the resistance that the Finnmark Act has met on a local level. As the Act itself now is being implemented by the board of the Finnmark property and its administrative units, which is managing the resources more or less in the same line as its predecessor, the State, there is an persistent resistance against the Finnmark Act and Sámi rights to land and water, especially in the coastal areas and towns like Alta and Hammerfest. Why is there resistance against a law that pleads for justice for the Sámi population, as well as for the many local communities for whom the law aims at secure the rights to land and water, according to long time and customary usage?

First: what is resistance? The resistance towards the Finnmark Act was, until the first bill was rejected by the Sámi Parliament, of a more subtle kind, which according to James Scott, is typical of resistance that comes from non-organised groups: protests, non-cooperation, silence and ignorance. But after the Sámi Parliament rejected the first proposal because of its shortcomings when it came to meet the requirements of the ILO 169, and the proposal was sent to two different expert groups for evaluation, the debate took off. This was partly due to the contradictory conclusions in the respective evaluations, one that favoured the Sámi Parliaments' view and one other that rejected the first Expert Committee's report. The Parliament Committee of Justice, on its own initiative, initiated the consultation institute in order to get the Sámi Parliament's and the Finnmark County Council's view on the Finnmark Act.

At the same time, a central politician representing Finnmark in the Parliament, Olav Gunnar Ballo, said that the report written by Fleischer was a "slaughtering" of the report and favoured the view of the Sámi Parliament, and that the implications of this were the start of a process towards the privatisation of Finnmark. This view was the starting point of a more organised protest against the Finnmark Act. In 2005, a few months before the Finnmark Act was going to be presented for the National Parliament, an initiative to start a petition was taken by a few individuals from the socialist left party and communist party, to persuade the government to say no to the Act. The argument was that the Finnmark Act would lead to privatisation of the commons. The petition got 11, 000 signatures, which is a significant number in Finnmark, where the total population is only around 70 thousand people. This did not seem to have any great influence on the government parties or the largest opposition party, the labour party. The Parliament voted for the law in 2005. In the spring of 2007, a press release stated that a new organisation was going to be established. It was called Etnisk og Demokratisk Likeverd, EDL, which translates to Ethnic and Democratic Equality, implying

that the Sámi were now in the role of suppressors of the majority population. Their mission statement was to work against privatisation of Finnmark.

Soon it became clear that it also worked against special treatment on ethnic basis, that is the EDL's definition of special privileges for the Sámi. They believe in entitlement to land for individuals or local communities, to be a representative organ for the common access to the property, and maybe most importantly, to remove the ILO 169 preferential status in the Finnmark Act. According to a pamphlet issued by EDL 2008, the ILO 169 is not valid within the Norwegian context because the majority of Sámi do not fulfil the requirements to be considered an indigenous people because they are assimilated into the population at large, that is demographically, by trade and industry, economic and social conditions and further not by having their own, characteristic traditions, customs or political institutions. The words in this pamphlet were written by a former Sámi leader and intellectual.

The EDL currently has 680 members, and it has been quiet for some time now. But there is reason to believe that they are supported by a large portion of the population in the coastal areas. Furthermore, the initiators belong to blocs within the labour party, the socialist left party and the liberal democratic party. These parties have the majority of votes in the National Parliament. The liberal democratic party even got two representatives into the Sámi Parliament with the political goal to put down the Sámi Parliament from within.

The point here is that the EDL movement and the blocs within the national political parties represent a longstanding opposition towards Sámi ethnopolitics within both the Norwegian and Sámi population.

### *The introduction of property in Finnmark*

The fact that the Finnmark Act in itself does not discriminate amongst any ethnic groups does not seem to have reassured those who are against the Finnmark Act. That is partly because the worst is yet to come. The work of the Finnmark Commission has been established to investigate all previously existing informal rights based on the principles of long time usage or customary usage, as individuals or groups in local communities may hold and recognise individual or collective use rights, entitlement or other rights. This process is, according to the resistant voices, expected to lead to a process of privatisation of the former state commons in which the Sámi will be allowed special rights according to their status as an indigenous people. According to this line of thought, the majority can be excluded from the "common goods of nature" (*felles naturgoder*),<sup>30</sup> previously secured equally for all by the state.

Finnmark has been considered as a state common where all have the equal right to lead an outdoor life without any limits on movement or on where one can fish and hunt, despite the fact that the local communities have had their territories, defined by how they have adapted their usage according to the prevalent resources necessary for the household viability over time. However, there have never been admitted, defined or recognised, any formal property

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<sup>30</sup> Within a Norwegian context, natural resources and access to natural areas is perceived as a common good for all. The right to outdoor life is considered an important part of the welfare of the people. The right to access is secured by "Friluftsløven" - the "Outdoor act" - of 1957. The feeling that this right is threatened in Finnmark by the recognition of indigenous and local rights has led to protests.

rights to individual or group rights in the local communities of Finnmark. Thus the concept of property rights and duties are largely unfamiliar within the context of Finnmark.

Therefore, the Finnmark Act as it is formulated, does indicate that there will be an introduction of formal property in some sense or another, and this will contribute to a change the relationship between different groups of users. Today no one is quite sure of what that will mean, which is where the source of conflicts lie, and which is partly why the resistance has gained terrain. The public is imagining that Finnmark is going to be divided into small property areas where the common people do not have any access, or that their access will be limited by local people, private owners and local administrations, once the Finnmark Commission has ended their work.

#### *What, or who, is forming a resistance?*

As we are very accustomed to think in ethnically “clean” categories, it is easy to dismiss the resistance as individuals within the Norwegian majority population forming racist arguments, while the victims and the oppressed are the Sámi. The ILO Convention 169 says that everything should be done according to *their* tradition, *their* consent. This word ‘their’ forms for us a neat and clean sociocultural category, that of indigenous people.

But according to my data, the majority consists not only of those of Norwegian descent – on the contrary, quite a large percentage has a Sámi background. According to my informants, the difference is that that they think that their ethnic origin should not form the basis for demands to rights to land and water. Its easy to dismiss these voices as the assimilated Sámi, the victims of the colonising state who have taken on a Norwegian identity, and hold Norwegian values. But I would argue that a great part of the resistance could come from the majority of the Sámi population; a Sámi population that rejects the legitimacy of the Sámi Parliament and the Sámis’ status as an indigenous people by abstaining from enrolling in the electoral role, who protest against the Finnmark Act, and in general hold a different ideological basis for their political choices.

#### *The recognition of another Sámi public?*

It is understandable that the ethno-political movement mobilised during the current Sámi revitalisation process, which has succeeded in establishing an institutional network to promote Sámi issues and which moves towards self-determination in central matters (with the Sámi Parliamentary system at the top) to a large degree neglects such points of view. Should they be responsible for taking into consideration and mobilizing the Sámi outside the electoral roles?

There has been a very long processes of professional investigation and continual political pressure from Sámi organisations and the Sámi Parliament on behalf of Sámi rights and the Finnmark Act, mainly directed towards the state level and the international level and as a interaction between the state and representatives for the Sámi political and professional leadership. On a local level the question of what kind of rights that are to be recognised remains unclear and a source of conflict.

Maybe the Sámi Parliament, and other responsible politicians in the future, must address the Sámi that still remain outside the electorate and take into consideration competing political ideologies held by these groups? Maybe even a systematic analysis of radical political points of views from organisations like EDL can lead to a more enlightened Sámi public in the long run? However, this is not enough. The major Norwegian political party needs to deeply reconsider their ideologies and their policies concerning the Sámi as an indigenous people. A few, quite a few, of those who initiated the creation of the EDL organization are also central politicians in the labour party. So when there are questions of access and control over territories over natural resources, at least we should be playing with all the cards, from all sides.

Thank you.