Mountain Areas in Norway as Attractive Rural Communities and Urban Recreational Playgrounds:
Challenges to a Mountain Policy

Paper for Nordiska Kommun forskarkonferensen
Åbo 2013

Policy Formation and Influence in Norwegian Mountain Municipalities:
Representative and stakeholder democracy

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Preliminary version indeed. Quote not recommended.
Abstract
Norwegian mountain municipalities and regions are governed by a multitude of laws and political bodies on the local as well as the central level (Skjeggedal, Arnesen, Markhus, Saglie, & Thingstad, 2001; Skjeggedal, 2005), all set up with the good intention of securing democracy in the decision making processes. Different and sometimes contradicting interests meet in these areas and issues, which gives reasons to ask questions about the conditions of democracy (Arnesen & Riseth, 2008; Sandström, Hovik, & Fallet, 2008; Skjeggedal, 2008). Measures have been taken to enhance the authority of the local level in the governing of the mountain regions, among other by setting up the mountain boards. The municipality is an important actor in this system, as it is both the elected political body and carrier of the values of the local representative democracy, and responsible for implementing state policy for the mountain areas. There are contradictions between the two, as there are contradictions between protection and use of the mountain areas.

In this paper we untangle the different forms of democratic arrangements that interplay in Norwegian Mountain municipalities, enlightened by theory of representative and stakeholder democracy. We have narrowed the empirical focus down to that of area use questions in the mountain areas. In the paper, we delimit the discussion to the relation between representative democracy and stakeholder democracy. We ask what kind of democratic role the municipalities play in governing the mountain regions, according to the formal arrangements they are a part of. Further, we ask whether the forms of democracy that are practiced are in accordance with the intentions of the law-makers and the values of the local people for how the mountain regions should be governed.

Areas of contradicting interests
Norwegian municipalities have for decades played an important role in local development, especially the small municipalities. This role was from the 1960ies in particular concentrated on supporting industrial development. The municipalities have, however, also engaged in the work for place development, infrastructural measures and other local development areas, such as recruiting new inhabitants and leisure activities. Though the scope of themes for local development may have widened and the weighing of the themes has changed, the basic aim remains: to keep up the municipality as a vivid and thriving local community (Ringholm et.al. 2009). The municipalities that are located in the mountain areas are without exception small, and thereby vulnerable to changes in population and industry. Agriculture and forestry has traditionally been important in many of them.

The last decades tourism has been understood as a road to economic and social development for rural and mountain communities, and since the early 1990s it started to represent a way to implement sustainable development on a local scale (Hall et al. 2009). Tourism is also identified as one of the key issues of importance in the development of the world’s mountain regions, concerning both opportunities and challenges (Godde et al. 2000). Protected areas are a part of this development, and they are increasingly being seen as instruments of regional development in a development of innovative products and services, including tourism (Hammer 2007). This is also the case in Norway where several national and local strategies are focusing on protected areas as part of regional development. All these efforts are based on a generally increased demand for experiences and access to rural and wilderness areas, which amongst other are implied by changing attitudes towards the environment and increased mobility (Hall and Page 2006, Hall et al. 2009). Researchers
disagree on to what degree a regional development based on tourism actually benefits rural communities, and there are of course several potential positive and negative impacts. What is crucial is to manage such a development appropriately and base it on the principles of sustainable development, promotion of local resources, and a knowledge-based development.

The numbers of permanent residents in Norwegian mountain areas are low and declining (Arnesen et al., 2011); thus the local electorate is shrinking. On the other hand Nordic rural mountain areas are increasingly utilised by non-rural actors and users (Fløgnfeldt, 2004; Hall & Müller, 2004). Similar processes are seen in many mountain areas around the world (Price, Moss, Williams, Messerli, & Ives, 1997), including European countries, i.a. the Alps (Perlik, Messerli, & Bätzling, 2001; Perlik, 2010) and the Americas (L. A. G. Moss & Glorioso, 2012; L. A. Moss, 2006). Especially noticeable is the increasing presence of recreational actors, and agents acting on behalf of national nature area protection regimes. In combination, a shrinking local electorate and expansion (in numbers and by authority) of “external” actors, effectively means shifting the point of gravity in power away from “locals”. The political status of these actors is not clarified.

One group of particular importance is second home owners, of whom the majority have their permanent residence outside rural areas and mountain municipalities. A view of second home owners as purely “external” is disputed (Arnesen, Overvåg, Skjeggedal, & Ericsson, 2012; Arnesen, 2007). They are recurring but not permanent inhabitants, and by the fact that they own land and a house, they are permanently present in the community as economic agents. Albeit “external”, they are politically present and active in the mountain communities, but their unsolved political and democratic status is a matter of frustration both for the local governments and for the second home owners themselves.

Another “external” party with considerable regulative influence are agents representing the national nature protection regimes. Many mountain municipalities claim to experience a domain takeover with loss of local authority and power to central authorities in quite substantial stretches of their mountain area as a consequence. This is manifest in the management of national parks and adjoining landscape protection zoning. National park and landscape protection management regimes are controversial, and are often contested by different local actors¹. A particularly contested topic in some regions is the national policy for maintaining a sustainable population of large carnivore. This seems to cause a sustained tension especially between agricultural interests dependent on exploiting outfields grazing resources and the national carnivore policy.

¹ USS is an organization of Norway’s outlying municipalities. In total 80 municipalities are members of USS – located in 15 different counties. The primary objective is to protect the interests of the municipalities in all legal matters concerning outlying areas. For instance USS provides legal assistance concerning the protection and use of the outlying areas, management plans, problems within predators and driving in outlying areas. USS is one focal point of the discussions on controversies between local authority interests and the nature protection regime. One illustration of the conflict situation is found in their statement relating to amendments in the nature protection law (USS 2012).
Left map illustrates the imprint second home developments makes on mountain municipalities, here shown as those mountain municipalities that have more second home than first homes. The right map shows protected areas and mountain municipalities.

These tensions between local authorities and “the others” in the governing system of the mountain areas could be analysed by conceptualising groups that can claim the right to influence the policy for these areas; the electorate and others with some sort of a stake in the issues at hand – the stakeholders (Arnesen, 2007).

Representative democracy is practiced through the election of deputies for political bodies, and is rooted in the idea that one person can voice the interests of many (Thompson 1976, Held 1987). We find the institutions of representative democracy on the local, the regional and the central level. In Norway, the idea of local self-government is deeply rooted, however also permanently contested. There is also a discussion of a possible eroding of representative democracy in Norway (Christensen, 2004; Ringen, 2009; Selle & Østerud, 2006; Østerud, Engelstad, & Selle, 2003). Another aspect regarding the democratic setting of the mountain area policy is the multi-level democracy (Reitan, Saglie, & Smith, 2012), a concept that describes the many facets of the relation between the local and the central level of the democratic steering system.

Collaborative network arenas have gained ground as a tool for policy development, often described as a transition from government to governance. Governance has become a catchword in explaining some of the changes and challenges in planning and management processes, also in a Norwegian context (Hovik & Vabo, 2005; Røiseland & Vabo, 2008). Governance represents changes in coordination of public policy where possibilities for use of authoritative means in hierarchical

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2 Local government in municipalities was established by law in 1837 in Norway.
structures is reduced and replaced by alternatives organised in networks. Networks are often defined by relations of mutual dependence between actors, and decisions i.a. has to be based on negotiations between public and private actors (Røiseland & Vabo, 2008). Authority is partly moved from electorate-democratic bodies alone to a network where also private individuals, voluntary organizations and business partners participate.

The observations of democracy coming in new shapes have urged new concepts in order to understand the policy making and the distribution of power between the different actors. Stakeholder democracy is one such concept. The stakeholder concept is adopted from the business sphere, and paired with democracy into stakeholder democracy it is developed as a response to what has been conceived as shortcomings of the representative democracy. Even if many interests are voiced through the elected bodies, there will always be many that are not. The inclusion of stakeholders in the decision making process serves several purposes. The stakeholders contribute on the input side, with knowledge and views, and they contribute on the output side, with resources and capacity for producing solutions and implementing them. There are close theoretical relations between stakeholder theory and steering principles like governance (Rhodes, 1997; Røiseland & Vabo, 2008) and collaborative planning (Healey, 1997; Wondolleck & Yaffee, 2000).

Bringing knowledge, solutions and implementation capacity into the policy making process can, and often will, give stakeholders influence over the policy making. Stakeholders can, indeed, be included in the policy making process also for reasons that do not come with influence of power (Arnstein, 1969). This is illustrated by Schmitter (2002), through his division into seven forms of interests, or "holders". One type of holders, the right-holders, he defines as those with the political decisions and the authority to make decisions - in other words the representative democracy. The other six categories of holders are can be divided into two groups. The first group consist of the actors who are directly affected by the policy: 1) the space-holders, those who are spatially affected, 2) the share-holders, with ownership interests, 3) the stake-holders, who are affected in other ways. The second group consist of actors whose reason for being involved is not that they are directly affected or have their own interests to protect. These are 4) the knowledge-holders, who are there because they have knowledge that is important for the policy formation, 5) the status-holders, who are appointed by the authorities or others, and finally 6) the interest-holders, who do not participate directly, but are those behind the appointment of the status-holders.

The questions regarding the governing of the mountain areas are, firstly, what formal positions the different type of "holders" are given in the rather entangled system that is set up for governing the mountain areas. Secondly, how this system works with regard to solving the central land use questions and dilemmas of the mountain areas. In this paper, we ask these questions in particular with respect to the possibilities the municipality has for making its own decisions in shaping a local policy for the mountain area. The "holder-typology" is not meant to be a strict model for the analysis, rather as a heuristic device for the discussion.

Data from the mountain areas
We have collected qualitative data from 6 Norwegian municipalities: Vinje, Tinn, Lom, Skjåk, Lierne, Nordreisa. The collection of data has been performed in three phases: 1) initial meetings, 2) one-day workshops and 3) personal interviews. In this paper, we present two cases of policy questions and the role of the municipality in the decision making process.
Initial meetings

During March 2012 we had the first meetings with the six municipalities. The purpose of the meetings was to give them information about our research project and to achieve a general picture of what they see as challenges concerning the mountain areas in their municipality. The information from the meeting was then the basis for discussing how we should conduct a one-day workshop (theme, participants, etc.). After the meeting we wrote a summary, and this was sent to the participants of the meeting for comments.

It was up to the municipalities to choose who they would invite to the meetings. In the inquiry to the municipalities it was written that we would like to meet "political and administrative leaders, the most appropriate professionals in the municipal administration and other key actors in the development of mountain areas within business and management", without specifying further who should be involved. In four of the municipalities the major participated, in one the deputy major, and in one the major could not come. From 4 to 7 persons from the municipalities participated, in addition to 2-3 researchers.

One-day workshops

In June and September 2012 four one-day workshops were held in the case study areas (Lom/Skjåk, Tinn/Vinje, Lierne and Nordreisa). The purpose was to discuss selected themes, which are of importance for the regional development of these areas. Themes were selected in cooperation between the municipalities and Eastern Norway Research Institute. The themes were:

- Lierne: Management of protected areas, with a focus on the knowledge-base for management.
- Tinn/Vinje: The new regional plan for Hardangervidda (suitability of different zones – including buffer zones).
- Lom/Skjåk: Development of nature-based tourism in the mountain areas, in protected and non-protected areas, in areas with and without wild reindeer.
- Nordreisa: Can the increased focus on protected areas be positive for the development of the region?

All workshops also opened for discussion of other themes as well. After the workshops we wrote a detailed report based on audio recordings.

It was up to the municipalities to choose who they would invite to the workshops. In the inquiry to the municipalities we wrote:

"We think that the participants of the workshop mainly should be local actors (industry, landowners, politicians, officials etc), which is able to present and communicate their views. But also relevant non-local actors can participate. We think that it should not be more than about 15 participants, so that the workshop can take place as a conversation around a table. Some participants should be encouraged to prepare short presentations.

This is our preliminary proposal for the workshop, but we welcome any suggestions from you both on themes, who should participate and how it can be organized. “
It was mainly the municipalities themselves (our contact-person) that suggested participants, and
who they would like to ask for a presentation. This was done in consultation with ENRI.

**Personal interviews**

After the meetings and workshops there were a number of questions that needed to be investigated
further, by extended, personal interviews. We conducted altogether 36 such interviews, primarily in
the period November 2012 to January 2013. 10 in Vinje/Tinn, 8 in Lierne, 10 in Nordreisa and 8 in
Lom/Skjåk. Interviews were conducted face to face in respondents’ place of work or residence. One
was done by telephone. The respondents were in advance given a list of topics for the interview. The
interviews were conducted by an semi-structured interview guide which was not strictly followed, as
the local conditions differed. Between 1 and 3 researchers participated in the interviews.

The interviewees were selected by the researchers, partly after discussions with the municipalities.
Many of the interviewees had also participated in the one-day workshop, but several others are
included. The choices were based on knowledge from the initial meetings and workshops, and on
suggestions from our contact-persons in the municipalities. The interviewees are politicians (mostly
majors), officials (from the municipalities and the county governors), leaders of destination
management organisations, leaders and owners of tourism companies, managers of national parks,
reindeer owners/ herd-ers, leaders of national park centers, leaders of local industry association,
leader of a community common. The interviews were recorded on a voice recorder, and printed as
an internal working paper in this project.

**Outfield Land Use in Mountain Municipalities.**

**A context.**

Focus is on the function of mountain municipalities and outfield land use policy as decisive in public
regulation of exploitation of resources in the mountain massif. The topic is surprisingly complex.
Above we have shown how mountain municipalities are sparsely populated with abundance of
space. One might be tempted to draw the conclusion that “the density” of society is low, so decisions
of land use should be fairly easy to reach and enforce. But that would be a too hasty conclusion.
Rather the picture involves interactions between an already complex apparatus of representative
and appurtenant executive bodies operating within the frame of public law, and land owners and
servitude holders exercising rights according to private law. The state is a stakeholder in both realms,
though often split on different sectors in the state. Private actors are there both as citizens being
represented in political bodies, as land owners or servitude holders in outfield land, and finally there
are institutions as stakeholders to attend to private ownership. As a paramount observation, since
the 60-ties the issuant of ecology and associated expansive nationally defined nature protection
policy schemes, diminishing outfield farming practices and increasing recreational use of outfield
land has affected and complicated the balance of power between central government and local
government3, and between real property rights and policies for the common good. The figure on
page 3 is a good illustration of the extent outfield land in mountain municipalities is characterized by
external processes as national park developments and second home developments in a situation

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3 New institutions such as a nature supervision act (1996) empowering central government executive site
representatives the authority to enforce nature protection laws, and not the local police force, could be seen as
an indication of how power structure in outfield land has tilted towards central government.
where the demographic development is an impending threat. And in the midst of this, the mountain municipalities must produce and enforce a policy of outfield land use on the municipal territory, a policy they in general claim to be an important tool in community development.

From a local municipality perspective, the institutional and policy formation processes relating to outfield land use and development policy in the massifs, can be summed up in the following bullet points:

- In local planning processes mountain municipalities have to deal with a considerable number of actors in the governmental apparatus and have to and act in accordance with a number of laws.
- Municipalities are by law given the competence to do land use planning, including self-approval of plans. To balance this, a number of governmental executive bodies are given the right to raise a demurrer, or give a warning that a demurrer might be raised, effectively slowing and even halting a local planning process. As can be seen in the next figure, this in particular involves the County Governor and the County Council. The contested issues very frequently is related to how to develop outfield land in the so called and not very well defined buffer zone to national parks and other protected areas, which in turn is protected by an act that superior to the act by which municipalities are running their planning process. Recent developments with appointing a national parks board i.a. with representatives from the municipality council served by the Regional Governor is intended to mitigate the experience of loss of authority by local electorate over their territory. It is still too early to assess whether this will have the intended effect.
- As can be seen in the figure on page 3, a high number of mountain municipalities have more second homes than first homes. If anything, this trend is strengthening. It is still an unresolved issue how to include second home owners in local policy processes, but for a more superficial hearing. As stakeholders with a local rooting as owners of a plot of land and a house, second home owners and second home ownership is of importance and needs to be included in both regulatory regimes and local fiscal regimes.

Below we will look into these and related challenges in outfield land policy in mountain municipalities from a more analytical perspective.

The political bodies that govern the mountain areas

We may for analytically purposes see two aspects of land use policy. (1) The formal or procedural aspect, being the policy formation procedure as run by political representative bodies and according to public law within the governmental procedural apparatus. (2) The material or input aspect: Stakeholders that influence and are regulated by the policy. These may partly be represented in the processes as or by proxy (representatives and those represented), or only by directly and in principle lobbying own interests in the decision making processes. Of particular interest are those stakeholders that by private law exercise owner or servitude rights to outfield land.

There are a number of public laws of particular interest that regulate outfield land use policy formation in the mountain municipalities four, but to simplify the picture we will focus on:

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four This is a list of laws that relates to outfield land use in two ministries: Beitelova, Bygdeallmeningsloven, Dyrevelferdsloven, Dyrevernlova, Fjellloven, Fruyluftsloven, Grannegjerdelova, Jordskifteloven, Konsesjonsloven, Kulturminneloven, Laks- og inlandsfiskloven, Lov om jord (jordlova), Lov om konvensjon om reingjerder, Lov om reinbeitekonvensjon, Motorferdselsloven, Naturmangfoldloven, Naturopsynsloven, Naturskadeloven,
• the Planning and Building Act (PBA) regulating all kinds of land related uses in the municipal territory. Municipalities are given competence according to this act.

• the Nature Diversity Act (NDA) whose purpose is to designate land for protection at various levels. National government are given competence according to this act, and decisions according to this law are legally superior to the PBA.

Both are enabling acts, and the assessment of politicians and the government administration at any time that will decide how different interests are balanced and prioritized (Buggge, 2009).

As a unitary state the National Assembly is given the competence to approve laws. The principle of legality applies\(^5\). There are three levels of political bodies electing representatives by voting, corresponding to three geographical levels: the Parliament, a total of 19 County Councils at the regional level and a total of 430 municipal or local councils at the local level. 89 of these are categorized as mountain municipalities.

Municipal or local councils are assembled according to election results. A municipal executive board is appointed among local council members according to the ratio dictated by the election result\(^6\). Ratio representation in the executive board is based on the idea that the board should establish a consensus in political deliberations encompass and mirror the composition of the municipality council. This consensus based model for political processes at local level gives local politics a tendency towards pragmatic solutions.

The Local Government Act (LGA) regulates the framing of local democracy, and states that local government should be exercised within a national “fellowship”. From a political point of view, municipalities are allegedly autonomous, and could act ad lib as long as it is not illegal (legality principle) or runs across the distribution of competence and tasks among institutions of the state, municipalities included. In practice there is a potential tension of how this autonomy is exercised at the local level related to the understanding that the power of the municipality is “delegated state power” (Stokstad, 2012). It is accepted that though municipal autonomy should be kept quite strong, it is limited by the way they are financed through the state budget and by a large number of statutory responsibilities given in laws and regulations. A recent white paper from the Ministry of Local Government and Regional Development deliberates on an on-going debate in public as well as research in Norway, and concludes with the statement that “there has been an increase in both the scope and the degree of detail of the States directing of the Municipalities” (Ministry of Local Government and Regional Development, 2012, page number...).

State administration has two levels of organization. The ministries and a number of directorates providing executive power within various sectors operating nationally. At the regional level 19

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\(^5\) requiring all law to be clear, ascertainable and non-retrospective. Decision makers are required to resolve disputes by applying to legal rules that have been declared beforehand, and not to alter the legal situation retrospectively by discretionary departures from established law.

\(^6\) A few major municipalities exercise a parliamentarian model where the executive board is appointed by and among the majority political constellation in the municipality council, but this model at local level is the exception and not the rule. The rule is appointment to the executive board by ratio.
County governors are matching the 19 County Council. Of relevance in the present context are ministries regulating land use issues in outfield land, mainly:

- The Ministry of Environment as responsible for protected areas policies and the Nature Diversity Act
- The Ministry of Local Government and Modernisation as responsible for the Planning and Building Act regulating municipal land use planning
- The Ministry of Agriculture and Food responsible for a number of acts regulating agricultural and forestry exploitation in outfield land
- The Ministry of Petroleum and Energy regulating laws that allows for hydropower and wind power – both important in outfield land based industries, but also environmentally challenging.
- The Ministry of Transport and Communications responsible for telecommunications, aviation, public roads and rail transport, all important for development in mountain municipalities.

Of the many directorates and agencies, the most interesting in our context, are:

- Norwegian Environment Agency whose role is to monitor the state of the environment, convey environment-related information, exercise authority, oversee and guide regional and municipal authorities, collaborate with the authorities of relevant sectors, act as an expert advisor.
- Norwegian Water Resources and Energy Directorate whose mandate is to ensure an integrated and environmentally sound management of the country’s water resources.
- Norwegian Public Roads Administration with the overall responsibility for developing the road network.

The County Governor is the administrative representative of the Government intended to be the connection between the state and the municipalities with executive and implementation power. The County Governors are subordinate to the Ministry of Government Administration, Reform and Church Affairs, but some offices within the governor’s office are also subordinate to other ministries in their respective duties. The main responsibilities for the Governor include controlling and being an instance of appeal for municipal decisions, and the main instance for exercising state regulation of agriculture and local environmental impact.

The land use plan is legally binding for the landowners’ future use of the land. Although the municipalities have the authority of the land use plan, the plan is obliged to safeguard “both local, regional and national goals and interests...and it should be based in the municipal planning strategy and in guidelines and orders from regional and national governments” (§ 11-1). PBA-procedures thus have the ambition to coordinate activities of the state, regions, municipalities, land owners etc.

The state ensures the national interests participation in the local planning processes. In addition regional and national goals and interests concerning outfield land are communicated/imposed to the municipalities mainly by:

- central government expectations, provisions and guidelines.
• protecting areas according to the Nature Diversity Act by a process that includes municipalities and other actors. Protected areas must be taken into the municipal plan, but is regulated outside PBA. 18 % of the land area in Norway is protected, and 70 % of this area is in the mountain areas. In the mountain municipalities on average 30 % of the area is protected, and nearly all of this is within their mountain areas. (Arnesen et al. 2010). National park (IUCN cat. II) is the most common category of protection.

According to Bugge (2009) most conflicts on land use between authorities are solved in the planning process. If it is not solved it may be raised formal objections to the plan, which means that the final decision eventually can be taken by the Ministry of Environment / The Ministry of Local Government and Modernisation. Bugge (2009) argues that this implies that “A municipality can therefore in practice not approve land use that the national government disapproves; it is the national government that has ‘the last word’” (120-121).

In an attempt to avert the discontent voiced by local interest in national park policy the Ministry of Environment established in 2011 national parks and protected areas boards to be appointed by and among the municipal council from the municipalities comprised by the national park in question. The regional governor acts as a secretariat, and also has the power to raise a demurrer when disagreeing with decisions made by the board. Since these boards are new institutions, there is little systematic knowledge about their way of functioning in practice, or indeed whether they are tools for enabling the local level to a better balancing of use and protection in the mountain areas, or as conflict subduing institutions in the relation between central and regional state authorities and local authorities.

All in all this adds up to a fairly complex apparatus and process facing municipalities at “the bottom” of the governmental structure when running their planning and local development processes. The directorates and agencies mentioned above – as well as more than 10 other authorities - plus the County Governor, County Council and neighbour municipalities have the right to raise a formal demurrer or appeal in municipal planning processes according to the Planning and Building Act. This has proved a very effective tool, but also in a rather frequent and uncoordinated practice causing much frustration at municipal level, in objecting to land use and development plans prepared by municipalities. Demurrers are resolved either by arbitration lead by the County Governor, or if unresolved at this level, decided finally on by the ministry with competence according to the Planning and building Act. Thus demurrers raised in municipal planning is a good indicator of activity in the planning and decision making apparatus, and most frequent conflict of interests between local level politics and national level politics. The figure is an illustration of demurrer practice in 2011 restricted to the demurrers against mountain municipality plans and decisions. As can be seen demurrers raised by the County Governor is where the majority of the conflict of interest is originating for a number of considerations relating to municipal land use issues.

7 The government elected in September 2013 has decided to move the responsibility for PBA away from The Ministry of Environment to The Ministry of Local Government and Modernisation.
Figur 1: Demurrers against municipal plans and decisions in land use issues in 2011. If an authority raises less than 2 demurrers this year, it is filtered to simplify the picture. Green circles are authority raising the demurrer, and brown are on what consideration the demurrer is raised. The total number of demurrers is following the hyphen. Red numbers are showing the number of demurrers in the relation. Source: KOSTRA data. Graph produced by Gephi software and Yifan Hu Proportional algorithm.

Land ownership, land use policy and stakeholders
Land ownership is regulated by private law and subordinated to public law regulations. In Norwegian mountain areas there are commons and privately owned land. Commons are crown land or community owned commons. On crown land local farmers have servitude rights to exploit resources relating to farm activity. The Mountain board (not to be confused with the National park board) appointed by the municipal council, but not subordinate to political bodies in their operations, manages use of the area for agricultural purposes, and for hunting and fishing. In community owned commons it is the local farmers who jointly own these properties that manage them, within the regulations of land-use plans and relevant laws. Commons are only found in southern-Norway. Private ownership, servitude rights included, can be divided in three parts:

- The State. The state owns crown land and is also a private land owner, foremost in the counties of Troms and Nordland in northern-Norway where they own substantial parts. It is Statskog SF –
the Norwegian state-owned land and forest enterprise – who has title to the land on behalf of the state.

- Farmers. In mountain outfields land, farmers may have servitude rights in commons, and / or may hold the title to land. An important delimitation of the municipal land-use plans authority is that it cannot be used to regulate ongoing agricultural activities. They must be regulated on the basis of the agricultural legislation (Bugge, 2011), though subordinated to nature protection regulations as national parks etc. Farmers with servitude rights in commons in mountain areas are represented as servitude holders by the Mountain board. Together with Statskog they are given the authority to exploite resources in the various commons. The board of 5 is appointed by the local municipality council, but operate as a land servitude holder institution independently of the municipality council. Locally though, the board is important in development policies.

- Private actors. This can both be quite extensive outlying properties, or small plots for second homes. Especially the latter category has grown in numbers. Mountain areas owned by private persons is quite small compared with the other forms of ownership, but their numbers are quite high.

- Sami reindeer husbandry is a special case in Norway. They do not own land, but are given the servitude rights to graze on different kinds of properties, and where the delimitation of these areas is regulated by law.

Land owners who want to change the use of their areas, to for example second home and tourism developments, can suggest this as part of revisions of the plan. The suggestion will be judged by the municipality, in a process where other stakeholders and the public in general have a right to comment on the suggestion.

Land ownership in the mountain areas are continuously under change and debate. The decrease in the number of local farmers and a substantial increase in the number of second homes owners from urban areas are two important trends in Norway.

Four types of claims to have a voice in land use policy formation and implementation.

Given these governmental policy formation procedures and a stakeholder matrix consisting of both land owners and the general public, some with the right to vote and thus be represented in the procedures, others by possible lobbying their interests through the process, it is possible to sort out four types of claims to be involved by stakeholders:

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\begin{array}{|c|c|c|}
\hline
\text{Stakeholder claims platform:} & \text{Member of the electorate} & \text{strength of claim rests on the argument that voter proximity creates a preferential position toward the general voter} \\
& & \text{"Local"} & \text{Non-local} \\
\hline
\text{Land ownership/servitude} & \text{Holding land title or servitude claims} & \text{I} & \text{II} \\
\text{strength of claim rest on the argument that owning land or servitude in itself provides a fair basis for having a voice} & & \text{Strong stakeholder claims} & \text{Moderate to strong stakeholder claims} \\
\hline
\text{No Land title or servitude claims} & \text{III} & \text{Moderate to weak stakeholder claims} & \text{IV} & \text{Weak stakeholder claims} \\
\hline
\end{array}
\]
Two cases
In all the municipalities that we have been gathering data from, parts of one or more national park and/or other protected areas is located. This fact colours the discussion about how the mountain areas can be a resource in developing the tourist industry, whether as second home owners or for shorter visits. The practical questions that de discussion is about differ, however, due to local variations in geography, ownership of outfield areas, type of protection and exploitation, and type of tourism as well as volume of it.

In this paper we will present experiences from two cases: Nordreisa and Lom/Skjåk. There are in other words two municipalities represented in one of the cases. The two are neighbour municipalities, and have much in common. The initial meetings and workshops were arranged with actors from both the municipalities together.

Nordreisa is located in the north – i Troms county, Lom and Skjåk in the southern part of Norway, in Oppland county. While the latter is geographically a “traditional” mountain region, Nordreisa stretches from the mountain areas and down to the sea. In both cases, the considerations for the reindeers affect the practical solutions that are available; tame reindeers in Nordreisa and the protected wild reindeers in Lom and Skjåk. Two national parks affect Lom and Skjåk; Reinheimen and Breheimen, while Reisa national park is partly located in Nordreisa municipality.

None of the two areas are particular “hyttekommuner” (second home municipalities) they are located just a little bit too far from the larger centres to be especially attractive for this. The second homes there are, are mostly owned by people from the local area, the nearest municipalities. The debates on the role of tourism do therefore for the most part revolve around how to accommodate the needs of the short time visitors in a way that do not violate the restricted areas.

In both cases there are in particular two themes that stand out as common and important:

1) The way the National Park Councils work
2) The experienced lack of understanding of local variation in the bureaucracy of the state protection institutions

The National Park Councils
In both cases the dilemmas regarding the National Park Councils were pointed out, and in that connection also the role of the national park administrator. The administrators have the professional and administrative responsibility for the running of the national parks. They are a part of the county governor’s staff, though located in a national park municipality. The governing authority for the national parks is placed in the National Park Board. This board is appointed by the Ministry of environmental affairs and the affected municipalities along with the county authorities is represented in the board, along with other relevant actors, like the Sami parliament (Sametinget) and the Wild reindeer board (Villreinstyret). In one of the boards, Breheimen, a land owner is also a part of the board.
The national park councils were set up in order to enhance the local participation in steering and development of the national parks. They are nevertheless subject to the same legislation and state policy as any other political body or private actor who may want to take steps for local development that affects the protected areas. If the board makes decisions that the county governor disagrees with, the complaint will be decided on by the Ministry for environmental affairs. The initiatives from the boards and upwards in the system go via the respective political bodies that are represented in the boards – the municipalities, counties and other.

This scarcity of real decision making authority for the national park boards causes both puzzlement and frustration among the municipal actors, and indeed also for the administrators, especially because they regard the signals and guidelines for the use of the national parks as both vague and contradicting. The absence of a clear and unambiguous framing of the boards’ role and authority is by some of the interviewees hampering the engagement and effort for developing the national park areas, since one never can be quite sure of what will actually be accepted. This attitude is closely related to the other important theme in the local discussion, the central bureaucracy’s (lack of) understanding of the local conditions and differences.

The protection bureaucracy

There is a common opinion in the two cases that the state administrators that are handling the issues of balancing use and protection is, and has always been, on the professional, protection side of the issue. This, it is pointed out by the interviewees, is natural, considering that it is the protection laws they are set to administer. The guidelines regarding use for local development and business purposes, are vague and of little help for the bureaucracy, while the protection laws and guidelines are far more exact and detailed. To detect these opinions among the local actors is neither new nor surprising. They are in accordance with other recent studies, for example that of Bay-Larsen, who has studied protection planning in northern Norway (Bay-Larsen 2010). Her conclusion, after an in-depth study of the planning process, is that “…the national environmental authorities ignored the potential environmental authorities partly ignored the potential strengths associated with combined use and protection.” (Bay-Larsen 2010:357).

The local actors that we interviewed do in general consider the county governor’s people more attentive to local differences and circumstances, than they do of those in the central state agencies. They also emphasise that despite a certain degree of understanding, they are also constrained by the regulations. We were also told that the central politicians in general tended to display more understanding for the municipal’s view than the administration. The evidence of this is anecdotal, however well in accordance with observations of such differences from many policy areas.

Summing up

From the presentation of the different “holders” involved in the governing of the mountain areas, the municipalities appear at first sight as far from being the “right holders”, those with the decision making authority. The puzzling construction of the national park boards adds to this impression and places the municipalities rather as “knowledge holders” concerning the use of the protected areas. In many practical cases this is undoubtedly correct. The full data material also holds other evidence – of local policy being carried out with the help of patience, knowledge and negotiations with central
authorities and other local actors alike. One of the interviewees suggest with regard to the protection rules being conceived of as rigid: “If one consider these frames more like a balloon, that they can be stretched, and that one nevertheless can be inside, the ministry may think that they can have this room, as long as the balloon does not burst.” His point being that the rules should be more of a framing type than today’s detailed legislation. This opinion builds on a year-long experience of local actors, municipalities and others, both adjusting and appreciating the protection regime, along with the growing consciousness that the protected areas can be a resource for commercial interests. Therefore it will also be in the interest of the commercial users to keep up these areas.

It remains to be seen how the municipalities in fact form the role of a developer in this fairly new political space that they are given through the “Mountain text”. We know from many studies that Norwegian municipalities have long experience in creating innovative solutions (Teigen, Ringholm and Aarsæther 2013), and interesting new ways of using the mountain areas may appear.

References


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Opladen: Leske and Budrich.


Umeå: Borea Bokforlag.


