Preface

I have been interested in animals for a long time. In part this interest is derived from a general interest in nature. I like to walk in the woods: I like to see if not the animals themselves, at least signs that they are about. I have also been interested in property issues for many years. I am curious about the possibility to understand such complex social issues as people’s relationships to one another in their making proprietary claims to other living things. I am also curious about why the rules governing social relationships with respect to particular animals vary so much from one place to another. It was out of my general curiosity that this study began to be formed. My quest has been neither to judge good property regimes from bad, nor even efficient from costly or inefficient ones. Rather, I am interested in the formation and change of property regimes concerning claims on animals – in how property regimes have come to be as they are, and in what ways and why they have come to differ. At the outset of my study, I began with an assumption that differences arise in part because of the different ways that people value animals and in part because of differences among and between animals and the contexts within which they are found.

In looking for a case I was drawn to an animal that is found in Norway, the country where I now live. Reindeer continue to be valued in Norway both as wild animals and as owned (or “tame”) animals. While this would usually mean at least two distinct populations, this is not the case with the reindeer in Norway. Instead, a continuum between these commonly polemically-claimed categories is found both with respect to the behaviour of the animals and in terms of the bundles of rights claimed with respect to them. Claims on them are found to accommodate properties of reindeer: that as biological entities reindeer evolve; they eat (sometimes the crops of others); and they move. Another reason I became interested in reindeer is that there is a long and rich history of an interface between reindeer and people, much of which is documented and accessible in Norway. Finally, questions raised with respect to the indigenous Saami people and their claims of indigenous rights to natural resources of the tundra of Norway are issues that will continue to be central with respect to property claims in the years to come. The more I learned about reindeer, the clearer the history emerged and the richer the detail elaborating it, the stronger my conviction became that conventional property theory was inadequate for explaining the emergence of property regimes, particularly with respect to migratory animals.
My theoretical understanding of the formation and reformation of property regimes has emerged together with the study. Originally I attempted to analyze reindeer property regimes using the framework provided by Oakerson for common property regimes (1992). However, I soon encountered difficulties. Although providing insight, the framework proved inadequate for explaining some of my initial findings. A project of my study consequently became to generate concepts and theory to both understand and analyze variations in reindeer property regimes over time. The conceptual approach, referred to here as the General Property Regime (GPR) framework, is presented in Chapter one. The GPR framework begins with a recognition that there are multiple and diverse actors. Diverse actors have pluralistic beliefs, values and interests with respect to reindeer – and the agency to pursue their interests. As a consequence, rather than one property regime being created to lay claims on reindeer and the associated resource of land, actors’ willingness and ability to pursue their interests often results in multiple and complex property regimes being created – and re-created. In addition to a general presentation of the framework, the chapter includes definitions of central concepts used in the study.

The second chapter presents the methodological approach as well as the methods used in six phases. The phases, although not as distinct in practice as their presentation might imply, capture the dual aims of the study: namely, the process of inquiry and the creation of a product of that inquiry – here both a study of reindeer property regimes and development of theoretical concepts to understand them. The processes are recognized as being iterative; moving back and forth between developing the case and developing the conceptual approach to it. The phases include: gaining a preliminary understanding, choosing a case and concepts, development of the case, presentation of the case and analysis of merits of concepts, and analysis of the case. The final phase is a reconceptualization of categories and concepts in light of the empirical evidence of the reindeer case.

Following this is a brief introduction to reindeer property regimes in Norway. This sets the stage for three empirical chapters (Chapters 4, 5, and 6) relating the history of the formation and reformation of reindeer property regimes. In analyzing the information gathered for the cases, three periods roughly defined by the increasing scale of central decision-making arenas emerged: namely, local, national and international. The three chapters are divided accordingly. Chapter four presents the emergence of property rights claims on reindeer. Property regimes associated with both living and slain wild reindeer were initially agreed to
among Saami communities. Once claims were made to the rights to access and use living reindeer, there was a consequent need for rules concerning obligations – to care for the animals, to ensure that they did not destroy others’ property and to create a means to ensure that others respected a claimant’s right to secure the benefit from the extra effort required in caring for the reindeer over time. In other words, even historically we have evidence of complex rule regimes (rights, obligations and constraints to both) associated with claiming reindeer.

Chapter five relates the increasing role of the state from the middle of the eighteenth century. On the one hand, we find that the state is directly involved in forming, and reforming, laws and regulations with respect to reindeer and reindeer herding. On the other hand, the state is seen to pursue other interests entirely – but where their decisions and actions are seen to affect Saami reindeer herders nonetheless. This is particularly the case with respect to the state’s exercise of sovereignty and their promotion of farming in areas historically used by Saami herdsmen as pasture for their reindeer. Differences, not the least between farmers and herdsmen, introduce a politics of property. Different actors seek out decision-making arenas in line with their own interests. One result is the creation of multiple - and at times overlapping – reindeer property regimes. While the state is seen to become increasingly central, practices of the Saami herdsmen are also recognized as influencing reindeer property regimes. Specifically the chapter includes a discussion on earmarks, theft and the diverging claims of farmers and herdsmen to unmarked reindeer.

Chapter six opens with a discussion of the changed context of post-World War II Norway. In the far north, Norway was faced with a formidable reconstruction project. Internationally, the state became actively involved in efforts to secure human rights through international agreements. In this changed context, Saami – including Saami herdsmen – have come to define themselves, and be recognized by others, as an indigenous people. Both the state and the Saami have thus become actively involved in international decision-making arenas. Perspectives, beliefs and interests in reindeer herding vary: they include, for example, recognition that reindeer herding provides the basis for both a primary industry and a living culture. While the two ideas (and consequent uses of reindeer) can be mutually enhancing, there is no inherent reason that this is necessarily the case. In practice, multiple and overlapping reindeer property regimes are found; again the result of property politics. The
outcomes of struggles over reindeer property regimes are consequently found to be contested and negotiated.

The final chapter of the study relates the empirical findings back to the GPR framework presented in Chapter one. The study concludes with a discussion of a social approach to property regimes that at the outset recognizes actors and their differing ways of valuing reindeer. Some of these ways of valuing are private and some are social. Social interests including such things as interests in culture and safety are recognized as introducing obligations and constraints with respect to reindeer property regimes. Agents are found to pursue their differing ideals, ideas and interests in different local, national and international arenas. As a consequence, different actors may apply rules from different decision-making arenas in the same place and with respect to the same animals. When this happens, it is found that property regimes may contradict and conflict with one another: this sets the stage for the politics of property.

The research process was more difficult than I anticipated. Fortunately, I have had assistance and support of colleagues, friends and family along the way. Without them, I would not have completed this project. My gratitude to each is deep.

The study was made possible through a stipend from the Norwegian University of Life Sciences. It has been carried out at the Department for International Environment and Development Studies, Noragric. Noragric has provided me with both professional and friendly colleagues and staff. Their help and encouragement has been invaluable in the many phases of my study. I have, for example, had the benefit of direct access to the Department’s thematic library and to our two dedicated librarians: Ingeborg Brandtzæg and Liv Ellingsen. Their help in identifying and accessing documents from our own collections, other Norwegian collections and international collections has been invaluable. The amount of information available through computer access has greatly expanded – just during the period of my study. Our librarians have assisted me in honing my search skills, as well as stepped in when my efforts have fallen short.

I would also like to thank Thor Larsen for the original inspiration for this work and for encouragement and support along the way. My appreciation and thanks go also to Trygve Berg for his idea about reindeer, as well as to both him and Gufu Oba for comments on early
drafts. Special thanks also to Kjersti Larsen for her comments on many early drafts and additional advice provided throughout the course of the study. I would also like to thank Hugh Beach for sharing his expertise on reindeer and Saami and for taking the time to comment on my work at two different phases. And, my thanks to Rebecca Lawrence for her great help in editing large portions of the final document.

Throughout the course of the study, I have also had the incalculable benefit of guidance from both Cary Fowler and Tom Burns. Cary Fowler has been an integral part of this study from its inception. High professional standards combined with broad insight have continually been revealed with his clear comments to my many drafts. Through a series of small steps he was able to guide me throughout. Thank you, Cary. My deep gratitude also goes to Tom Burns. Without his help and encouragement, this study would not have been completed. He took the time to not only read – but to understand - what indeed it was that I was trying to say. His extensive experience, insight and guidance have been central in first assisting me to fully develop my ideas and later to present them.

While academic guidance has been central, I could not have completed my study without the support and encouragement of friends and family. Specifically I would like to thank Elizabeth de Jong for the hours (and miles) when she lent her ear to listen to my endless contemplation and for her many constructive ideas, some of which I was able to follow. I particularly appreciate her recognition and championing of the importance of creativity in the research process.

I am also indebted to my parents and to my late grandmother. Together, albeit in quite different ways, they laid the foundation for the way I see the world and my interests in trying to understand a small piece of it. My grandmother, a college-graduate herself, remained curious – in part through reading and discussing books - throughout her long life. My father inherited her love of books – and has passed it along to me. In addition he has an avid interest in: hunting for (relatively obscure) information, a fascination for detail, and an eye for seeing how small pieces fit into larger ones. My mother has provided me with a solid, enduring – and not the least – loving base from which I know that I can always draw strength.

Finally, my love and thanks to my husband, Rune. There was a time when I thought that this study was everything: I was wrong. Thank you, Rune, for enduring my obsession, and for
loving me regardless. Thank you for helping to put things into perspective – for your encouragement to keep going and in your sustained belief in me throughout many different phases. Thank you for being there when I have needed you. And, last but in no way least, my love and thanks to our sons, Erik and Glenn, for the perspective they offer through their joy of life and for their ability to maintain a sparkle in mine. My only regret is the times when I have been so busy looking down at my papers that I have missed their growing up.
Sammendrag

Historien om etableringen og reetableringen av overordnede regimer for tilgang, bruk og styring når det gjelder reinsdyr i Norge er lang, innholdsrik og godt dokumentert. Sentralt i historien står samefolkets rolle og deres krav om rettigheter som urfolk til naturressurser i de nordligste områdene.


Denne studien fokuserer på dannelsen og endringen i eiendomsregimer når det gjelder reinsdyr i Norge. Målet for undersøkelsen er å bruke forbindelsen mellom samer og rein som middel til å:

- forstå framvekst av og endring i eiendomsregimer
- identifisere kilder til motsigelser og konflikter som ligger i de kravene på ressurser og goder som framsettes.
- utforske hvordan konflikter utspiller seg - regulert eller uregulert, løste eller uløste – og konsekvensene av disse prosessene;
- studere eiendomsopolitikken og på hvilken måte og i hvilken grad den påvirkes av ikke-eiendomsrelatert politikk og regelverk, og
- identifisere andre faktorer som virker inn på og former eiendomsregimer, inklusiv uforutsette virkninger av både regelverk og utenforliggende hendelser, som ulykker.

Jeg begynte med å forsøke å analysere eiendomsregimer rundt reinsdyr ved hjelp av Oakersens modell for eiendomsregimer som gjelder allmenninger (CPRs) (1992), men den viste seg å være utilstrekkelig. CPRs-modellen tar utgangspunkt i ressursene og stipulerer et sammenfall av interesser rundt disse. Dette bildet kjennetegner et samfunn med harmoni og likevekt hvor overordnede regimer er enkle og upolitiske. I min studie viste det seg at samspillet mellom interessene var av en spesiell art. Det var derfor behov for å utvikle et konsept og en framgangsmåte som kunne brukes til å forstå og analysere variasjonene i eiendomsregimer omkring reinforvaltningen over tid. Resultatet er et anslag til en modell for et generelt eiendomsregime (GPR-modellen - General Property Regime). Dette innebærer en dynamisk og historisk tilnærtingsmåte og en erkjennelse av at regelutformingen er delvis betinget av historiske samhandlinger og strid mellom parter.


Sammendrag


Drøftingen av alliansene mellom aktørene gjøres ut fra hvordan de dannes, og hvordan partene velger ulike arenaer ut fra deres kognitive perspektiver, verdisyn og behov. Et eksempel er at samiske grupper i Norge gikk sammen om å appellere til myndighetene under forhandlingene som ledet til Reindriftsloven av 1933. Etter andre verdenskrig slo norske, svenske og finske samer seg sammen og dannet Nordisk sameråd, og i de siste tretti årene har urbefolkninger over hele verden samlet seg for å skape en felles identitet, bla a gjennom Verdensrådet for urbefolkninger).

Felles interesser kan samle svært ulike interessenter, som i Altasaken da miljøvernaktivister og reindriftsamer slo seg sammen for å protestere mot kraftutbyggingen. I dag er det mer vanlig at miljøvernaktivistene støtter myndighetene, som f.eks. når de protesterer mot samenes bruk av moderne transportmidler som snøscootere på vidda.

Når det finnes et spekter av ulike regler og mange ulike interessegrupper, viser det seg i praksis at aktørene ikke nøyer seg med å implementere regler og systemer, men at de velger hele eller deler av det overordnede regimet strategisk for å realisere sine mål og visjoner. Dette er tydelig i Trollheimen-saken hvor grunneierne søkte støtte i det regelverket som var implementert av Landbruksdepartementet, mens reindriftsamene på sin side forsoke å finne støtte i regelverk og fortolkninger som lå til Miljødepartementet. Ut fra de anerkjente partenenes respektive ideer, overbevisninger og interesser, foretar aktørene på den enkelte arena sine egne prioriteringer og lager sine egne regler og prosedyrer, og ikke minst velger de hvem de vil anerkjenne som legitime parter.

Eiendomsregimer som gjelder reinsdyr – eller tilknyttede goder som uansett påvirker eiendomsregimene – er et lite oversiktlig felt. Det omfatter ikke bare rettigheter, men forpliktelser og begrensninger. Hver av aktørene har sine overbevisninger, verdisystemer og interesser som gjelder:
- Tilgang
- Forvaltning og kontroll
  o Utnyttelse av ressursene
  o Forvaltning av godene
  o Hva slags risiko dyr, fordringshavere og samfunn skal utsettes for
- Fordeling av gode og kostnader

Den typen krav som er forbundet med rettigheter står sentralt i de stadige konfliktene mellom reineiere og bønder. Det samme gjelder prinsippet om felles ansvar som ble etablert ved Lappeloven av 1883, og som fortsatt gjelder i dag.

Også regimene for reinforvaltning viser seg å være mangfoldige, som det framgår av det spekteret av målsettinger som finnes i forskriften om reinforvaltning og Lov om reindrift av 1978: Å øke kjøttproduksjonen, ivaretakelse av samisk kultur, å sikre reineierne et stabilt og sikkert utkomme og å ivareta bosettingene i Norges nordligste områder. Målene omfatter både økonomiske målsettinger og sosiale tanker om å ivareta samisk kultur i tillegg til nasjonale oppgaver som å beskytte norske borgere. Det er ingen grunn til å tro at disse målene vil underbygge hverandre i det praktiske liv.


Sett i lys av mangfoldet av ulike strategiske drivkrefter, og alle de komplekse og mangfoldige styringssystemene som finnes, er det ikke merkelig at det finnes konflikter. Det finnes mer eller mindre klare retningslinjer for hvordan rettighetskravene skal legitimeres, til hvem og hvordan goder skal fordeles og hvordan ressursene skal brukes. Funnene i denne undersøkelsen viser at konflikt og kamp er uunngåelige bestanddeler i et livet eiendomssystem, og at det derfor er nødvendig å ha prosedyrer for å håndtere konflikter og fremme forhandlinger mellom partene. Det er også behov for bedre koordinering for å utvikle beslutningsarenaer.

Staten har en viktig rolle i disse prosessene fordi den står sentralt både i de politiske prosessene og i utforming av overordnede regimer for eiendom og andre samfunnsområder. Staten har en tradisjon for å gripe inn med krisehåndtering, konfliktløsning og oppfølging av temaer som råderett, utvikling, solidaritet og andre emner som ikke har direkte sammenheng med eiendomsregimene. De kritiske hendelsene har i følge staat bl. vært: Nedgangen i viltbestandene (siste halvdel av 1800), stengningen av den russiske grensa for reindriftsamer (1852), reduksjon i beitemarker (begynnelsen av 1970-årene) og Tsjernobylulykken (1986).

I hvert av disse tilfellene har staten intervenert gjennom å fremme politiske direktiver. Gjennom sin inngrapen hevdet dessuten staten at den løser konflikt. For eksempel har staten gjentatte ganger fremmet lover og reguleringer myntet på konfliktløsning mellom reineiere og bønder. Bortsett fra i den senere tid har staten i størst grad støttet bøndene med det uttrykte formål å fremme distriktsutvikling.

Sammendrag
At statens handlinger påvirker reinsdyrforvaltningen indirekte, vises tydelig ved bla Lapppekodisillen av 1751. Avtalen anerkjenner samenes historiske bruk av de nordligste områdene til reindrift. Når både norske og svenske myndigheter valgte å anerkjenne samenes rettigheter som en del av sine territoriale strategier, var det fordi de samtidig så at dette økte statenes muligheter for å styrke sin territoriale kontroll over områdene.

Et annet eksempel er statens gjentatte innsats for å fremme solidaritet, ofte gjennom tiltak for å fremme homogenisering. Det ble følgelig satt inn tiltak for å bedre samenes materielle betingelser og levestandard. Andre statlige agendae som har påvirket reindriften, er tiltakene for å utvikle infrastrukturen i områdene. Det langsigtsige og samlede resultatet av disse prosjektene opp gjennom historien, har vært at samene har fått redusert og splittet opp sine beiteområder. I tillegg har statens inngriper bidratt til å etablere tenkemåter, verdisyn og interesser omkring både reindrift og andre tilknyttede ressurser. Den har både påvirket reineiernes makt og posisjon, og samenes stilling og handlekraft generelt.


En annen forandringsfaktor er at det oppstår nye perspektiver, verdisyn og egeninteresser inkludert nye fortolkninger, tanker og muligheter om hva det er mulig å eie. Ikke minst har holdningsendringer når et gjelder miljøvern og dyrevern ført til endring i lover og regler som regulerer når, hvor og hvordan man kan jakte på rein og utøve reindrift. Det viser seg også at endring i regler og regelsystemer springer ut fra ulike syn på hva som er hensikten med eiendom generelt. I tillegg til å fremme de individuelle interessene, rettes det krav som skal sikre bredere samfunnsinteresser som omfatter så vel samenes rettigheter som tiltak for å ta vare på miljøet.

Denne undersøkelsen bekrefter dermed verken det sammenfallet av interesser som søkes i CPR-modellen, eller at det ligger noen form for forutbestemmelse ut fra de prosessene som ligger bak den aktuelle situasjonen. Derimot viser den at det dannes et system ut fra aktørenes oppfatninger av, og gjenkapinger av historien og av historiske hendelser. Til tross for deres ulike behov, har aktørene felles interesser av å ha et godt system, og i å samarbeide om å få systemet til å fungere. Systemer oppstår med andre ord ikke ut fra behovet for forenkling, men ut fra felles interesser av å ha et system i seg selv.

Mens GPR-modellen gir innsikt i hvordan og hvorfor eiendomsregimer for reinforvaltningen har oppstått, blitt utformet og revidert, viser denne undersøkelsen også at det ikke er tilstrekkelig å bare se på eiendomsregimer for å forstå hva som skjer. Undersøkelsen viser derfor flere kontekstuelle forhold som ligger utenfor det generelle eiendomsperspektivet, men som like fullt påvirker eiendomsregimer for reinforvaltning. Blant disse kontekstuelle forholdene finner vi eierforhold til goder, teknologi, utenforliggende hendelser, utilisiktede konsekvenser og selvsagt politikken i seg selv.
Summary

The history of the creation and re-creation of rule regimes concerning access, use, control and management of reindeer in Norway is long, rich and well documented. Central to this history is the role of the Saami people and their claims of indigenous rights to the natural resources of the far north. Over time, the Saami tamed reindeer and some came to move together with their animals. Reindeer came to be important not only as sources of meat and hide, but as a foundation for a living culture: the Saami came to value reindeer diversely and pluralistically. South of what came to be politically designated as reindeer districts, reindeer were valued as game. Later they also came to be valued as a natural part of the environment. Currently reindeer are valued as both wild animals and as owned – or tame – animals. As these are not distinct populations, the diverse and pluralistic claims made with respect to reindeer are found to overlap creating the basis for conflicts.

The study focuses on the formation and change of property regimes with respect to the reindeer of Norway. The aims of the study are to use the Saami-reindeer nexus in Norway:

- To understand the emergence and change of property regimes;
- To identify sources of contradiction and conflict in the claims made on resources or goods;
- To explore how conflicts are played out – regulated or not, resolved or not – and the consequences of these processes;
- To examine the politics of property, including the role and impact of the politics of non-property issues and policies on property regimes; and
- To identify other factors that influence and affect property regimes, including unintended consequences of policies, and exogenous events including accidents.

Initially an attempt was made to analyze reindeer property regimes using the Oakerson framework for common property regimes (CPRs) (1992): it proved to be inadequate. The CPR approach takes its starting point with the resource and assumes a convergence of interests concerning it. Communities are characterized by harmony and equilibrium: rule regimes are considered to be simple and apolitical. In this study convergence of interests is found to be a special case. An additional aim of this study became to generate concepts and theory to both understand and analyze variations in reindeer property regimes over time. The result is the General Property Regime (GPR) framework. It entails a dynamic, historical approach. It recognizes that rules are formed contingently, in part because of historical interactions and struggles among agents.

The GPR framework begins with actors and their relationships. It recognizes multiple actors, including large communities. Rather than defining a category of property, the numbers of actors provide an indication of the potential for conflict and conflict resolution. Actors are recognized as being diverse with pluralistic values. There are, for example, important differences between Forest, Mountain and Coastal Saami. There are also differences between Saami herders and Norwegian farmers, differences between the Ministries of Agriculture and Environment, and differences in the interests of the Norwegian and Swedish states. Particular attention is given in the study to the multiple and diverse roles of the state and its agents. The interests and ideas of the diverse actors with interests in claiming reindeer are seen to change over time. New actors emerge; others redefine themselves in efforts to become more visible and to gain influence.
Actors exercise agency both with respect to their pursuit and use of goods, and in their strategic choices and actions to form and reform rule systems to govern their interactions over the use of goods. This multi-level approach also recognizes the active pursuit of both individual and social interests – through political struggles, in policymaking, and in the concrete use of the resource (and associated resources). Reindeer are alternatively claimed as: a basic necessity – a source of food and warmth, a nuisance, a source of sport, a basis for maintaining a language, a part of nature and a part of the cultural landscape. Diverse - and often overlapping - claims are also made with respect to the associated resource of land. The GPR approach pays attention not only to actors’ cooperation but also to their struggles and conflicts. It targets political struggle and negotiation of rules and policies as important areas of investigation. Diverse agents tend to imply multiple and contradictory ways of evaluating and making judgments. Subsequent contention and struggle over resources means that outcomes are likely to be uncertain, delayed or blocked.

Actors’ alliances are discussed in relation to where and how they form, and to in what ways actors choose between arenas in accordance with their cognitive perspectives, values and interests. For example, Saami groups within Norway came together to jointly petition the government during negotiations of the National Herding Law of 1933. Following World War II, Saami from Norway, Sweden and Finland aligned and created the Nordic Saami Council. And, in the last three decades, indigenous peoples throughout the world have joined together creating a collective identity (e.g. the World Council of Indigenous People). Very different agents may come together when their interests are complimentary as demonstrated in the Alta case which brought together environmentalists and herders in joint protest against the development of hydro-power. Environmental groups are currently more apt to align with the state in protest against Saami herders’ use of modern transport.

In practice, it is found that actors do not simply implement rules and rule systems. Given multiple systems of rules and pluralistic interests of actors, they strategically select rule regimes, or parts of regimes, in pursuing their particular interests and aims. This is highlighted in the Trollheimen case where landholders sought support for the rules created and interpreted by the Ministry of Agriculture whilst Saami herders sought support for the rules and interpretations of the Ministry of Environment. Reflecting the differing ideas, beliefs and interests of recognized participants, actors in different arenas set their own priorities and establish their own rules and procedures – including who will be recognized as legitimate participants.

Property regimes made with respect to reindeer – or concerning associated goods but affecting reindeer property regimes nonetheless – are complex; they include not only rights, but also obligations and constraints. Actors differ with respect to their beliefs, values and interests concerning:

- Access
- Control and management
  - How should the resource be used?
  - How should goods be cared for?
  - What type of risks may animals, claimants and the community be subjected to?
- Distribution of value as well as costs

Claims made with respect to obligations are central in the repeated conflicts between farmers and herders as with the principle of common responsibility introduced under the Common Lapp Law of 1883 and still in effect today.
Reindeer property regimes are also shown to be multiple. This is made explicit in the four diverse aims introduced in the Reindeer Management Act and the Law of 1978: to increase meat production, to maintain the Saami culture, to help the herders have a good and stable economic situation, and to maintain a settled presence in the northern most areas of Norway. The goals include both economic aims and social ideas concerning the maintenance of the Saami culture. In addition, there are also national interests in protecting Norwegian citizens. There is no inherent reason to assume that in practice that the pursuit of these aims will be mutually enhancing.

As diverse decision-making arenas are involved in the regulation of reindeer, there are also multiple, overlapping and changing institutions where reindeer property regimes are but one of a number of regimes (and underlying interests). In recent struggles between groups of Saami, full-time herders have chosen to utilize the rules of the Reindeer Herding Act of 1978 arguing that they are the most specific; other groups of Saami counter this with claims legitimized in the more recent Saami Act (1987). Within the Norwegian legal systems both claims are recognized; there are legitimate reasons for one rule system to take precedence over the other. Given multiple, diverse, strategic agents and complex and multiple rule systems, conflicts and struggles take place. There is a “politics” - including the politics of legitimizing claims – of determining who gets what and how much, and in what ways resources are to be used. The findings of this study suggest that conflict and struggle are inherent to property systems. There is consequently a need for procedures which address and resolve conflicts and which promote negotiation among actors. Decision-making arenas may also require better coordination.

The role of the state is important both because it is central in political processes and in forming and reforming property and other rule regimes. The state is shown to intervene in terms of crisis management, conflict resolution and the pursuit of other agendas including sovereignty, development and solidarity - issues not directly related to property regimes. The state identified crises include: the increasing scarcity of game (mid- to late 1800’s), the closing of the Russian border to herding Saami (1852), degradation of pastures (beginning in the 1970’s) and the Chernobyl accident (1986). In each of these cases, the state directly intervened by introducing new policy directives. The state also claims to resolve conflicts through its interventions. Repeatedly in the history of reindeer property regimes the state has introduced laws and regulations to address the conflicts between farmers and herders. Until most recently, the state has supported farmer’s interests in the name of promoting development.

The state is also shown to act in ways that indirectly affect reindeer property regimes. The Lapp Codicil of 1751 is a good example. The agreement recognizes the ancient use of areas of the far north by Saami reindeer herders. Both Norway and Sweden in exercising their sovereign interests found it advantageous to recognize Saami migrations; doing so strengthened the respective states’ claim to territorial control. Another repeated example has been the state’s interest in solidarity – introduced through projects of homogenization. Active interventions were made in attempts to better the material conditions and living standard of the Saami. The state has also pursued other agendas that have impacted reindeer herding including infrastructural development of the areas. Over time, the cumulative and long-term effects of these projects have resulted in significant reductions and fragmentation of pastoral areas. State interventions have also affected perspectives, values and interests with respect to reindeer as well as associated resources. They have affected herders’ power and positions, and also affected the Saami position and their power to act more generally.
The GPR approach is a dynamic approach. Changes in property rule and regimes are found to come in part from the story of increasing scarcity. There is repeated evidence in the reindeer case that as land became increasingly scarce, there was interest from diverse actors to increasingly clarify rules making them progressively more detailed. In addition, change comes from new perspectives, values and interests – including new interpretations, ideas and possibilities of what can be owned. Changing attitudes towards both the environment in general and to animals have led to changed rules and laws concerning when, where and how reindeer can be hunted and herded. There is also evidence in this case that change in rules and rule systems are motivated by differing views of the very purposes of property. In addition to individual interests, claims are made to secure interests of the larger community including securing the rights of the Saami people and actions to conserve the environment. The study neither confirms the convergence of interests sought in the CPR approach nor does it demonstrate complete path dependency. Instead, it illustrates that actors’ perceptions, even their re-creations of history and historical events, provide order. Despite their differing interests, actors come together pursuing joint interests for order and reaching agreements to maintain order. Order does not come from assumptions of simplicity, but from actors’ common interests in order itself.

Whilst the GPR framework provides insight into how and why reindeer property regimes have been formed and reformed, the material also reveals that a singular focus on such property regimes is insufficient. The study identifies additional contextual factors outside of a general property approach – but nonetheless affecting reindeer property regimes. Contextual factors identified as affecting reindeer property regimes include: properties of goods, technology, exogenous events, unintended consequences, and politics itself.