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CONFLICT, COHESION, AND COOPERATION

Skjåk Common Land 1700-2000

"Everybody should keep his commons, like it has been since ancient times."
Excerpt from the law of Gulating, ca 1090 AD.

INTRODUCTION

This paper examines the case of Skjåk common land with the purpose to throw light on conflict, cohesion, cooperation within a Norwegian common property regime during the last three hundred years. Skjåk common land, or Skjåk bygdealmenning, lies in a remote area to the northwest in the region of Gudbrandsdalen. It is a vast property of about 200 000 ha. Most of the area, or close to 90%, is mountain plains, alpine ranges, and glaciers. About 6% is covered by forest (mostly pine), whereas the rest consists of rivers, ponds and lakes. Skjåk common land also occupies 95% of the area of Skjåk municipality, a rural community with 2300 inhabitants. In recent years two national parks have been established in the region. This imposes strict environmental restrictions on management and use of most areas above the forest line.

At present about 360 farms and smallholdings are entitled user-rights in Skjåk common land. A little more than 200 hundred of these farms also hold ownership rights. The difference between user-rights and ownership rights has been an ongoing source of conflict within Skjåk common land, something that will be explained below. Today Skjåk common land is managed by a board of seven members elected by persons who own farms and smallholdings entitled user-rights in the commons. Nowadays the main business activities of Skjåk common land are forestry, leasehold, and selling of wild game and fishing licences. The staff counts

six fulltime employees. Total annual turnover is 2 000 000 Euro, and revenue is about 200 000 Euro.

Given this initial description, the rest of the paper will proceed as follows: In order to situate our case in the right context, my first objective is to explain the Norwegian system of common property (I). Next, the history of Skjåk common land since the seventeenth century will be outlined (II). Finally, Skjåk common land will be assessed according to Elinor Ostrom's principles for enduring, self-governing common-pool resource systems (III).

I. COMMON PROPERTY IN NORWAY

Common property has a long history in Norway. The first written Norwegian laws, which go back to medieval time, deal substantially with common property. Although the King was considered to enjoy superior ownership of the commons, medieval laws entitled user-rights to pasture, to establish summer farms, wooden materials, fishery, and hunting of small game, etc. to farms and hamlets close to a common. It is significant that these user-rights were restricted to withdrawal for own consumption. Land based commons were mentioned "upper commons", while the seashore together with nearby waters and islets was called "outer commons".

Whereas the outer commons no longer exist as a property regime recognised by law, the land based commons still exist in very much the same way as they did in medieval time. The user-rights are still vested in farms and smallholdings close to the commons, the list of rights still includes the rights to pasture, summer farm, and wooden materials, etc. restricted the needs of each particular farm or smallholding. This does of course not imply that nothing has changed over the last 1000 years. I shall comment on some important changes in a moment. Before that, I shall offer some thoughts about how the commons might have come about in the first place.

We can explain the origin of the commons as follows: Say, for about 1500 years ago, when the first farms in an area were cleared and taken as exclusive property, outfield areas lying around the original farms continued to be kept in common. Common in this context indicates two instances: First, areas close to cleared areas constituted a domain subject to exclusive use by a restricted group of nearby farms. Second, more remote areas made up the commons

more or less as we understand the term today. Due to sparse population in these early days, these commons were probably for all practical purposes open access systems.

In primeval times the distinction between private and common property should not be drawn too sharp. One important reason for this is that the meaning of private property was different from the modern - Roman law inspired - sense of private property. What was important for the early farmers, and groups of farmers, was not exclusive control of the ground, and what is on, above, and under the ground, but user-rights to the resources found in a domain. For sure, resources found and developed within the fields were kept private by a farmer or a family group, but even within the fields, spit-ownership existed. In particular, when an original farm was divided into separate farms, the exclusive user-rights to goods and resources could criss-cross independently of the boundaries between the farms. One farm could for instance keep an exclusive right to a resource on the land of another farm. A source of fresh water could be a case in point.

This traditional system of rights existed more or less unchallenged until the dawn of the capitalist market economy in the seventeenth and eighteenth centuries. Within the boundaries of an original farm, different farms might have exclusive user-rights to goods and resources. Further, in an outfield domain close to the original farm, the same group of farms enjoyed exclusive rights kept in common to the resources found in that domain – e.g. timber, firewood and pasture. Finally, the outfields beyond these exclusive domains held by groups of farms, the commons were found where all farms in a parish or hamlet enjoyed the user-rights mentioned above.

In the late seventeenth and early eighteenth centuries things started to change. There are three main reasons for this: For one thing, ruling mercantilist ideology motivated the King of Denmark-Norway to mobilise natural resources found within his territory. This, combined with population growth, led the King to encourage clearing of new farms in the commons. Second, the great fire of London in 1666 initiated a glorious period for Norwegian exports of wooden materials to England and Western Europe that lasted till the Napoleonic wars. Third, the King of Denmark-Norway run into a deep financial crisis in the 1720's because of failed warfare with Sweden during The Great Nordic War. To raise money, the King started to sell commons to private merchants – the so called plank aristocracy. Taken together, these developments increased the pressure on commons with forested areas.

I will return to this story shortly in connection with the Skjåk case. Before that, we should notice two institutional innovations regarding common property that were caused by the King's sales of common land. The first innovation is called "private commons". Traditional user-rights entitled to farms and smallholdings were not nullified when a stretch of common land was sold to a private person. These rights were after all protected by law since medieval time, and continued to reside on the land as easements even after the King's abandonment. It is easy to understand that this situation was not very attractive to any party, so in most cases replacement or enclosure was made so that the private commons were divided between the commoners and the private owner. A stretch of the commons was then given to the commoners so that easements could be cancelled on the part of the original commons kept by the private owner as his exclusive private property. Due to replacements and later legislation, private commons no longer exists as a form of common property in Norway.

"Bygdeallmenningar" or parish commons[1] is the second institutional common property innovation caused by the King's sale of common land. Parish commons are private property owned by more than one half of the farms and smallholdings within a hamlet (Falkanger, 2009:51). These commons have originated in one of two ways. First, some parish commons were bought directly from the King by the farmers in a hamlet. When the King put a commons on auction, the farmers with traditional user-rights in the commons managed to raise enough money to by it. Second, some parish commons have originated from private commons, either when a private commons was bought as a whole by farmers, or – as explained above - when farmers took over a stretch of a land by replacement of a private commons.

Due to reasons just explained, there are at present two types of commons in Norway. On the one hand, we have the original King's commons that were never auctioned away. These commons are now mentioned state commons, and they are governed by *The Mountain Law*. (*I.e.* Fjellova, 1975). The state owns the land, and the property is managed by Statskog SF, a business company owned 100% by the Norwegian state. The traditional user-rights to pasture etc. vested in farms and local communities close to a particular state commons are managed by a board with five members elected by the municipality according a specific procedure.

[1] The translation parish commons is somewhat inaccurate, because parish commons do not belong to everybody who lives in a parish or hamlet. All types of Norwegian commons are part of agriculture, and user-rights to the commons are usually only enjoyed by the farming population.

On the other hand, original King's commons auctioned away to local farmers are called parish commons. These commons are private property own by more than one half of the farms and smallholdings in a hamlet. Parish commons are governed according to *The Parish Commons Law*. (*I.e*. Lov om bygdeallmennningar, 1992). Among other things, this law requires that each parish commons should have a board elected among farmers and smallholders entitled user-rights in the commons. It is also a required that every parish commons should have a secretary or manager with competence in forestry.

II. SKJÅK COMMON LAND 1700-2000

We are now ready to take a closer look at Skjåk common land, and to examine the dynamic forces of conflict, cohesion, and cooperation within this particular common property regime in the last three hundred years.

To begin with, we should notice that Skjåk common land in this period has passed through all three types of common property delineated above. Up to 1726 Skjåk common land was a King's commons. This year it was sold by the King on an auction and remained a private commons for 92 years until 1798. Then local farmers and smallholders bought the commons. Skjåk common land has ever since been owned by farmers and smallholdings in the hamlet of Skjåk. For a long time it was contested whether the property should be considered as a condominium or as a parish commons. But in 1867 this question was settled when the Supreme Court of Norway decided that Skjåk common land is not a condominium or type of joint ownership. From this negative verdict we might infer that it is a parish commons.

Before going into historical details, it is perhaps helpful to summarise what I believe to be the main dynamics of cooperation, conflict and cohesion throughout the period under consideration: At the deepest level, there seems to be a unified and strong non-contested claim to the natural resources found in the commons among the local population as far back as we have historical records. When this claim has been challenged by external authorities – be it the King, private merchants, or the modern state – this has caused a cohesive pressure that tends to strengthen the solidarity and initiate cooperation inside the Skjåk community. On the other hand, there has also been deep and lasting conflicts within the community related to management and appropriation of Skjåk common land. The most articulated cleavage is the

already mentioned difference between user-rights and ownership rights that will be explained in the proceeding.

a. Skjåk common land up to 1726

The first known written recording about Skjåk common land is dated 1705.[2] However, we have every reason to believe that the history of Skjåk common land goes much farther back. Drawing on etymology, the oldest names of still existing farms can be traced back to the first centuries after Christ. Recently the existence of agriculture and cultivation of oats in this period is also confirmed by pollen analysis. Although we lack written sources from this early period, we have good reason to think that Skjåk common land was existent in medieval time.

We might therefore also believe that the legal provisions about the commons found in medieval laws applied in Skjåk up to the early eighteenth century. Cleared areas were managed according to intricate rules of split ownership, outfield areas close a group of farms were managed as an exclusive domain of multiple use by those farms, and more remote outfield areas were considered as a commons where all farms in the hamlet enjoyed user-rights. At the same time superior ownership was claimed by the King.

b. Private Commons 1726-1798

For mentioned reasons, the King put Skjåk common land on auction in 1726. The commons was then bought by merchant Johan Jokum Lonicer, a member of the plank aristocracy in Christiania. It is significant that local farmers tried to by the commons already at the auction in 1726, but they did not succeed to raise the required financial assets. This can be interpreted as the first instance of cooperative cohesion with regard to Skjåk common land. We have reason to assume that the farmers were seriously concerned about their traditional user-rights in the commons, and that this worry is why they attempted to get control over the land.

Besides, the first known saw mill in the commons was constructed around 1725, and the year before that three local persons were prosecuted by the King for illegal logging in the commons. This corresponds nicely with the increasing international demand for wooden building materials throughout the eighteenth century. It may also indicate a growing consciousness among local people about the economic value of the common land.

[2] This record is of minor importance and refers to taxation of a summer farm.

Intensified logging in the commons was indeed something that took place towards the mid eighteenth century. The next owner of Skjåk common land was Tosten Olsen Hjelle. He was a farmer and forest speculator, and he initiated large scale logging in the 1730s and early 1740s. This caused the local economy to boom, and settlers were tempted to clear new farms in the commons. However, the booming times ended abruptly when Hjelle went bankrupt in 1743. Hjelle also died this year, and in the next generation Skjåk common land was owned by different members of the Christiania based plank aristocracy.

The forest was in a bad condition after the heavy logging in the 1730s and 1740s. This is one reason why there was modest commercial logging the following hundred years. But the settlers that arrived in the booming years added a lasting conflict to the dynamics of Skjåk common land. About 30 smallholdings were cleared in the commons throughout the eighteenth century, some of them close to traditional farms' summer pasture. This caused a fierce conflict, because the traditional farmers felt themselves displaced.

The established farmers also looked upon themselves as the legitimate owners of the common land. Although many traditional farmers took part in and earned money from the logging, they contested the right to clear new farms in the commons. Through the first part of the eighteenth century there were also several disputes about what the King had sold in 1726. First, there was doubt about what was really auctioned, was it a farm, or was it the entire commons? According to an inquiry made in 1916, the King's achieves in Copenhagen indicate that only a farm was sold (Tank, 1916). This is probably why the 1726 sale was not reversed, something that was the case with other commons auctioned away in the same period.

Second, another issue was whether merchant Lonicer had attained merely a pre-emption to buy lumber from the farmers. Thus it was contested that the King had abandoned any land at all. In 1731 the farmers made a new effort to buy the commons, but also this attempt failed. However, the King made a compromise, because it was decided that the farmers should keep their traditional user-rights, whereas property rights should belong to the landowner – i.e. Tosten Hjelle (Hosar, 1995:225).

c. Condominium or Parish Commons? Moments from the Period 1798-1867

It is evident that the eighteenth century was a confused period in the history of Skjåk common land. Boundaries and ownership rights were contested, and clearing of new smallholdings added a new dimension of conflict within the commons. What remains constant is a desire shared by everybody in the hamlet to achieve full ownership rights to the commons because they wanted to secure traditional user-rights. Finally, in 1798, the farmers succeeded to buy the commons from the last private owner, Bernt Anker. The 1798 endeavour was a quite impressing achievement of cooperation, because all farms in the parish registered on the tax list (i.e. matriculated properties) contributed to the purchase. The tax list is also the key to how the purchase was organised, because each farmer contributed according to the tax value of his farm. In addition, about 20 settlers became freeholders because they contributed to purchase through buying their farms. The rest, together with smallholdings cleared in the nineteenth century, remained tenants (husmenn) till the 1920s. Smallholdings occupied by tenants and cotters were not matriculated in the land registry, and because of this they were not entitled user-rights in the commons.

All together 140 farms took part in the purchase. But because each farmer contributed according to the tax value of his farm, the ownership shares in the commons became unequally distributed. Big farms contributed most, while smallholdings contributed less. On average each farm contributed 0.84% of the purchase, where the 8 largest farms together contributed 16%. By contrast, 22 newly cleared smallholdings in the commons together gained merely 2.5% of the ownership rights (Hosar, 1998: 24).

There was a considerable increase in population throughout the nineteenth century. In 1801 the population of Skjåk counted 1487 persons. In 1865 the number of persons living in the hamlet was 2691. Thirty-five years later, in 1900, the population was reduced to 2385 persons. To understand this reduction, we have to take into account that in the period 1857-1915 as many as 1600 persons immigrated from Skjåk to the US and Canada (Hosar, 1998: 242).

Thus, pressure on the commons increased in the nineteenth century. Old farms were divided, and new smallholdings cleared both inside the commons and other places in the parish. In 1870 the number of owners therefore reached 188. Few years later, in 1875, the total number of households in Skjåk was 365. Since we are dealing with an agrarian society, this implies

that only one half of the households enjoyed ownership rights in Skjåk common land at that time.

Population increase and pressure on resources indicate that the cleavage between owners and non-owners not entitled user-rights in the commons became deeper in the nineteenth century. We might therefore ask how the owners of the commons after 1798 dealt with this and other questions raised by management of Skjåk common land.

We do not know very much about how management was executed in the first decades of self-ownership. From the very beginning there was a steering committee formed by farmers from different parts of the hamlet. The main purpose of this committee was to monitor logging and coal burning etc., and to control and collect rent from the growing number of tenants within the commons. The first operative rules were written down in 1834, and these rules tell us – among other things - that a chairman should be pointed out to look after the commons. The chairman should also be accountant for the commons. A minor revision of the rules was made in 1837, before new set of rules was adopted in 1845.

The 1845 rules are rather detailed. An annual meeting should be organised every April, and every third year this meeting should elect three inspectors. The elected inspectors formed a steering committee that should be responsible for management and monitoring of the commons for the next three years. Further details were added to these rules in 1858, when the first national law about forested common land was adopted.

It is interesting that the 1845 rules do not refer to Skjåk common land as a commons. Rather the property is mentioned condominium or joint ownership. This brings up another controversy among the owners, because a condominium could in principle be parcelled out so that every owner got his private parcel according to his share of the condominium. Inspired by the enclosure movement in England, parcelling out of joint ownerships was by many people thought of progressive idea from the 1830s and on.

This controversy culminated with the Bergsund case in the 1860s. From the mid nineteenth century sale of lumber once again became an attractive business for the owners of Skjåk common land. In 1861 the Bergsund brothers wanted to by a large quantity of lumber. A large majority of the owners supported the arrangement, but a minority of 14 persons was

against the sale. They argued that the price was too low and that massive logging would destroy the forest and therefore threaten the traditional user-rights to wooden materials.

The Bergsund case was taken to court, and it was finally settled by the Supreme Court in 1867. There the majority of owners lost, and the Bergsund contract was judged invalid. The premise for the verdict is that Skjåk common land is not a condominium or joint ownership. This more or less ended the discussion about splitting up the commons into individual parcels. Wholesale of lumber nevertheless continued till 1930. Then Skjåk common land constructed its own sawmill, and since then most of the lumber has been processed locally. From the second half of the nineteenth century and on, there is no doubt that sales of lumber and profits from sawmill operations generated a considerable cash flow to the owners of Skjåk common land.

d. The User-rights Movement - ca 1890 and on

This cash flow made an important contribution to the old farms in the hamlet. These farms in addition enjoyed full user-rights in the commons. Matriculated smallholdings also had user-rights in the commons, but their cash returns were merely modest due to minor ownership shares. Tenants and cotters, together with people without access to land at all, formed a third category in the hamlet. This group did not receive any resources from the commons – neither did they have user-rights, nor did they receive returns from ownership rights. However, we should not conclude that Skjåk common land had no economic importance for these people. Skjåk common land was an important employer and offered income opportunities for great many people. Therefore small-scale farming combined with work in the forests continued to be an important way to make a living up to the 1960s.

The class conflict within Skjåk common land was accordingly sharpened during the nineteenth century. This also continued into the twentieth century, when smallholders and tenants began to organise. In particular two claims were put forward: On the one hand, it was claimed that tenants should be given opportunity to buy their plots and smallholdings. Then they would become freeholders with matriculated property and, as a consequence, gain user-rights in the commons. After a period of intense discussion, this claim was redeemed. One important reason for this is that national legislation gave tenants opportunity to buy their farms in 1928.

The second claim was that everybody living in the hamlet should be given user-rights in Skjåk common land. In particular, the right to buy discounted building materials from the commons was considered important. Also this claim was met to a certain extent by introduction of the so called 10% rule form the 1890s and on. Farmers with user-rights can buy discounted building materials from the commons where only the processing costs should be covered (usufruct off). The 10% ruled implied that persons without matriculated property could buy materials on terms 10% over the usufruct price. The 10% rule survived till the 1950s, when the owners brought the practice to court. There it was decided that the 10% rule was against the law.

Another good that was admitted everyone living in the hamlet was equal right to fish and hunt. This practice still remains, since everybody in the hamlet can buy hunt and fishing licences at discounted price.

e. Reaction from the Owners

Abolition of tenancy combined with continued clearing of smallholdings (bureising) caused the number of matriculated properties entitled user-rights and no or negligible ownership rights to increase. User-rights in a parish commons implies the right to vote for members to the board of the commons. Because peasants with minor ownership shares tended to form an alliance with former tenants, they were at several occasions able to win the election for the board of Skjåk common land. In the last hundred years, the board has therefore in periods been controlled the user-rights movement.

This development caused a reaction from the owners, who started to organise themselves in the late 1930s. In 1938 an owners committee claimed that clearing of new farms should stop immediately, voting rights should be withdrawn form smallholdings sold from the common land, only owners should dispose of the revenue from commons, and that borrowing money with common land as security should not take place. Finally, the committee also once again suggested enclosure so that the forest should be divided according to each owner's share. These claims were considered too extreme by most owners, and for this reason the owners' reaction had minor consequences in the short run. In the longer run, however, we can observe that two claims raised by the owners are met by the Parish Commons law from 1992. According to this law, common land should as a rule not be abandoned, and neither should common land be used as security for borrowing money.

I shall mention one final conflict from the controversy between the user-rights movement and the owners. This is the Titus Fallingen case. In 1958 the board decided to sell a parcel of land to the settler Titus Fallingen. The decision was taken to court by 101 owners with the claim that the board had no competence to abandon common land. Also this case was finally decided by the Supreme Court, where the claim raised by the owners was rejected.

f. The 1995 Agreement and the "King's return"

The strife between owners and the user-rights characterised the twentieth century history of Skjåk common land. However, the controversies came to a preliminary end in 1995, when the owners made an agreement with the then user-rights dominated board. This agreement solved two contested issues. First, the owners accepted the competence of the board set by the Parish Commons Law. Second, the issue about distribution of the revenue was resolved, because the parties agreed that the revenue to the owners should equal the value of discounted building materials sold to properties entitled user-rights in Skjåk common land. Thus far the impression is that this agreement, together with the new Parish commons law, has worked out well.

It is overhasty to conclude why the level of strife is lower now than for fifty or hundred years ago. Two reasons can nevertheless be pointed out. For one thing, from the mid 1990s the Norwegian agricultural policy changed. Heavy subsidizing was reduced, efficiency, and structural change was encouraged. Seen in a larger context, all farms in Skjåk are smallholdings, and I think that still tougher demands from governmental authorities might have a positive cohesive effect on farmers of all kinds.

The other reason for stronger cohesion is more evident. In the early 1990s the Ministry of the Environment launched an ambitious plan for new national parks in Norway. Two large National parks were initiated on the area of Skjåk common land, and after year 2000 these parks have become reality. In a sense this indicates that history has come full circle, because the national parks in certain ways imply "a return of the King". This is because governance and management of national parks to a large extent is the business of governmental authorities. Skjåk common land still owns the land within the protected areas, but how the land is used is supervised and regulated by the state. I am quite sure that governmental implementation of protected areas had a cohesive effect on different local stakeholders involved with Skjåk common land.

To end this historical presentation, we might assert that the King or the State has always been a cohesive force in the history of Skjåk common land. First, in the eighteenth century, the King's sale of the commons certainly mobilised strong cohesive and cooperative forces among local farmers, because they eagerly wanted to buy the commons to protect their traditional user-rights.

Second, there is an important case of local cohesion initiated by the state that I have not mention thus far. The governmental Mountain Commission was active in the period from 1908 till 1954, and the objective of this commission was to settle the boundaries between land owned by the state and private land. Above I explained the confusion about what the King really abandoned in 1726; was it farm, was it a commons, or was it just a pre-emptive right to buy lumber? With respect to the vast areas above the forest limit, the confusion about legitimate boundaries remained for almost two centuries. The state's initial claim to the Mountain Commission was that all areas of Skjåk common land above the forest should be regarded as State Commons. This was strongly opposed by all local interest groups affiliated by Skjåk common land. The boundaries of Skjåk common land were settled by the Mountain Commission in 1922, and the state's initial claim was rejected. For this reason, vast areas of mountains and glaciers now legitimately belong to Skjåk common land.

The protected areas and national parks represent the third incidence of internal cohesion caused by challenges from the outside. To conclude; the united local desire to defend historical claims to the land is stronger than internal forces of strife and conflict in the hamlet of Skjåk. This is probably the main reason why Skjåk common land has survived in the last three centuries. Cohesion, however, is not the same as long term cooperation for mutual benefit. But to explain the conditions for this kind of cooperation requires another inquiry.

III. LESSON FROM SKJÅK COMMON LAND AND OSTROM'S DESIGN PRINCIPLES

In *Governing the Commons* (1990: 90) Elinor Ostrom advances 8 design principles for enduring, self-governing common-pool resource institutions. This final section will briefly discuss the history of Skjåk common land in the light of these principles.

To begin with, I contend that Skjåk common land is after all an example of a long enduring, self-governing common-pool resource. We have reason to believe that the history of Skjåk common land goes far longer back that the three hundred years documented here. Despite of internal conflicts, this should qualify for the notion enduring. Moreover, Skjåk common land has – at least for the last two hundred years – been managed as a self-governing institution. External conditions, like national legislation and legal verdicts, have off course strongly influenced the development of Skjåk common land. But a self-governing dynamics, unfolded by local interest groups and stakeholders, has always responded to external conditions and challenges. Third, there is little doubt that Skjåk common land meets Ostrom's definition of a common-pool resource. Skjåk common land is *"natural resource system that is sufficiently large as to make it costly (….) to exclude potential beneficiaries from obtaining benefits from its use"* (Ostrom 1990: 30). In fact, several common-pool resource systems are found in Skjåk common land, like forest, wild game and pastures.

a. Clearly defined boundaries

If we begin to address Ostrom's principles, the first principle asserts that both the domain of legitimate appropriators and the physical boundaries of the resource system must be clearly defined. From the historical presentation, it is evident that great efforts have been made with respect to both points stressed by this principle. For one thing, the boundaries of Skjåk common land were a contested issue until the 1930s. This represents the main external conflict line with the King and the state throughout the centuries, a struggle that has tended to strengthen internal cohesion and cooperation. The other point, regarding the domain of legitimate appropriators represents the single most important source of internal conflict of Skjåk common land. Should tenants have access and user-rights in the commons, or should perhaps all persons living in the hamlet have a right to discounted building materials? So, in other words, much of the discussions referred to in the historical outline amounts to establish compromises and stable *modi vivendi* concerning access and boundaries. I mentioned that the climate within Skjåk common land is peaceful at the moment, something that can indicate that Ostrom's first principle finally is satisfied.

b. Congruence between appropriation and provision rules and local conditions

There are minor instances of free-riding within Skjåk common land, but this does not seem to be a big problem at the moment. The reason for this is that appropriation and provision are efficiently managed and monitored by a professional staff. This, for instance, applies to

forestry, since Skjåk common land is obliged by law to plant new trees after logging. Earlier, in the eighteenth and nineteenth centuries, when institutional arrangements were weaker, asymmetry between appropriation and provision certainly was a problem.

c. Collective-choice arrangements

To establish efficient and fair collective-choice arrangements has been a formidable challenge for Skjåk common land. A steering committee of owners was established immediately after 1798, but this committee could not find much help in national legislation etc. to establish well working collective-choice arrangements. The medieval laws did after all not have much to say about collective-choice, and yet there was no national law that regulated forestry. The rules from 1845 dealt with both constitutional and operational matters, but these rules did not take the challenges raised by the growing number of tenants into account. History the next 150 years very much dealt with questions about representation, competence, power, and money between the user-rights movement and the owners. The board of Skjåk common land and the courtrooms were battle grounds for these struggles. Times are more peaceful now, but there are still discussions about who should enjoy user-rights and to what extent.

d. Monitoring

There is not very much to add beyond what was said under point b above.

e. Graduated sanctions

The board of Skjåk common land disposes over several sanctions. Fees can for instance be given for illegal hunting and fishing. When user rights are abused, people can be refused to buy discounted building materials and hunting licences, etc. More serious violations are reported to the police.

f. Conflict resolution mechanisms

In parish commons the board has wide competences and decides most matters that are not explicitly regulated by national legislation. Conflicts are accordingly presented for the board who settles the matters. If someone is unsatisfied with decisions made by the steering, the only possibility is to sue the board.

g. Minimal recognition of rights to organise

As far as I know, the right to organise as such has never been disputed, and the history of Skjåk common land testifies that different groups of users and owners have made more or less successful efforts to organise. Another issue is the question about representative rights. History shows that the user-rights movement has aspired to expand the domain of people and properties with user-rights, while the owners have worked for the opposite. In periods each of these groups has dominated the board, and it is a question whether some mechanism that admits each group members in the board could have balanced and alleviated conflicts?

In closing, I want to argue that the present governing institution of Skjåk common land to great extent satisfies Ostrom's principles for institutional design of enduring, self-governing common-pool resource systems. But this paper should have made clear that it has been a long and thorny way to arrive at this point.

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My presentation of the history of Skjåk common land draws heavily on Hosar (1995) and Hosar (1998).

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