Legitimacy and Conflict
– Explaining tension in local Swedish hunting policy

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Abstract

This thesis investigates how conflicts of interest among local hunting interests affect the legitimacy of the Swedish government’s goals on hunting. These goals aim to give non-landowning and small landowning hunters an opportunity to hunt more and bigger game, as well as improving game management.

A case-study was carried out in the county of Norrbotten among its Game Management Associations (GMAs) in 2004 to determine which kinds of conflicts of interest existed there. This association is part of hunting policy, since it was empowered and proliferated in the beginning of the 1980s to implement the formal rules in the Game Management Association Act (1980). It is assumed to be representative of local hunting in general.

Lingering informal rules have been found to govern hunting locally in Norrbotten and show no sign of weakening. Thus, conflicts of interest, especially majority-minority conflicts between landowners and rent-hunters become permanent. Small game hunting and the issuing of hunting permits are, in particular, governed by informal rules, while the suspension of hunters is often the result of the arbitrary use of formal rules. These two issues involve mostly rent-hunters. Even the content of formal rules in policy can also cause conflict in GMAs. For instance, the 33§ in the Game Management Association Act has become legally and ideologically controversial, since it makes it difficult for landowners to remove their properties from GMAs, and, thus, from a European legal perspective, encroaches on both their property rights and exercise of individual rights.

The thesis also reveals that administrative contexts and structural attributes influence conflicts of interest in GMAs. For instance, small game hunters in moose management areas are in conflict with their boards to a greater extent than their counterparts in hunting licence areas. The size of a GMA and the presence of non-local hunters are also factors that influence conflicts of interest in GMAs.

Hunting policy has met resistance from local informal rules and the remnants of old policy rules, so-called ‘ghost policies’. For example, less than half of appealed GMAs between 1981 and 2003 used formal rules when making decisions. Thus, the goals concerning increasing the number of hunting opportunities in Sweden have not yet been fulfilled. Neither has game management improved. Ironically, this is caused by the presence of non-landowning non-local hunters, the very group of hunters the government’s goals on hunting focus on. Nevertheless, small landowning hunters are satisfied with the amount of game they can hunt in the GMA.

Keywords: Legitimacy, conflict, rules, formal, informal, hunting policy
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List of abbreviations

AAD  Agency for Administrative Development (Statskontoret)
ACCA  Associations communales de chasse agrees (Fransk jaktförening)
AHWM  Swedish Association for Hunting and Wildlife Management (Svenska jägareförbundet)
ALA  Swedish Association of Local Authorities (Svenska Kommunförbundet)
CAB  County Administrative Board (Länsstyrelsen)
CAC  County Administrative Court (Lännsrätten)
CCCA  Court of Civil and Criminal Appeal for upper Norrland (Hovrätten för övre Norrland)
CGMCA  County Game Management Consultants’ Association (Sveriges länssjaktvårdskonstors förening)
DBGD  Diocesan Board in Gothenburg’s Diocese (Stiftsnämnden i Göteborgs stift)
ECHR  European Convention on Human Rights (Europeiska konventionen om mänskliga rättigheter)
EPA  Environmental Protection Agency (Naturvårdsverket)
FCC  Foresters’ Cooperation Committee (Skogsindustriernas samarbetsutskott),
FSF  Federation of Swedish Farmers (Lantbrukarnas Riksförbund)
GMA  Game Management Association (GMA)
GPD  Game Preservation District (Länssjaktvårdsdistrikt)
HD  Hunting Districts (Jaktvårdskrets)
HNACH  Hunters’ National Association: the Countryside Hunters (Jägarnas Riksförbund-Landsbygdens Jägare)
JBPLF  Judicial Board for Public Lands and Funds (Kammarkollegiet)
LSA  Land Surveying Agency (Statens Lantmäteriverk)
MMA  Moose Management Areas (Älgskötselområden).
MPD  Moose Preservation Districts (Jaktvårdsdistrikt)
NAC  National Administrative Court (Kammarrätten)
NFE  National Forest Enterprise (Domänverket)
OPG  Office of the Prosecutor-General (Riksåklagaren)
SAC  Supreme Administrative Court (Regeringsrätten)
SPCA  The Riksdag’s bipartisan Special Parliamentary Committee on Agriculture (Jordbruksutskottet)
SUAS  Swedish University of Agricultural Sciences (Sveriges lantbruksuniversitet, SLU)
SSR  Federation of Swedish Sami (Svenska Samernas Riksförening)
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Chapter One

Conflicts of Interest in Hunting

Society is characterised by a multitude of values and preferences and is confronted with an “… unequal intensity of individual preferences” (Sartori 1987, 225). This implies that values are not just diverse, but that some individuals’ values in some societies are regarded as more important than others. Moreover, the values that individuals hold can be said to influence their perceptions of society. This implies subsequently that when the perceptions of different groups of people diverge, or are of an unequal intensity, modern society is vulnerable to conflict. A conflict can, thus, be understood as a clash of interests where individuals, groups or organisations have opposing stakes concerning a particular issue. Robert Dahl regards this kind of conflict as an unavoidable phenomenon in modern society (Dahl 1991, 135). Therefore, if individuals are involved with, or have a stake in, a particular issue they may either support it or challenge it depending on their values or interests. This thesis aims to identify the factors that inspire and influence conflict among individuals and the consequences they have for an organisation’s legitimacy.

Paul A. Sabatier asserts that coalitions of individuals with similar interests and that are affected by the same policy issue will prioritise different values and conceptions of whose welfare is pivotal (Sabatier 1998, 116). He also stated that in several empirical cases policy preferences involving a long-standing, intense conflict also maintain coalitions of similar interests (Sabatier 1998, 117). In sum, it can without further argument be stated that conflicts of interest are common in democracies and are affected by both how an individuals value policy’s goals and which interests they share.
If one then poses the question why conflicts arise among different interests in democracies, the tentative answer is that they are innate to democracy because individuals have different values and diverging interests, and, consequently, perceive political goals differently. This understanding of conflicts of interest leads to another question: Besides individuals’ perceptions of a particular issue what other factors inspire and influence conflict of interests? As a way of answering this question I will describe some ongoing conflicts of interest involved with hunting in northern Sweden.

1. Hunting Locally in Sweden
As long as mankind has walked the Earth we have survived partly by hunting wildlife. In the northernmost part of Sweden the story is the same. However, as Lundgren points out (1987, 13), hunting is an activity that not only belongs to our past, but competition over resources such as game is also today a very relevant issue. Moose hunting in Sweden is an activity that involves many interests that are often in conflict with each other. As one editorial commented: “Hunting and fishing involves so many interests and strong feelings that it is almost impossible to change it or reach a compromise that is long-lasting” (Norrbottenskuriren 060118). A recent debate in northern Sweden provides an example of the social and political complexity of hunting. Recently, a number of interests, including local politicians, miner union representatives and municipal politicians, have challenged the recommendations put forward in a Department of Agriculture (Jordbruksdepartament) inquiry (SOU 2005:116) to establish a new kind of organisation that would make it possible for Sami territory member and local Swedish landowner interests in northern Sweden to cooperate more effectively. At present the County Administrative Board (Länsstyrelsen), the CAB, adjudicates in ongoing fishing and hunting conflicts between indigenous Sami and Swedish interests concerning the use of lands above and below the so-called Cultivation line (Odlingsgränsen) see Appendix 1.1

It was anticipated that the inquiry would meet stiff resistance. The resistance is made up of a number of parties. One is the Swedish Association for Hunting and Wildlife Management (Svenska jägareförbundet), the AHWM. This organisation has 11000 members in the county of Norrbotten and is of the opinion that
the Fishing and Hunting inquiry’s recommendations, if approved, will encroach on its members’ rights to fish and hunt above the Cultivation line. Since 1993 the appropriate CAB has determined which individuals, among Sami and Swedes, who have a right to hunt above the Cultivation line. A return to the situation as it was before 1993 is unacceptable for the AHWM (NSD 060118).

The AHWM has the support of the Swedish Federation of Farmers (Lantbrukarnas riksförbund), the Miner’s Union (Gruv 12:an) and two local political parties (Jakt- och Fiskesamerna and Junilistan) as well as elected representatives in the Kiruna municipal council (NSD 060118). These interests fear that the inquiry is a first step in the establishment of a Sami homeland. Some believe that this will affect the establishment of new mines and, as a consequence, job opportunities for locals. Even foresters are worried that the proposed fishing and hunting system, if adopted by parliament, the Riksdag, will eventually be implemented also below the Cultivation line and all the way to the coast. They believe that this could encroach on their rights of ownership of their woods (NSD 060121).

Local members of parliament (mps) also fear that if the inquiry’s recommendations are accepted by the Riksdag, hunters that do not own property (so-called rent-hunters and guest-hunters) will have less influence in matters that concern them. For instance, they warn that rent-hunters and guest-hunters may be excluded from decision making in the new Mutual Fishing and Hunting Associations (Norrbottenskuriren 060119).

Yet other conflicts of interest can be found in local level hunting. One such conflict involved eleven landowner hunters in a so-called Game Management Association (GMA) that were brought before the, Swedish-Finnish border town of, Haparanda civic court on charges of illegally hunting within the Kuivakangas-village GMA (NSD 051012). A GMA is made up by concerned landowning hunters and is expected to manage hunting locally. The Kuivakangas-village GMA board chairman told the court that to his knowledge a total of eight adult moose were felled illegally by the defendants under the hunting seasons in 2003 and 2004.

This particular conflict of interests has its origin in a decision made by the Kuivakangas-village GMA in 2000. The concerned landowning hunters, who
are members of the GMA, made a proposal to dissolve the GMA so that their own hunting association could be established. The landowning hunters were in the minority (10%) and the proposal was denied (Dnr. 27-14642-00). Disappointed over the GMA decision, the defendants appealed to the CAB. The CAB disagreed with the GMA’s earlier decision and decided to dissolve the GMA. The GMA, in turn, appealed this decision to the County Administrative Court (CAC), which repealed the CAB’s decision and as a consequence the GMA was preserved. The formal procedure of appeal is discussed in more detail in chapter two (see Figure 2.1).

This is how the conflict over the felled moose eventually ended up in the Haparanda district court. The entire group of defendants received heavy fines because the court deemed that their actions disorganised the moose hunt to the extent that it obstructed the GMA from felling its designated quota of moose (Norrbottenskuriren 051109). However, an expert in the field of European law has since then criticised the Haparanda civic court for not taking into consideration the European convention on the right of ownership (NSD 060111).

This conflict of interest characterises a situation where some landowning hunters challenge an organisation’s, in this case the GMA’s decision making, and where the formal rules governing hunting are controversial. One reason for hunting’s propensity for these kinds of conflict is that it is intimately entwined with different traditions and lifestyles as well as other issues, such as property rights and de-population trends.

Of Sweden’s hunting associations one of the most common is the, already mentioned, Game Management Association (GMA). The GMA is the only empowered hunting association in Sweden. However, it is not uncommon than an association is empowered since Swedish law makes it possible for administrative tasks to be undertaken by associations that are empowered by law (Peterson 2000, 69-70). The GMA is governed by the Game Management Association Act from 1980 (SFS 1980:894) and is empowered to implement Swedish hunting policy.

Discussions regarding moose hunting do not always highlight conflicts, however. For instance, a columnist in an influential Swedish daily newspaper asserted that the Swedish moose hunt in itself is an indicator of a well functioning
civic society in Sweden, in the sense that hunters cooperate during the moose hunt without the intervention of the state (SVD 040929). As indicated, this ideal picture of voluntary cooperation and mutual reciprocity among moose hunters is not completely consistent with the actual circumstances surrounding moose hunting inside the boundaries of the GMA. The two dominant morning newspapers in Norrbotten (NSD and Norrbottenskuriren) feature almost weekly, if not daily, articles on hunting disputes that involve hunters and their associations. This frequency of hunting-related articles in the local media, combined with the debate, discussed above, indicates that hunting is a political issue ridden by conflict.

2. Hunting and Previous Research

Social scientific research regarding the custom of hunting in Sweden has largely focused on acquiring ways of utilising game hunting to encourage economic growth in depopulated regions (Mattson 1990; Johansson & Lundgren 1998). Recently research has also focused on so-called moose management areas (Älgkötselområden) in Sweden to determine how adaptive they are in the management of moose (Wennberg-DiGasper 2006). Focus has also been placed on the possible consequences of altering hunting licence permit fees (SOU 1983:21). This research has primarily aimed at achieving ways of enhancing the economic welfare of the populace in areas where considerable stocks of game can be found and determining if old or new administrative contexts enhances, or impedes, the effectiveness of moose management.

Cross-disciplinary research has focused on attitudes towards hunting in Sweden (Ericsson, 2002; Ericsson and Heberlein, 2002 and 2003). This kind of research maps Swedes’ attitudes towards, in particular, predator hunting. For instance, it reveals that unlike hunting trends in the rest of the world, Swedes are still positive to hunting. In fact, over the twenty year period from 1981 to 2003 attitudes towards hunting in Sweden, which were already positive, increased from 60% to just over 80% (Ericsson 2005, 27). Ericsson explains that by referring to Swedes’ instrumental view of hunting, that is, Swedes are more positive toward hunting if it contributes to the household, which moose hunting does, and react more negative if the goal of hunting is recreation or attaining trophies.
Thus, hunting is not only widely practiced in Sweden, but also enjoys legitimacy among Swedes. This implies that conflicts of interest in, for instance, GMAs are not about hunting in the broader sense.

Other kinds of research have been carried out by state departments on the initiative of either the Swedish parliament, the Riksdag, or the government. These investigations include inquiries regarding which interests should hold the right to issue hunting permits, or how, in line with democratic principles, game hunting practices can give rise to adequate, or increased, influence for locals (SOUs 1922:16; 1936:38; 1950:40; 1983:21; 1997:91). This line of research contributes to the thesis in the sense that it sheds light on conflicts of interest inherent in GMAs and, thus, may reveal, for instance, how the issuing of hunting permits are perceived by hunters today.

An Environmental Protection Agency (Naturvårdsverket), EPA, inquiry from 1989 had its finding presented in 1995 (NV 1995-11-20). The inquiry was critical of the GMA as an effective implementer of formal hunting policy. It pointed to three reasons for this. Firstly, the inquiry revealed a lack of cooperation between GMA landowners and rent-hunters. It revealed, secondly, that game management in GMAs with predominantly small landowners was not satisfactory. Thirdly, it revealed that GMAs have a tendency to misuse their power, which the inquiry saw as undemocratic (NV 1995-11-20). The EPA investigators recommended that the GMA should become more democratic, believing that a democratisation of the association could obstruct GMAs from misusing their power in the future (NV 1995-11-20).

An inquiry commissioned by the Department of Agriculture in 1997 and named the Hunting’s Conditions inquiry also reveals shortcomings with the GMA. In the province of Norrland, which is made up of Sweden’s northernmost counties, the inquiry concluded that over half of landowning hunters and a majority of rent-hunters were of the opinion that the GMA was not effective in creating new hunting opportunities, which was the goal when they were empowered. A majority of both interests believed that it had, however, contributed to better game management measures (SOU 1997:91, 294-296). In other words, two inquiries, one conducted by the EPA and the other by the Department of Agriculture, conclude that the GMA itself may contribute to conflicts of inter-
ests locally. To what extent is this true and how can it be explained? In this thesis, I will question whether the current organisational solution, the GMA, has the capability of handling conflicts of interest, or if it functions as a catalyst for underlying contested issues in GMAs.

It was mentioned in section 1 that a more recent governmental inquiry from 2005, the Mutual Fishing and Hunting Administration inquiry (SOU 2005:116), has caused a lot of debate in the media. The investigation aimed at mapping the origins and scope of Sami territory (Sameby) members’ and Swedish landowners’ fishing and hunting rights in Sami territories and on reindeer grazing lands, as well as on private property below and above the Cultivation line. Conflicts between Sami interests and local landowners have been numerous, protracted and infected. Thus, the inquiry served as a pretext to finding mutual ground for cooperation between Sami territory members and Swedish landowners (SOU 2005:116).

These new mutual administrative organisations ought, according to the head of the inquiry, to be similar to the GMA in structure and composition (SOU 2005:116, 219-220). The inquiry also recommends that the formal rules governing the GMA also should be applied to Mutual Fishing and Hunting Associations. Although the inquiry is aware of the negative experiences with regards to hunting in GMAs, it claims that the GMA is a good starting point for creating the proposed association in any case (SOU 2005:116, 220).

The thesis will not focus on conflicts of interest between Sami and Swedish landowners but will discuss if this recommendation is adequate in light of the view that GMAs, or the formal rules underpinning hunting within their boundaries, may be the cause of conflicts among different interests there. If this is the case, these conflicts could possibly be transplanted into the proposed Mutual Fishing and Hunting Association.

Nor will the thesis focus on the economic welfare of hunting or attitudes towards it, but on conflicts of interest linked with hunting in local Swedish hunting policy. The primary focus is on the rules, organisations (the GMA) and the perceptions they engender and maintain as well as the conflicts of interest they cause among hunters. By partly focusing on rules this thesis aims to illuminate the institutional setting that structures hunting in Sweden. The institutional set-
ting consists of layers of rules (Ostrom 1990, 53), which the thesis aims to un-
pack.

3. Local Policy

Policy has, thus far, been defined implicitly as the formal rules that govern a particular issue. However what is not determined is the role policy plays in conflict of interest, for instance, in the context of hunting. To this end some common and well established definitions of policy will now be summarised. One common definition is the narrow view of policy as being nothing more than a principal guideline (Dror 1973, 14). This definition presupposes that some kind of underlying consensus exists between different interests. However, it does not cover any existing or historic conflicts of interest that could be linked with a policy. Nor can this narrow definition take into consideration those groups of people that, because their interests diverge, may or may not support the particular guideline. Policy, understood in this way, will not suffice if one is to determine how it is related to conflicts of interest.

Another definition describes policy as “a web of decisions and actions that allocate … values” (Easton 1953, 130). This definition is more in passing with the nature of the thesis inasmuch as it emphasises the importance of decisions, actions and individual, or collective, values.

Finally, Cochran and Malone, assert that policy consists of political decisions for implementing programs to achieve societal goals (Cochrane and Malone 1995, 1). The ideas of different groups of people ought to define these institutional arrangements, defined here as rules-in-use (Rova 2004, 27), which, in turn, ought to influence the course policy ultimately takes.

Accordingly, local policy is defined, in line with Cochran and Malone’s definition, as a means of satisfying local and concerned interests’ preferences through the creation of political goals. These political goals lead to the creation of a formal policy implemented by public authorities and organisations. Viewed from this perspective, policy is made up of the formal rules executed by the organisation or authority that governs a local activity such as hunting. However, this does not mean that individuals are governed by formal rules only, neither in
general nor in organisations such as GMAs. Nevertheless, for the purpose of this study, this feature of policy is addressed.

4. Conflicts of Interest and Legitimacy

Political scientists agree that a viable democracy ought to mirror the wishes and preferences of a majority of its citizenry and that the formation of policy itself ought to be formed through the active participation of those citizens, or groups of citizens, that are affected by it (Ruim 1974, 171). There are basically two ways for citizens to exercise their influence in a democracy; they can either influence government through the electoral system, where its politicians compete for their vote (Schumpeter 1942, 269), or by participating in the decision-making process (Birch 1993, 74-5). Recall that policy is, in a formal way, a manifestation of the political goals that underpin it. Therefore, it is logical to say that individuals or groups with interests in specific matters governed by policy may consent to, or challenge the policy, depending on how they perceive its underlying goals or an organisation’s exercise of power. Thus, any challenges of the goals manifested in policy may affect the legitimacy of present-day government among those that oppose them.

Ronald Inglehart (1977, 4) identified two interrelated and mutually supporting processes of value change that have relevance for the understanding of conflicts of interest in hunting. The first process is characterised by the decline in the legitimacy of hierarchical authority, nationalism, and ideology. This, he claims, led to a decline in confidence for the institutions of the state among citizens. The second process is characterised by the political expression of new values caused by a shift in the balance of political skills favouring the masses at the expense of the elite(s) (1977, 4). Inglehart sums up the consequences of the second process when he asserts that “other types of issues are brought into the political arena—issues that derive more from differences in life-style than from economic needs” (1977, 13). Protection of the environment is one example that Inglehart presents when speaking of “other types of issues”.

The emergence of these new issues presents the existing political parties with a dilemma. If they realign themselves to appeal to the new groups, they risk losing
their existing constituencies. The “new politics” often clash with strongly held traditional values and norms. (Inglehart 1977, 13)

To what extent is Inglehart’s conclusion applicable to hunting? Given that political goals may clash with strongly held traditional values of individuals at the local level of policy, it is reasonable to assume, consequently, that conflicts of interest might very well contribute to an erosion of legitimacy among citizens for current state institutions and government. Thus, a lack of consent among citizens for new political goals regarding hunting may lead to conflicts of interest in policy.

Policy and its formal rules have been defined partially as the embodiment of political goals. These political goals may inspire and influence conflicts of interest among concerned parties because they clash with the values and interests of individuals. Furthermore, the use of formal rules by an organisation or authority may lead to conflicts of interest. Beetham states that formal rules are questioned if conflicts of interpretation, social changes and/or infringements of the law are perceptible (Beetham 1991, 68-9).

While informal rules do not constitute policy, they might have been in place since before the formal rules were contrived and may still govern the behaviour and actions of hunters in GMAs. Douglas North (1990, 40) claimed that informal rules arise “to coordinate repeated human interaction”. He also claims that they are pervasive and have three characteristics. Firstly, informal rules have the character of extensions, elaborations and modifications of formal rules. They, secondly, have the character of socially sanctioned norms of behaviour. Finally, their character can be found in internally enforced standards of conduct. Thus, conflicts of interest can be caused by an organisation’s, the GMA’s, use of formal as well as informal rules when exercising its power.

It is important, at his juncture, to make a distinction between the terms ‘organisation’ and ‘institution’. “Whereas institutions are sets of rules, that structure interaction among actors,” Knight (1992, 3) states that, “organisations are collective actors who might be subject to institutional constraints”. It can, therefore, be said that these rules structure social interaction, with which social actors comply in making strategic choices concerning their future actions (Knight and Sened 1995, 9). The GMA is, according to this definition, an organisation, while
the formal and informal rules that govern hunting are its institutions, with which its actors must comply.

The concept of legitimacy is employed, in a specific sense, by political scientists when they describe situations characterised by problems, such as a policy experiencing problems. In this thesis the concept of legitimacy is important since it encompasses conflicts of interest linked with hunting policy. It is important to note at this juncture that the thesis remains open to whether or not conflicts of interest are a problem for democracy. Therefore, a legitimacy perspective has been selected to elucidate the relationship between perceptions, rules (formal and informal institutions), and organisations, on the one hand, and conflicts of interest, on the other.

Thus far, four factors have been identified that may possibly inspire, or in someway influence or trigger conflicts between hunting interests. These are:

Organisations
Institutions: that is, formal and informal rules
Perceptions

Firstly, an organisation, the GMA, that has been empowered to implement policy. Secondly, policy rules (formal rules) that have been drafted by the Swedish government to accomplish certain political goals were considered important at the time. Thirdly, although not part of formal policy, informal rules, for instance, traditional rules and the remnants of old policy, may still govern certain aspects of hunting. Finally, hunters who have perceptions of both policy (formal rules) and the exercise of GMA power that affects them. If this is the case they may either cohere with the formal rules in policy or challenge them. For instance, Nee and Ingram (2001, 35) point out that informal rules will evolve into opposition norms if an organisation’s formal sanctions are weak in relation to contradicting group interests.

This thesis is based on the assumption that when investigating conflicts among hunting interests and how these are manifested in the GMA, a comprehensive concept of legitimacy must be employed that can take these factors into
consideration. What kind of organisation is the GMA? This will be discussed in the next section.

5. Swedish Corporatism and the GMA

Corporatism should be viewed as a system which makes possible the representation of interests in democratic countries’ decision making process (Feltenius 1991, 17-8). These interests sometimes form organisations. From an international perspective Sweden is often considered to have a relatively high number of strong interest organisations. These organisations have a major influence over the formation of public policy (Rothstein 1991, 97). Swedish government interprets public desires and develops political goals through a process of input from these organisations. The GMA can be said to manifest a tangible outcome of this kind of thinking. Often corporatist organisations constitute and integrated part of public authority. The GMA also has authority because it is empowered and is made up of two kinds of interests: landowning hunters and rent-hunter interests. Cooperation between these interests is necessary to avoid conflicts of interest. Moreover, in their role of implementers of public, that is, hunting policy, GMAs can be regarded as a part of the political and administrative arrangement that constitutes local Swedish hunting policy. What does this imply?

Decision making in corporative administrative organisations has often been described as “an arena where interests with predetermined preferences can by utilising their power acquire advantages at the expense of the general interest” (Rothstein and Bergström 1999, 22). According to Rothstein and Bergström, there is one basic reason why corporativism’s legitimacy is criticised in a democratic sense: the democratic principle of equality is simply not compatible with the corporatist principle of special interest influence. The principle of one vote per citizen is eroded when corporatist decision making allows organised interests more influence than others. This kind of cooperation can in fact hide conflicts that ought to be solved in an open political debate (Rothstein and Bergström 1999, 26-7). In other words, conflicts of interest may be caused by the possibility that strong interests represented in the political process have had their preferences satisfied by policy regarding, for example, the establishment of the GMA, while weak interests have not. Thus, the GMA may be an instrument
for satisfying strong (powerful) interests’ preferences not a means of mitigating underlying conflict.

Rothstein explains why perceptions of organisations like the GMA may vary. An interest organisation, although it strives to advantage its own members, may unintentionally, or intentionally, disadvantage others (Rothstein 1991, 97). Dahl explains, in turn, why this is the case. If individuals organise themselves their shared norms and beliefs will affect the organisation’s goals and individual judgements will necessarily be incorporated into the attempts to attain these goals (Dahl 1991). In fact, “no person can altogether avoid employing standards of values when making judgements” (Rothstein 1991, 135-6). This reasoning explains why hunting policy’s formal rules may not be perceived as legitimate among less powerful hunting interests in the GMA and why conflict may come about as a result.

As the Kuivakangas example above shows, if hunters come into conflict with their own GMA, or even a state institution (such as the County Administrative Board) it would be expected that the hunters perceive some aspect of local level hunting policy, as well as some aspect of the government’s political goals on hunting, as unsatisfactory. Therefore, it can be argued that an investigation of the legitimacy of hunting policy can be a means by which to reveal the cause and effect of conflicts of interest on hunting as they appear in GMAs in the county of Norrbotten.

6. Aim and Questions
There is nothing new about the existence of conflicts of interest in democracy or that individuals’ perceptions, organisations, formal and informal rules, as well corporatist influence inspires or influences them. However, what is not known is to what extent these different factors, individually or in interaction with each other, cause conflicts between hunting interests locally and how this might affect the legitimacy of hunting policy and, ultimately, Swedish government’s goals on hunting.

In essence, the thesis aims at determining how individuals re-act to the implementation of new formal rules and the establishment of an organisation to
enforce them, where tradition and the remnants of old formal rules have been dominant locally for a long period of time.

In order to achieve this aim the focus of analysis, the GMA, must be described, theoretical assumptions about the impact of conflict of interest on the legitimacy of the Swedish government’s goals on hunting must be addressed and the formal rules that embody them and represents local hunting policy must be identified. Thus, the following questions will be dealt with:

1. Has the policy underpinning the Swedish government’s politics on hunting a fundamental legitimacy problem?
2. Which goals underpinned the establishment, empowerment and proliferation of the GMA and why were they drafted, that is to which problems was the GMA a solution?
3. How can a concept of legitimacy explain conflicts of interest and be applied to the context of local Swedish hunting policy?
4. Which legal rules constitute formal hunting policy?

In order to answer these questions an investigation has been carried out in the county of Norrbotten. This investigation is based on archival records, statistics and public documentation as well as interviews.

7. Disposition

The thesis is organised in the following way. It will begin with a description of the GMA in chapter two in order to reveal why it was established and eventually empowered and proliferated in 1981. This course of action implies identifying the problems the GMA was empowered to solve and the problems predicted by so-called special interests that were involved in the (corporatist) political decision making process. The thesis will continue in chapter three by making theoretical assumptions about the GMA’s exercise of power and the possible legitimacy crises it may lead to. The course of action to be chosen to test the theoretical assumptions will be presented in chapter four.

After the case study (chapters five, six, seven, eight, nine and ten) is reported the thesis will finish by analysing the findings in chapter eleven and discussing
them in relation to the legitimacy of the Swedish government’s goals on hunting in chapter twelve.
Chapter Two

The Empowerment of the GMA

Almost a century has lapsed since the establishment of the first GMA in Sweden and in this chapter the political history of the GMA will be elucidated. A GMA consists primarily of landowning hunters, but also of rent-hunters and guest-hunters. Landowning hunters’ properties make up the GMA and are jointly governed by this interest. The assembly of the landowning hunters, the huntsmen’s meeting, elects a board, which according to the association’s statutes, must consist of at least half landowning hunters. This board makes the necessary management decisions in the GMA. Unlike other hunting associations it has been empowered, since January 1981, to implement and enforce new formal rules laid out in the Game Management Association Act (SFS 1980:894). Before the 1980s the formal rules of a 1938 Hunting Act (SFS 1938:274) governed hunting in GMAs and other kinds of hunting associations until 1987. The fact that measures were recommended to change this old policy regime indicates that some aspects of the old formal rules (policy before 1980) were inadequate, or came into conflict with hunters’ preferences. This is discussed in the next section.

The Three Goals in Hunting Politics

Three major reasons were given for changing the old policy. Firstly, this time period saw a steady increase in the demand for hunting permits by potential rent-hunters. The Game Management Association inquiry assumed that an empowered GMA could satisfy this increased demand. For instance, if a landowning hunter with two hunting permits neither used them, nor rented them to other
hunters, the inquiry reasoned that two hunting opportunities were lost unnecessarily. However, if the landowning hunter was a member of a GMA, his or her hunting licence could be rented to other hunters by the GMA board. Secondly, because small landowning hunters complained over the limited amount of game they could hunt, the inquiry assumed that the GMA could satisfy this group’s preference to fell more game. Thirdly, after it became apparent that prevalent game management measures did not take into consideration the size of local moose populations it was recommended by the inquiry that hunting in GMAs should be biologically adapted to local moose populations (SOU 1979:19, 89). The GMA was empowered to deal with these three problems and realise the three political goals in hunting policy.

Now that the problems the GMA was established to solve are understood it is interesting to identify problems predicted by the special interests in 1979 with the new policy. However, before dealing with these, the establishment of the GMA and its administrative context as well as the political process behind it, will be dealt with.

1. The Establishment of the GMA

In 1912 a change of legislation made it possible to create larger Game Management Associations (GMAs) by encouraging smaller landowning hunters with adjoining boundaries to connect their private properties (SOU 1936:38, 66). The legal rules in the 1930s also included a threshold property requirement. This requirement’s central idea lies in limiting hunting to areas with a predetermined number of hectares. This inspired small landowning hunters that otherwise would not meet the requirement to become members of a GMA. The GMA was established to promote game management measures and hunters’ interests by coordinating hunting more effectively. This was considered imperative in order to facilitate the implementation of game control (SOU 1936:38, 65). It was, nevertheless, anticipated that landowners would not accept the threshold property requirement (first considered in 1909) on the grounds of its impracticality. To circumvent this problem it was suggested that landowners should sign voluntary contracts allowing them to hunt on each other’s property. Some landowners, however, were not thrilled by the prospect of having others hunt on their proper-
ties and refused to co-operate because they perceived this kind of contract as a possible encroachment of their property rights (SOU 1936:38, 66). This reluctance among some landowners to become members of GMAs eventually led to the introduction of the coercive majority principle.

A hunting inquiry, called the Changes Concerning Hunting and Bird Protection inquiry, recommended in 1936 (SOU 1936:38) that unwilling landowners’ properties be coerced into GMAs. By coerced I imply that some unwilling landowner had to be convinced and in some cases forced (without the use of violence) to become members. Although the inquiry believed that this recommendation would not be received well by the general opinion, it believed that the use of a majority principle when establishing new GMAs was justified because the concerned landowner is compensated by being able to hunt more and bigger game in a greater area than his own property qualifies him for (SOU 1997:91, 264). The inquiry did not, however, mention compensation for those landowners that do not hunt, but would be coerced into becoming GMA members.

Even when the GMA was empowered in 1981, coercion in the form of the majority principle remained. Instead of a 4/5 majority principle where 20% of landowners’ properties could be coerced into becoming members before 1980, a 3/5 majority principle was enforced where up to 40% of landowners could be coerced into becoming members of the newly empowered GMAs against their will after 1980 (SFS 1980:894, 7 §). This, it was believed by the Game Management Association inquiry, would make it easier for more GMAs to be established throughout Sweden. However, after becoming a member of the European Union in 1994, and as an attempt to harmonise the formal rules in hunting policy with European law, the coercive majority principle was changed in 2000 to, once again, require a four-fifths majority among landowners before establishing a GMA within the proposed area (SFS 2000:592, 7§).

It is the County Administrative Board (CAB) that, more often than not, recommends landowning hunters to establish and organise their properties in GMAs (SFS 1980:894, 1§). However, it is the GMA that makes explicit the extent to which hunting and game management should be organised internally (SFS 1980:894, 21 §). As already mentioned each GMA has a board that administers hunting within its boundaries. The GMA cannot acquire rights or assume
obligations without having a board (SFS 1980:894, 23 §; SFS 2000:592, 18§).
The chairman and members of the GMA board are elected annually at the
Huntsmen’s meeting. At least half of the members on the board must be land-
owning hunters (GMA statute 2§ B). In order for a GMA decision to be ratified,
half of the board’s members must be present when it is made. It must also re-
ceive a majority of votes among those present at the meeting (GMA statute 2§
A). The other members are made up of rent-hunters. Rent-hunters and not just
landowning hunters have had a right since 1980 to participate in some of the
GMA’s administration at the annual Huntsmen’s meeting (Jaktstämma) (SFS
1980:894, 24 §; SFS 2000:592, 19§).

It should be mentioned that the CAB has different kinds of authority. For in-
stance, it has the authority to dissolve a GMA if a two-thirds majority (which
owns at least half of the GMA’s property) desire this (SFS 1980:894, 26 §). To-
day the rules have been changed. A GMA can presently be dissolved if a one-
fifth minority, or those who own land that constitutes at least one-fifth of the
GMA, vote in favour of this at the annual Huntsmen’s meeting (SFS 2000:592,
34§).

The main difference between the GMA’s two hunting interests, landowning
hunters and rent-hunters, is that while rent-hunters only have a right to vote con-
cerning certain hunting issues, landowning hunters have the privilege of voting
on all issues (SFS 1980:894, 25 §). These issues include, for example, which
species can be hunted, when and by whom (SFS 2000:592, 20§). GMAs are not
established on lands where the Sami since time immemorial fish and hunt (SFS
1980:894, 2§), or on state-owned lands (kronomark). These lands are above the
Cultivation line (see Appendix 1).

2. The GMA and its Two Administrative Contexts

In Sweden hunting is organised in three hierarchical levels: the Game Preservation
District (Länsjaktvårdsdistrikt), GPD, usually made up of an entire county:
Moose Preservation Districts (Jaktvårdsdistrikt), MPDs, usually made up of en-
tire municipalities: and Hunting Districts (Jaktvårdskrets), HDs, usually areas
within the municipality. The Environmental Protection Agency (Naturvårds-
verket), EPA, and County Administrative Board (Länsstyrelsen), CAB, are two
state institutions directly involved in the legal affairs of the GMA. There are three legal institutions that are indirectly involved: the County Administrative Court (Länsrätten), CAC, the National Administrative Court (Kammarrätten) in Sundsvall, NAC, and the Supreme Administrative Court (Regeringsrätten), SAC (see Figure 2.1). Three of these institutions, the CAB, EPA and NAC were special interests in the political process underlying the establishment of the GMA. Special interests will be dealt with in section 4 of this chapter.

If a GMA hunter is not satisfied with the CAB’s decision, he or she can appeal it to the CAC. If the legal outcome favours the appellant, it is common that the concerned GMA and CAB, either together or independently of each other, appeal the CAC decision to the NAC. This is, for example, how the Kuivakangas-village GMA avoided dissolution in 2000. If the legal outcome does not favour the appellant, he or she can also decide to continue the legal process and appeal the CAC’s decision to the NAC. The SAC, adjudicates NAC decisions that either dissatisfy the appellant, the GMA, and/or the CAB. However, it is rare that decisions are appealed to the SAC (see Figure 2.1 below).

Sweden’s GMAs are all governed by the same legal rules and statutes. The administrative context in which they are embedded differs, however. To elaborate, hunting in Sweden is restricted to so-called hunting licence areas and moose or deer management areas (licensområden or skötselområden). This thesis will focus on the moose management area since there are no deer management areas in the county of Norrbotten. In order to hunt in either of these two hunting areas, a landowning hunter must own a property that is classified as appropriate for hunting (NFS 2002:19, 2 §).

A hunting area’s classification is determined by its size and/or the number and the variety of game that inhabit it, or periodically pass through its boundaries. There are three major types of hunting licence areas (licensområden) in Sweden: A, B and so-called one-calf areas.6

The “A” hunting licence area is the oldest and most common of the three hunting areas and constitutes 76% of Norrbotten’s GPD. Together they constitute less than three percent of the total GPD and are considered too small to encompass establish GMAs. Therefore, both “B” and “one-calf” hunting licence
areas will be excluded from the investigation (CAB Norrbotten moose hunting statistics 2002).

Hunting in GMAs is, as was mentioned above, not just conducted in hunting licence areas, but also in so-called moose management areas (älgkötselområden). Moose management areas have been, since 1991, an attempt to decentralise hunting with the aim of minimising moose related damages in forest areas (SNFS 1994:3). They constitute the remaining 21% of Norrbotten’s GPD (CAB Norrbotten moose hunting statistics 2002).

**The Hunting Licence Area**

Thus, the most common hunting area is the hunting licence area. In this kind of area the state sanctions big and small game hunting, as well as predator hunting when necessary and even protective hunting on occasion. The latter form of hunting allows landowners to protect farm animals, fowl and property from predators.

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![Diagram of GMA's Administrative and Legal Contexts](image)

**Figure 2.1: The GMA’s Administrative and Legal Contexts.**

The founding principle underpinning the hunting licence area is the same as the principle underpinning the establishment of the GMA: that is, its various properties should be connected. This connectedness principle has its origins in the
Hunting Act from 1912. In the beginning of the last century civil servants believed that a general lack of game was a result of relatively large number of small landowning hunters (SOU 1936:38). To counteract this potential tragedy of the commons (see Hardin 1968) it was suggested that larger and more connected hunting licence areas should be created by means of a voluntary agreement among the concerned small landowning hunters (SOU 1979:19, 31). It is also in this kind of area that the majority of Norrbotten’s GMAs were established (CAB Norrbotten moose hunting statistics 2002).

**The Moose Management Area**

The Moose Management Area (Älgkötselområdet) is the larger of the two kinds of hunting area. The Hunting Regulation from 1987 was amended in 1991 to include, not just hunting licence areas but also, moose management areas (SFS 1991:1770, 3§). The moose management area ought, according to EPA regulations, to be evaluated by the CAB at least once every three years (NFS 2002:19, 4), as opposed to annually as is the case with GMAs in hunting licence areas. Moose management areas encompass, more often than not, other interests that are affected by the local moose population. The most common interest involved in moose management areas in Norrbotten is forestry companies. In order for forestry companies to protect their interests and minimise the costs of moose-related damage, which is typically caused by moose grazing in tree-plantations, they co-operate with GMAs and other kinds of hunting organisations. Another reason to establish moose management areas is to avoid the detrimental conflict of interests between hunting and forestry interests (Wennberg-DiGasper 2006, 67). Therefore, moose management areas are a means by which these interests which would otherwise be in conflict can collectively determine the appropriate number of moose to be felled. The moose management area is also responsible for minimising moose related traffic accidents within their boundaries (NFS 2002:19, 4). As indicated in Figure 2.1 both the hunting licence area and moose management area constitute administrative contexts in which the GMA is active.

The main difference between GMAs in these two administrative contexts is physical in nature. GMAs in moose management areas are usually geographically larger than their counterparts in hunting licence areas (CAB Norrbotten
moose hunting statistics 2002). Another difference is that the moose management area is more loosely regulated inasmuch as GMAs recommend how many moose they need to fell. Moose management areas can even exist in different hunting districts (HDs) as well as moose preservation districts (MPDs). It is also common that moose management area GMAs, unlike their counterparts in hunting licence areas, overlap different HD boundaries. Thus, possible conflicts of interest in GMAs may be influenced or inspired by its administrative contexts.

3. The Swedish Political Process

It is vital to understand the content and application of constitutional procedures for political decision-making in Sweden when the underlying sources of conflicts of interest and their affect on the Swedish government’s political goals on hunting are to be understood. Thus, in order to enhance the pending investigation a brief outline of the basic procedures that make up this process will be undertaken.

The first step in the Swedish political process is taken when an inquiry, with the task of dealing with a certain political issue, is requested by a government department or the Swedish parliament, the Riksdag (Holmberg and Stjernquist 1993, 99). As a result of a request from the Swedish government, the Swedish Department of Agriculture initiated an inquiry in March 1978 concerning the Game Management Association (SOU 1979:19). It was made up of two groups: A bipartisan political reference group consisting of representatives from the three political parties that made up the government at the time (the Conservative, Liberal and Centre party), the major opposition parties in the Riksdag (the Social Democratic and former Communist parties) and two experts selected by the group. The inquiry group also engaged three civil servants and three experts on various hunting issues from the Department of Agriculture (SOU 1979:19). All the members of the Game Management Association inquiry participated as members in the so-called Hunting Seabirds in the Spring inquiry from 1977 and, thus, had previous experience with the hunting issue (Ds Jo 1977:4).

A second step in the decision making process is taken when an inquiry refers its findings to concerned special interests, usually state and legal institutions, and NGOs that are affected by the particular issue, in order to attain and assimi-
late their views on the issue at hand (Halvarson 1995, 108). Once again, these special interests will be dealt with in section 4. If uncertainty should arise concerning the legal aspects of the inquiry’s recommendations they can, on some occasions, be referred to the Law Council (Lagrådet) for deliberation before being submitted to the Riksdag and concerned parliamentary committee.

The Law Council was consulted concerning the Game Management Area inquiry’s recommendations. Two of the Law Council’s remarks were commented on by the Minister of Agriculture (Prop. 1979/80:180, 130). Firstly, the name ‘Game Management Association’ caused confusion because it was used by both the newly empowered GMA and the old GMA (Prop. 1979/80, 114). No alterations were made, however. The main difference between the new and old GMA, as well as other kinds of hunting associations, is that hunters in the empowered GMA are legally entitled to appeal some of its decisions, while this is not possible in the old GMA or other hunting associations.

Secondly, the Law Council also remarked that the new rules governing the issuing of hunting licence permits to rent-hunters were so diffuse that they may be difficult to interpret. To be more specific, the Law Council believed that it might erroneously appear to some GMAs that they and not landowners have the exclusive right to issue hunting licence permits to potential rent-hunters (Prop. 1979/80:180, 118-9). The relevant legal rule (SFS 1980:894, 10 §) dictates that the GMA’s role is to review applications for hunting licence permit contracts between landowners and potential rent-hunters. This critique was nevertheless dismissed by the minister and the 10 § was not amended until 2000 (Prop. 1979/80:180, 131). After the Law Council deliberated and remarked the contents of the proposed hunting bill, it was remitted to the Riksdag for further deliberation and debate.

The Riksdag’s bipartisan Special Parliamentary Committee on Agriculture (Jordbruksutskottet), SPCA, deliberated the proposed hunting bill before it was finally debated and accepted by a majority of the Riksdag’s chamber. The hunting bill (Prop. 1979/80:180) appealed to a majority of the SPCA politicians because they too believed that an empowered GMA could fulfil the aforementioned three political goals (JoU 1980/81:3, 11). Critics of the proposed hunting bill, in particular the former communist Left Party and some social democrats,
were of the opinion that it would lead to speculative hunting licence permit fees (motion 1979/80: 213). The committee agreed with this critique, but decided to wait for the results of ongoing research before giving any recommendations on the subject (JoU 1980/81: 3, 12).

As a final step in the political process, and in accordance with tradition, the Riksdag then delivered the hunting bill, as a parliamentary letter (rskr 1980/81:22) to the Swedish Government to be codified in Swedish law (SFS 1980:894). This transpired in 1980 and the Game Management Act came into effect locally in Sweden in January 1981.

4. Special Interests on the Empowerment of the GMA
The GMAs initial establishment in the beginning of the last century and its subsequent empowerment 25 years ago may have had consequences for local conflicts between landowning hunters and rent-hunters. Special interests are, to reiterate, those state and legal institutions as well as NGOs that were invited to participate in the political process (see section 2 above) and which gave their views on the Game Management Association inquiry’s recommendations. Prevalent and possible future problems with the empowerment of the GMA are evident in these expressed views. I will assume that these problems are perceived differently among hunting interests in the GMA and may, in some cases, cause conflicts of interest.

The special interests identified six major problems that impact on each other in one or more ways and are assumed to impact on the Swedish government’s goals on hunting. These problems differ in character and will, therefore, be sorted based on their assumed impact on policy. The most severe of these problems is scepticism among special interests for the GMA’s ability to achieve the fulfilment of the government’s goals on hunting. Another problem identified by the special interests was that the application of the coercive majority principle (SFS 1980:894, 7 §) enabled over 40% of landowners to be coerced into becoming members of GMAs. Landowners who have been required against their will, that is coerced, to become members of GMAs, or those that have become dissatisfied after its empowerment may want to withdraw their properties from hunt-
ing (SFS 1980:894, 11 §), or remove them permanently from the GMA (SFS 1980:894, 29 §) is another predicted problem.

A fourth problem arises when rent-hunters are given rights in the GMA. This problem is basically about how much influence each of the GMA’s two interests, landowning hunters and rent-hunters are given. The fifth problem arises from a lack of moose to hunt. This was identified by some special interests as a result of ineffective game management measures. Finally, because GMAs were to be established in all of Sweden, the Sami, who are indigenous to parts of eastern and northern Sweden, should have a say in the running of the GMA. An absence of indigenous influence in the goings on of the GMA would, according to some special interests (see below), lead to conflicts. These six problem areas are those that special interests remarked on the most. In the subsequent sections these six problems and their implications for conflicts of interest will be discussed.

The Scepticism Problem
Fours special interests, the Norrbotten CAB (Länsstyrelsen), the Environmental Protection Agency (Naturvårdsverket), the EPA, the National Administrative Court (Kammarrätten) in Sundsvall, the NAC, and the Land Surveying Agency (Statens Lantmäteriverk), the LSA, expressed scepticism concerning the establishment of the GMA. The Norrbotten CAB’s scepticism towards the establishment of the GMA has to do with the county’s specific context. Because of depopulation trends in rural Norrbotten at the time it was believed that landowners that had moved from their village, but still own property there may fear an encroachment of their right of ownership and self-determination if their properties were assimilated into GMAs. As a result, the CAB believed it would be difficult to establish GMAs in depopulated villages in the county of Norrbotten.

The EPA was also sceptical towards the empowerment and proliferation of GMAs. It expressed the view that since the new Hunting Act (SFS 1987:259) was enforced in 1987 the GMA has become superfluous. The Hunting Act was also amended in 1992 and 1994 to emphasise the need for cooperation and deliberation between hunters on a voluntary basis. With the exception of those GMAs which have many small landowning hunters, the EPA no longer sees the
GMA as essential for maintaining a sustainable number of moose (NV 1995-11-20, 5[11]). The NAC was not keen to establish the GMA because it was also of the opinion that established hunting legislation (SFS 1987:259) would suffice to govern hunting locally. The Land Surveying Agency (Statens Lantmäteriverk), the LSA, pointed to the fact that GMAs, although they were first established almost 70 years previously, only cover 20% of Sweden’s hunting area (Prop. 1979/80:180, 59). Even the EPA doubted that the empowerment of the GMA would lead to more hunting opportunities. Moreover, it believed that the recommended policy would put Sweden’s CABs under considerable pressure (Prop. 1979/80:180, 77).

The Coercion Problem
A predicted problem that was discussed by almost all the special interests was the coercion problem. For instance, the EPA worried that the Game Management Association Act would encroach on landowning hunters’ property rights (Prop. 1979/80:180, 61). It, like the Norrbotten CAB, believed that it would be more difficult to acquire a majority among landowners when establishing GMAs because, it claimed, they would be unwilling to forfeit their rights of property ownership to the GMA (Prop. 1979/80, 61).

As mentioned in chapter one, the EPA undertook an investigation of Sweden’s GMAs in the autumn of 1989 (NV 1995-11-20). It was concluded that the majority principle embodied in 7 § of the Game Management Association Act is inconsistent with the principles laid down in the Swedish constitution in RF 2:18. However, the majority principle although it was limited to a 4/5 majority in 2000, has become controversial since the European Court of Human Rights (ECHR) ruled that landowners are not to be coerced into hunting associations because this violates articles 1 and 11 in the European Convention on Human Rights (25088/94;28331/95;238442/95 [1999] ECHR 22). In sum, there is empirical support for the EPA claim that coercion is not warranted by RF 2:18 or by European law.

The Uppsala CAB also believed that the recommendation to lower the majority principle from a 4/5 to a 3/5 majority was controversial (Prop. 1979/80:180, 64). The Swedish University of Agricultural Sciences (Sveriges lantbruksuniversitet...
versitet), SUAS, was also of the opinion that conflicts could arise with a lowered majority principle (Prop. 1979/80:180, 76). The majority principle was also questioned by the Office of the Prosecutor-General (Riksåklagaren), OPG, which instead suggested adherence to a vague general opinion (Prop. 1979/80:180, 68-9). That is, instead of “counting heads”, it believed it would be better to establish a GMA based on a vague consensus among landowners. Sweden’s second largest hunting association, The Hunters’ National Association: the Countryside Hunters (Jägarnas Riksförbund-Landsbygdens Jägare), HNACH, was adamant in its view that as little coercion as possible should be applied when establishing GMAs. Thus, the organisation was not in favour of a lowered majority principle (Prop. 1979/80:180, 79).

The Federation of Swedish Farmers (Lantbrukarnas Riksförbund), the FSF, was also somewhat sceptical about the lowering of the majority principle. It was worried that coercion was not a good starting point for a positive “community of interests” in the GMA (Prop. 1979/80:180, 76). Even the County Game Management Consultants’ Association (Sveriges länsjaktvårdskonsulters förening), the CGMCA, believed that a lowered majority principle would be detrimental for game management measures and future cooperation between landowners in GMAs (Prop. 1979/80:180, 71). The Court of Civil and Criminal Appeal for upper Norrland (Hovrätten för övre Norrland), the CCCA, was also sceptical of the notion of coercing at least 40% of the concerned landowners into becoming members of GMAs (Prop. 1979/80:180, 62). Finally, the Diocesan Board in Gothenburg’s Diocese (Stiftsnämnden i Göteborgs stift), the DBGD, also believed that the GMA’s proposed “exercise of authority” resonated badly with the term “voluntary” (Prop. 1979/80:180, 64).

Conversely, the National Forest Enterprise (Domänverket), the NFE, Norrbotten’s CAB, the AHWM, and the Foresters’ Cooperation Committee (Skogsindustriernas samarbetsutskott), the FCC, supported the notion of a majority criterion. The NFE was of the opinion that the lowered majority criterion was necessary to bring about an effective establishment of more GMAs (Prop. 1979/80:180, 62). The Norrbotten CAB also supported the notion of lowering the majority criterion from a 4/5 majority to a 3/5 majority for the same reason (Prop. 1979/80, 68). However, the AHWM was sceptical of the 3/5 majority cri-
terion and was of the opinion it should only be applied under exceptional circumstances (Prop. 1979/80:180, 69). Because it was adamant that the GMA should become a part of forestry, the FCC supported the notion of a reduced majority criterion (Prop. 1979/80:180, 70).

Two groups can be discerned among the special interests concerning the application of the majority principle. The first group is made up of the Environmental Protection Agency (*Naturvårdsverket*), the Federation of Swedish Farmers (*Lantbrukarnas Riksförbund*), the Swedish University of Agricultural Science (*Sveriges lantbruksuniversitet*), the Office of the Prosecutor General (*Rikssäklagaren*), the Hunters’ National Association: Countryside Hunters (*Jägarnas Riksförbund: Landsbygdens Jägare*) the County Game Management Consultants’ Association and the Court of Civil and Criminal Appeals for upper Norrland (*Hovrätten för Övre Norrland*). Their commonality is in their view that the implementation of the majority principle is not wise because of its coercive character.

The second group is made up of the Association for Hunting and Wildlife Management (*Svenska jägareförbundet*), National Forestry Enterprise (*Domänverket*), Norrbotten’s CAB and the Forestry Cooperation Committee (*Skogsindustriernas samarbetsutskott*). Each of these interests expressed that the GMA could not fulfil the government’s political goals on hunting if some landowners could prohibit the outright establishment of new GMAs in Sweden.

**The Unwilling Landowner Problem**

The Agency for Administrative Development (*Statskontoret*), the AAD, was of the opinion that GMAs should first and foremost be part of nature conservation, and that this should be clarified in the Game Management Association inquiry’s findings and recommendations (Prop. 1979/80:180, 69). Moreover, the AAD believed that the withdrawal of landowner’s property from hunting in, or its permanent removal from, the GMA should be allowed on grounds of principal and not solely on idealistic grounds. For instance, if a landowner values wandering freely on his property whenever he likes, but thinks that hunting on his property poses a risk for his safety, this should be ample reason for him to remove his property from the GMA (Prop. 1979/80:180, 96). Finally, the AAD stated
categorically that the term “idealistic misgiving (ideell betänklighet)” in the 11 §
of the Game Management Association Act (see below) was unnecessary since it
categorised an individual based on their ideological beliefs. The agency pointed
out that: “A person should not have to account for his ideological viewpoint
concerning the GMA”. Therefore, it suggested that the term “idealistic misgiv-
ing” should be replaced by the term “principal misgiving (principiell betänk-
lighet)” (Prop. 1979/80:180, 96). This in effect paves the way for reasons for the
removal of property other than those moral considerations given in the 11 and
29 §§ of the Game Management Association Act, which read: “On the request of
a landowner that has “idealistic misgivings” about hunting can have his property
withdrawn from hunting in the GMA” (SFS 1980:894, 11 §). Moreover,

a Game Management Association can decide to remove a property that is a part
of the GMA for reasons of “changed usage” or lack of importance for game man-
agement if and only if the landowner and GMA are in agreement about the re-
moval of the property from the GMA. The CAB is involved as a third party if
agreement cannot be reached in the GMA (SFS 1980:894, 29§).

The first of these two formal policy rules deals with idealistic misgivings and
allows landowners to withdraw their properties from hunting in the GMA. The
second rule differs from the first in the sense that the landowner does not just
want to withdraw his property from hunting, but wants to remove it permanently
from the GMA itself. The suggestion that landowners under certain circum-
stances can withdraw or remove their properties from the GMA was supported
by the Forestry Cooperation Committee (Skogsindustriernas samarbetsutskott).
The FCC also wanted to make it possible for landowning hunters to become for-
esters because it was of the opinion that the GMA must be part of a rational for-
 estry (Prop. 1979/80:180, 70: 87). The CGMCA (Sveriges länsjaktvårdskon-
sulenters förening) shared the opinion that a landowner’s property must be al-
lowed to withdraw, or be removed permanently, from a GMA for other reasons
than “changed usage” (Prop. 1979/80:180, 102; see above).

The case Chassagnou and others v. France, brought before the European
Commission on Human Rights (ECHR) in 1999, has implications for hunting in
local Swedish GMAs. Two landowners appealed on idealistic grounds to have
their properties removed from the local municipal hunters’ association, the
ACCA (*Associations communales de chasse agréées*). After they were refused to do this they appealed the decision to the Bourdeaux Administrative Court in 1988. Ten years later the case ended up in the ECHR. It was found that the French state had breached articles 1 and 11 of the European Convention on Human Rights. In other words, the French state had violated the landowners’ rights of ownership (article 1) and restricted their exercise of rights (article 11). The court’s view of the landowners being coerced into the ACCA against their will can be summed up in the following statement:

To compel a person by law to join an association such that it is fundamentally contrary to his own convictions to be a member of it, and to oblige him, on account of his membership of that association, to transfer his rights over the land he owns so that the association in question can attain objectives of which he disapproves, goes beyond what is necessary to ensure that a fair balance is struck between conflicting interests and cannot be considered proportionate to the aim pursued (25088/94, 28331/95 and 28443/95 [1999] ECHR 22, p. 32).

This case is significant in the sense that Sweden has been since 1994 a full member of the EU. With the ECHR’s application of articles 1 and 11 in mind, the EPA’s interpretation of RF 2:18 can also be considered to be more in line with the ECHR’s. Since the GMA can still coerce landowners to become members, the Game Management Association Act was amended to be more in line with the conventions in EG law. Nowadays, in order to coerce a landowner into a GMA there must be a 4/5 majority as opposed to a 3/5 majority as was the case prior to EU membership (SOU 1997:91). However, the membership required by the majority principle remains and so too do unwilling landowners. In sum, two special interests, the Agency for Administrative Development (*Statskontoret*) and Forestry Cooperation Committee (*Skogsindustriernas samarbetsutskott*), in particular, expressed concern over the rights of individual landowners who wished to either withdraw their property from hunting or remove it permanently from the GMA.

**The Power and Influence Problem**

During the political process that led to the establishment and proliferation of the GMA and formal rules to underpin it, the National Board of Forestry (*Skogssty-
relsen), the NBF, was of the opinion that conflicts of interest in the GMA were often caused by rent-hunters and possibly even guest-hunters. It was, therefore, resolute that landowning hunters maintain power in the GMA because they best know how to maintain forests (Prop. 1979/80:180, 88). The National Forest Enterprise (Domänverket), the NFE, was adamant that rent-hunter GMA members were not given the right to vote on property-related issues and that the GMA should be allowed to lease property from forestry companies (Prop. 1979/80:180, 89). Even the Association for Hunting and Wildlife Management (Svenska jägareförbundet), the AHWM, believed that, besides having to meet the threshold property requirement, rent-hunters should not be given the same membership rights (votes) as landowning hunters (Prop. 1979/80:180, 98).

The Diocesan Board of Gothenburg’s Diocese (Stiftsnämnden i Göteborgs stift), the DBGD, was also consulted about the empowerment of the GMA, as were other dioceses in Sweden. The DBGD will, because it is representative of the other dioceses view on the establishment of GMAs, speak for the other dioceses. Because of their value, the DBGD believed that the circumstances around the renting of hunting permits (that is, speculative fees) should be monitored more closely (Prop. 1979/80:180, 59). It also saw the recommendations in the Game Management Association inquiry as beneficial for landowning hunters with small properties, but burdensome for landowning hunters with large properties (Prop. 1979/80:180, 63).

Conversely, the Judicial Board for Public Lands and Funds (Kammarkollegiet), the JBPLF, commented that conflicts of interest can arise if landowning hunters, irrespective of the size of their properties, are allocated one vote each (Prop. 1979/80:180, 60-1). However, it stated that if rent-hunters are allowed to hunt in a GMA they must meet a given threshold property requirement to acquire hunting licence permits there (Prop. 1979/80:180, 81). It suggested that the number of votes in the GMA, should be based on the size of the property a landowner possesses (Prop. 1979/80:180, 99). Because of the GMA’s possible misuse of power, the Federation of Swedish Farmers (Lantbrukarnas Riksförbund), the FSF, suggested that rent-hunters obtain full membership in the GMA. Thus, voting should be based on the area that a hunter owns or rents (Prop. 1979/80:180, 98-9). This recommendation can be seen as the FSF’s attempt to
protect the rights of the rent-hunter. The Swedish Association of Local Authorities (Svenska Kommunförbundet), the ALA, was, like the former Communist Party, also concerned with the possibility of speculative hunting fees and, thus, the interests of rent-hunters. It believed, therefore, that the GMA could better meet the needs of rent-hunters (Prop. 1979/80:180, 57). The National Administrative Court (Kammarrätten) in Sundsvall, the NAC, was also unsure how the rights of so-called rent-hunters would be affected by the establishment of the GMA. However, despite these qualms the NAC gave its support for the GMA (Prop. 1979/80:180, 57). Even the FSF expressed worries about “unreasonable conditions” arising in GMAs such as boards misusing their power and terminating contracts with specific rent-hunters (Prop. 1979/80:180, 80).

The CGMCA (Sveriges länsjaktvårdskonsulenters förening) was of the opinion that a rent-hunter must meet the required property threshold in order to acquire a hunting permit in a GMA (Prop. 1979/80:180, 82). Votes per hunter, it argued, should be based on the amount of property a landowner possesses, or a hunter rents in the GMA. Another difficulty that the association foresaw that landowning hunters and rent-hunters could face with the proposed establishment of GMAs was that the threshold property requirement would vary even for similar properties marginalising some small landowning hunters and rent-hunters (Prop. 1979/80, 81).

In sum, the Judicial Board of Public Lands and Funds (Kammarkollegiet), the Federation of Swedish Farmers (Lantbrukarnas Riksförbund), the Association of Local Authorities (Svenska Kommunförbundet) and the National Administrative Court (Kammarrätten) in Sundsvall were of the opinion that rent-hunter interests must have the same rights as landowners. The County Game Management Consultants Association (Sveriges länsjaktvårdskonsulenters förening) also believed that rent-hunters must have rights, but not on equal terms as landowners. However, the National Board of Forestry (Skogsstyrelsen), the National Forest Enterprise (Domänverket) and the Association for Hunting and Wildlife Management (Svenska Jägareförbundet) did not want rent-hunters to have equal rights or votes concerning the running of the GMA.
The Ineffective Game Management Problem

The Federation of Swedish Farmers (Lantbrukarnas Riksförbund), the FSF, believed that hunting should be conducted with the farmers’ best interests in mind. Since the game situation had changed during the course of the 1960s and 1970s it also believed that hunting should be adapted to meet its biological needs. Thus, the FSF viewed the establishment of the GMA necessary in reaching these goals (Prop. 1979/80:180, 56). The National Board of Forestry (Skogsstyrelsen), the NBF, also wanted hunting to be conducted in accordance with biological principles where the production of forest goes hand in hand with the production of game (Prop. 1979/80:180, 55-6). Thus, two special interests, the FSF and NBF, in particular, favoured game management measures based on biological principles.

The Indigenous Sami Problem

The indigenous Federation of Swedish Sami (Svenska Samernas Riksförbund), the FSS, also participated in the political process because GMAs can be established on lands below the Cultivation line that belong to Sami territories and are utilised for grazing their reindeer under the long and harsh northern Swedish winter. The FSS was critical to the fact that the Game Management Association inquiry had not touched on Sami property right issues. They claimed that if a GMA was to be established on land utilised by the Sami, they must reasonably have rights to hunt there (Prop. 1979/80:180, 57). The National Board of Agriculture (Lantbruksrådet), the NBA, chose to deal with the issue of GMAs on Sami territories below the Cultivation line (see Appendix 1). It was believed that Sami territories should be given considerable influence in those GMAs that are established within their boundaries and that they should not encroach on their rights (Prop. 1979/80:180, 56).

However, this recommendation was circumvented in the Game Management Association inquiry (SOU 1979:19) when it stated that “the special hunting circumstances within the Sami territories have led to their exemption from the newly proposed moose hunt and, until the results of ongoing discussions are made known, the establishment of GMAs on Sami territories will not be dealt
with” (p. 107). The issue was not dealt with again until 2005 (see SOU 2005:116).

5. Summary

The GMA was empowered in 1981 to deal with three specific problems. Therefore it has three aims to fulfil:

1. Increase the number of hunting opportunities in Sweden,
2. Enable small landowning hunters to hunt more and larger game, and in order to achieve these two goals, and
3. Biologically adapt hunting to local game populations.

As has been demonstrated in the preceding sections different organisations and interests vary in terms of support for these goals. Two interests, landowning hunters and rent-hunters dominate the GMA. The founders believed that these two interests could cooperate in the GMA. However, it is the former interest that dominates in the GMA.

There are two administrative contexts in which the GMA is active. These are hunting licence areas and moose management areas. Both of these contexts vary in different ways, particularly concerning the involvement of the CAB. These contexts may, thus, affect conflicts of interests among hunters in GMAs.

Moreover, GMAs may adhere to formal rules in policy or, as I will argue in the next chapter, informal rules. This is not a problem if the formal rules converge with the informal rules. But, as already mentioned, it becomes a problem when the different kinds of rules-in-use diverge. Divergence between formal and informal rules will ultimately lead to tension especially if the different interests in the same GMA purport the use of both kinds of rules.
Six major problems were predicted by the different organisations and interests invited to participate in the political process concerning the establishment of the GMA. However, some of the special interests were also sceptical of the empowerment and proliferation of the GMA. However, as already mentioned the indigenous Sami problem will no be dealt with in this thesis. Therefore, five problems may affect the GMA:

Scepticism
Coercion,
Unwilling landowners,
Power and influence, and
Ineffective game management

I assume that the factors and contexts in *Figure 2.2* inspire or influence conflicts of interest in local Swedish hunting policy. These conflicts are tell-tale signs of how different hunting interests perceive the political goals of hunting in Sweden.
Chapter Three

Legitimacy and the Exercise of GMA Power

“[T]he desires of men are different, as men differ among themselves in temperament, custom and opinion; we see this in … common business life, where what one person praises another will condemn and call evil. Indeed often the same man at different times will praise and blame the same thing. As long as this is the case there will necessarily arise discord and conflict.” (Thomas Hobbes in Richard Tucker 1997)

The above quotation captures and manifests the implicit link between conflicts of interest, on the one hand, and the significance of legitimacy, on the other. It can be assumed that what people praise, they tend to see as legitimate and what they condemn and call evil, they tend to see as illegitimate. In a democracy it can be assumed that the success or failure of a policy governing a given social area relies on the level of legitimacy it engenders from individuals. Moreover, if opinion, in the context of politics, is divided concerning one or other of its goals it can be characterised by conflicts of interests. An interest has been defined as something that benefits an individual or group in some way. Recall that an interest organisation may sometimes be made up of individuals with varying values and outlooks on life. Therefore, also individuals with different values may still have the same interest.

The indicated debate within, and outside of, the GMA is a sign that conflicts of interest are prevalent. It has earlier been conjectured that even an individual’s
perceptions of an organisation’s exercise of power based on either formal as well as informal rules play a role in conflicts of interests and, ultimately, affect the legitimacy of the political goals governing hunting today. Without an understanding of the legitimacy concept this investigation would be unable to conclude how the abovementioned factors (see Figure 2.2) interact and contribute to conflicts of interest that characterise local Swedish hunting policy. It should be noted that a conflict of interest commences first when the concerned individuals take actions that express their withdrawal of consent for a particular exercise of power. It becomes a full blown conflict of interest when the organisation that exercises power defends itself and its actions.

This chapter begins by breaking down the concept of legitimacy into its inherent preconditions and continues by discussing the concept within the context of government. The issues of how government is justified will also be treated in this discussion. The chapter will finish by presenting a number of assumptions concerning the exercise of GMA power.

1. What is Legitimacy?

The preconditions a legitimate authority like the government must meet will be dealt with in this section. The clarification of these preconditions enable recognition of the qualities a particular exercise of power must have in order to be perceived by individuals as legitimate. As such they are both necessary for explaining conflicts of interest in GMAs and their implications for the legitimacy of the government’s political goals on hunting.

In the beginning of the 1980’s John H Schaar, in line with the political scientists Robert Dahl and Ronald Inglehart, stated that: “Legitimate authority is declining in modern states” and that, “‘law and order’ has become the basic political question of the day” (Schaar 1981, 16-17). Schaar implies that the rational-legal structure underpinning a government’s legitimacy is no longer something which should be taken for granted. In order, then, to understand the importance this statement has for the legitimate exercise of an organisation’s power it is necessary to make known the preconditions a government, or other form of authority like an organisation, must meet.
Schaar compares the traditional and common meanings of legitimacy with its use in social science. Some traditional and common meanings of the legitimacy concept can be found in the *Oxford English Dictionary*, which states:

Legitimacy: (a) of a government or the title of a sovereign: the condition of being in accordance with law or principle … (b) conformity to a rule or principle; lawfulness. In logic, [legitimacy is] conformity to sound reasoning.

Legitimate: (a) etymologically, the word expresses a status, which has been conferred or ratified by some authority. (b) conformable to law or rule. Sanctioned or authorised by law or right; lawful, proper, (c) normal, regular; conformable to a recognised standard type. (d) sanctioned by the laws of reasoning; logically admissible or inferable.

The most relevant entries, according to Schaar, are from Webster’s *Unabridged*:

Legitimate: (1) lawfully begotten … (2) real, genuine; not false, counterfeit, or spurious. (3) accordant with law or with established legal forms and requirements; lawful. (4) conforming to recognized principles, or accepted rules or standards. (1981, 19-20)

To these definitions Schaar adds three contemporary ones:

1. Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society.
2. In the tradition of the social scientist Max Weber, legitimacy has been defined as the degree to which institutions are valued for themselves and considered right and proper.
3. We may define political legitimacy as the quality of “oughtness” that is perceived by the public to inhere in a political regime. That government is legitimate which is viewed as morally proper for a society. (Schaar 1981, 20)

With a point of reference in the above definitions it can be concluded that individuals are believed to confer legitimacy on authority, and that authority, in turn, is supposed to engender and maintain this legitimacy. It can, therefore, be inferred that legitimacy is dependent on two reciprocal preconditions. Firstly, legitimacy requires that government (and its apparatus) is lawful and, secondly, that a majority of individuals value government and consider it just and morally proper. Consequently, if legitimate authority is declining in the modern state, as Schaar claim, the reasons leading to its decline can be found in a government’s
inability to, firstly, conform to law and, secondly, engender and maintain the perception that it is morally proper.

Concerning legitimacy’s first precondition, however, the sociologist David Beetham notes that law on its own is not enough to guarantee legitimacy (1991, 69). This follows from the fact that rules cannot justify themselves simply by being rules, but, in connection with legitimacy’s second precondition, necessitate justification by reference to moral considerations that lie beyond them.

Therefore, a moral perspective will aid in shedding light on what happens when a just and morally proper government no longer can engender and maintain its legitimacy. With the use of this perspective an understanding of the possible kind of legitimacy crises a government may face if it is for whatever reason encumbered in its ability to be lawful, or is no longer perceived as morally proper.

2. The Circumstances of Anarchy

This section unfolds the historical aspirations underpinning legitimate government. A number of interpretations of the state-of-nature will now be summarised as a means of understanding what inspired individuals to abandon it and embrace the governed state.

The state-of-nature, as opposed to the state-of-society, is described by most political theorists as a circumstance of anarchy. One interpretation, called the Hobbesian, warns of a situation where men live without a common power or a sovereign, and are in a state of war “where every man is enemy to every man” (Hobbes 1997/1651, XIII). In such circumstances there is no place for human enterprise and everyday life is characterised by “continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short” (Hobbes 1997/1651, XIII).

A second interpretation is from Fredreich Hegel. He perceived the state of nature as humanity’s subordination under natural laws. For Hegel, history is the story of “our emergence out of the darkness of nature into the light of history, out of determination by nature’s laws into the realm of self-conscious self-determination” (Houlgate 1993, 408). Hegel asserts that in the darkness of nature the individual is only important for the survival of the species (Houlgate
However, as nature progresses and individuals become more self-aware, they acquire intrinsic value, that is, according to Hegel, individuality.

Yet another interpretation comes from John Stuart Mill. He claims that before man was capable of free and equal discussion, mankind had nothing except implicit obedience to an obscure God, if, Mill claims, they were fortunate to find one (Mill 1991, 15). Mill recognised that man had some common needs and argued therefore that a sphere of non-interference where individuals can make autonomous choices is obligatory if they are to enjoy the happiness of individuality (Mill 1991, xiv).

These brief interpretations of the circumstances that were believed to characterise a state-of-nature support the notion that it was anarchic. In consequence, pre-society gave individuals an incentive to organise socially. Hegel, as well as Immanuel Kant, understood this necessity and concluded that without a social context, mankind cannot achieve self-awareness or pure reason. Mill went as far as to argue for the necessity of a temporary Leviathan to overcome the uncivilised circumstances inherent in the state-of-nature. Thus, it can be concluded that the existence of government is legitimate because it prevents anarchy and insecurity and because it is a means to the end of achieving stability and order within a culture or society. Presumably this also applies to the GMA in local Swedish hunting contexts.

3. The Necessity of Government

If legitimate government was historically a means to achieve security and peace, then how do individuals historically convey legitimacy on the government of the state? There are three different ways in which consent might be conveyed on government. Thomas Hobbes, for instance prescribed that consent was fundamental in defining the political legitimacy of sovereigns and the political obligations of subjects (Riley 1982, 26). However, this voluntary conveyance of consent was conditional, that is, once the subjects had accepted the terms of the contract it could not be revised or revoked.

The second way of conveying consent is a modification of the first, but deviates on one important aspect: it allows for consent to be expressed repetitively. According to John Locke, repetitive consent gives political power to elites for
the benefits of its subjects (Riley 1982, 61). This prescription presupposes elections where the social contract is periodically exposed to review. Of these two different ways of conveying consent to legitimise the sovereign’s, or the government’s, exercise of power, it is the latter that has endured, albeit in different forms.

A third and more contemporary way of conveying consent is, thus, built on the argument that consent is more than the result of an agreement between involved interests and the state. In this context, “what is important about consent is not the condition of voluntary or repetitive agreement, but the specific actions that publicly express it; and that these are important because they confer legitimacy on the powerful” (Beetham 1991, 91; author’s emphasis). David Beetham discusses three types of public action that are indicative of consent.

One prominent form of action that expresses consent in the modern state, Beetham states, is participating in elections and consultations and/or negotiations with the powerful about, for instance, the aspects of a policy and the obligations of individuals to obey it (Beetham 1991, 92-3). Another form of action that expresses consent is what he calls, “public accumulation”, which takes form in demonstrations of popular support (1991, 93). The public expression of consent reveals that conflicts of interest exist among hunters and that policy (defined as the formal rules and organisation empowered to implement them) is, consequently, suffering from a lack of legitimacy among some hunting interests.

4. Government and Legitimacy

In order to understand and explain how a government is morally justified, this section will deal with two main issues. The first issue deals with how a government maintains and promotes its legitimacy. Conversely, the second issue deals with the circumstances that threaten a government’s legitimacy.

Bearing in mind that morality has, from the beginning been a group morality and that each group believes that there is no morality other than its own (Schaar 1981, 29), morality can be interpreted as a means of preserving one specific end: the preservation of the group’s culture. If then, in a modern sense, the concept ‘group’ is replaced by ‘society’, and if each society has morality and identity, a government must legitimate its actions based on the society’s specific morality.
Because moral challenges emanate from different interests, they express and highlight the fragile foundation of modern society (Schaar 1981, 31). As mentioned in chapter one, conflicts of interest are unavoidable because different groups in a society perceive policy differently. The existence of conflicts of interest is not a threat to the state in the sense that, as Rousseau observed, an individual may contest a policy but still share the “moral bonds and limits of society” (Rousseau 1968/1762). However, if government, meaning its institutions or empowered organisations, favours one interest at the expense of another, its status as being just and morally proper will suffer.

When reflecting on the question of what distinctive circumstances lead a government to promote the interests of individuals in society, John Stuart Mill asserted that because governments need legitimacy they must find ways to promote the interests of society. He presented two principles that must be fulfilled in order for a government to promote and maintain its legitimacy. The first condition, the utilitarian principle, is concerned with maximising the utility of the individuals that make up the governed society (Mill 1991, 225). Thus, by invoking the greatest happiness principle government maintains and promotes its legitimacy.

The second principle, the effectiveness principle, is connected with the government’s ability to maintain and promote individual utility. It depends, thus, upon the degree of perfection with which the government organises “the moral, intellectual, and active work already existing, so as to operate with the greatest effect on public affairs” (Mill 1991, 229). The effective maximisation of the majority’s utility in the spirit of the greatest happiness principle counteracts arbitrariness and can best be realised by a representative government.

Despite this awareness, a democratic government can still have problems meeting the abovementioned principles as well as establishing the institutional forms in which its principles can be realised in a non-conflictual manner (Beetham 1991, 240). The liberal egalitarian, John Rawls, refuted the utilitarian principle on the grounds that it only maximised the utility of the many at the expense of the few: thus any kind of government that is inspired by this conditions is inherently partial (Rawls 1971, 26). As an answer to partiality, Rawls presented the principle of impartiality.
For Rawls the practical emergence of pluralism sets the agenda for a specifically modern form of political theory, namely one concerned with the “specification of the terms of fair social co-operation for members of a political culture embracing liberty and equality, but divided by a plurality of reasonable but incompatible doctrines” (Rawls 1993, 144). Impartial, or neutral, plurality has its base in rational judgement (Fell 1999). A legitimate state, with just and morally proper political institutions as its basic structure, is, then, a state that can effectively and impartially represent a plurality of doctrines, as long as they are rational.

In sum, if the government, or any other form of authority, is to be perceived by individuals as just and morally proper, it must apply certain principles. This implies that government must strive to maximise the utility of individuals effectively and impartially when it conforms to the laws of the state. It must be noted that these principles can come into conflict with each other. For instance, the utilitarian majority principle might lead to permanent majorities as well as minorities in society, which the principle of impartiality aspires to safeguard against. These democratic principles can, in themselves, create conflict among interests in local settings? That is, the principles underpinning an organisation’s exercise of power may come into conflict with the political goals manifested in policy. I will return to this question chapter twelve while discussing the implications that conflicts of interest have on the legitimacy of local hunting policy and, ultimately, the political goals underpinning it.

5. Challenges to Governmental Authority
In order to clarify how a government can loose its authority John Locke pointed to the challenge of arbitrary breach of agreement. He asserted that, in the state-of-society men may contest or rebel against government if its power is perceived as illegal or amoral. Power is defined as illegal and amoral if the policies of the state are applied arbitrarily, contrary to the good of the people, and if the power is implemented without the consent of the people and transferred to someone other than the people. Therefore, if the government misuses its power it ought to be given back to its subjects when its term of office is complete (Locke 1993/1698, 188). Like Locke, Rousseau also implies that the sovereign or the
government ought to be replaced or dissolved if the circumstance of usurpation arises.

Another challenge to moral government is its own ineffective exercise of government power. John Stuart Mill was aware of this risk and clarified that in the event that public opinion (or majority) interferes with purely personal conduct, the odds are that it will interfere wrongly and in the wrong place (Mill 1991, 92). This Mill calls the tyranny of the majority. To Mill the notion of Rousseau’s “general will” (see above) is repugnant because it leads to conformity of thought and conduct. Mill’s sentiment is captured in the following passage:

If all mankind minus one, were of one opinion, and only one person was of the contrary opinion, mankind would be no more justified in silencing that one person, than if he had the power, would be justified in silencing mankind. (Mill 1991, 21)

Based on the above, I conclude that the existence of any of these circumstances might lead individuals to withdraw their consent for government. All of these conditions are linked with legitimacy’s first precondition, rule conformity. That is, they explain the circumstances that come about as a result of an organisation breaching formal rules. What, then, are the consequences for the legitimacy of government, if any, or all, of these circumstances arise?

6. Three Hypothetical Legitimacy Deficits

If any of legitimacy’s reciprocal preconditions are not met by government, that is, they no longer should conform to the rules and, therefore, are no longer perceived as being morally proper, conflicts of interest will arise and such a situation can be characterised by legitimacy deficit. According to Beetham (1991, 205) legitimacy is a multi-dimensional phenomenon comprised of three dimensions; they are the legal, moral and action dimensions. The legitimacy preconditions discussed above are also presented in this theory of legitimation (see Table 3.1). Beetham’s theory is highly relevant for this thesis since it contributes to understanding what happens when legitimacy’s preconditions are not met. Be-
fore continuing, it is necessary to briefly clarify, once again, which three pre-
conditions must be met if a government wants to remain legitimate.

Table 3.1: Three Kinds of Legitimacy Deficit.

<table>
<thead>
<tr>
<th>Preconditions for legitimate power</th>
<th>Source of lack of legitimacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. conformity to rules ( (\text{legal legitimacy}) )</td>
<td>breach of rules ( (\text{legal deficit}) )</td>
</tr>
<tr>
<td>2. justifiability of rules in terms of shared values ( (\text{moral legitimacy}) )</td>
<td>discrepancy between rules and values ( (\text{moral deficit}) )</td>
</tr>
<tr>
<td>3. expressed consent ( (\text{public legitimacy}) )</td>
<td>withdrawal of consent ( (\text{public deficit}) )</td>
</tr>
</tbody>
</table>


Government is, with the first precondition in mind, legally legitimate when it is perceived as conforming to the formal rules underpinning its exercise of power. Government is also, with the second precondition in mind, morally legitimate if its legal rules, or even its informal rules and underpinning principles correspond with a majority of individuals’ interests, thus maximising their utility. Finally, government is, with the third precondition in mind, legitimised when individuals publicly express their consent for government, in which case it is legitimised by their actions (see Table 3.1).

Illegitimate power is simply power that is acquired through a breach of the constitutional rules, which might lead to clear cut instances of revolution and coup d’état (Beetham 1991, 206-7). Because the focus of the thesis is on local Swedish hunting policy, this kind of legitimacy crisis is irrelevant. Thus, illegitimacy, as defined at the state level, cannot come about at the local level of policy. A breach of policy locally and its affect on hunters’ perceptions is an empirical issue. Therefore, a breach of rules is assumed to lead to a legitimacy deficit, which for the sake of clarity I will call a legal-legitimacy deficit.

A breach of these rules can, with Locke, Rousseau, Hegel and Mill in mind, lead individuals to perceive the government as misusing its power. However, I assume that a breach of the formal rules in policy implies the use of other rules, which at the same time are perceived by individuals as legitimate. These other rules are, per definition, informal and possibly illegal.
Another kind of legitimacy deficit, a moral deficit, occurs when the exercise of power, and the justificatory principles that underpin it, diverge from individuals’ perceptions. That is, they are no longer perceived as being morally proper. A state that lacks moral legitimacy is often incapable of resolving chronic problems of government performance (Beetham 1991, 207). A legitimacy deficit involving the ends or purposes of organisations can occur, thus, when the legal rules do not represent the interests of individuals and are, as a result, incapable of facilitating an effective and impartial implementation of the formal rules. A moral legitimacy deficit can also come about if a divergence occurs between new formal rules and traditional values, or if a divergence occurs between informal rules and new values. This distinction is important to note if the proper source of the legitimacy deficit is to be identified.

De-legitimisation denotes a process whereby those whose consent is necessary to legitimise government act in a manner that indicates the withdrawal of their consent (Beetham 1991, 209). According to Beetham, the larger the numbers involved, the more crucial their co-operation is to the attainment of the government’s purposes (Beetham 1991, 209). Beetham points this out when he states that: “It is the essence of moral actions that they should take place in public, and be publicly known” (1991, 210). Just as consent has no legitimating force, unless it is expressed, the withdrawal of consent has no de-legitimating impact on policy unless the public is aware of it. In the case of hunting, political parties, NGOs and concerned citizens have publicly withdrawn their consent for hunting’s organisation. Once again, because this investigation deals with local policy, it is highly unlikely that a withdrawal of consent for an organisation like the GMA will bring about its demise. Therefore, this lack of consent will also be defined as a legitimacy deficit, a public-legitimacy deficit.

7. The Power Relationship in the GMA
Sociologists speak of power relationships in terms of ‘dominance’ and ‘subordination’. These two terms are used to specify relations of power that occur between groups of people, or individuals. Power is defined in this investigation as the ability of a dominant individual or interest to influence or control the actions of subordinate individuals or interests, or, as Beetham puts it, the ability of the
dominant, “to get [subordinates] to do what [it] wants them to do, and what they otherwise would not have done” (Beetham 1991, 43: see also Dahl 1991, 29). A dominant can be identified through, firstly, its possession of material resources and, secondly, the means of force to maintain it. Thirdly, a dominant influences the processes of ‘exclusion’, typically embodied in formal rules and assumed informal rules, that prohibits subordinates access to key resources (Beetham 1991, 48). Another basis or means of the dominant’s power lies in the occupancy of positions which carry with them the power of command over others (Beetham 1991, 49). Positions in which the power of command is embodied, defined and circumscribed by formal or even informal rules are called positions of authority.

Three interests have been said to make up the power relationship in the GMA: its board, landowning hunters and rent-hunters. The GMA board is in a position of authority because, as stipulated by law, at least half of its members ‘possess’ property (see chapter two). They may, thus, influence accesses to the game that is hunted within its boundaries. The GMA board, the dominant, also has the means of force (coercion), in the form of formal and assumed informal sanctions, to uphold its power. The GMA board is indisputably the most powerful actor in this power relationship inasmuch as it approves which rent-hunters can hunt within its boundaries. The GMA influences access to, and exclusion from, hunting game. The GMA board might even consist of individuals that otherwise are prominent in other local contexts, or individuals with certain skills, like woodsmen, butchers, trackers, dog trainers, etc.

Although both landowning hunters and rent-hunters can become GMA board members, rent-hunters unlike landowners cannot rent hunting licence permits to others. Nevertheless, rent-hunters have power to influence some GMA decisions at the annual huntsmen’s meeting. Thus, it seems that the power relationship in the GMA is asymmetrical in the sense that GMA board members can exercise more power than individual landowning hunters who in turn can exercise more power than rent-hunters. Landowning hunters in the GMA, particularly those that are members of the board, can accordingly be defined as having a position of authority. The power that underpins this authority can be found in the formal
rules that make up the Game Management Association Act from 1980, the GMA’s statutes, as well as assumed informal rules.

8. The Formal and Informal Exercise of GMA Power

In sum, if legitimacy is eroded, then it will lead to the collapse of power, unless something is done by those in power to prevent this. Less dramatic, but equally important for this thesis, is the consequences a legitimacy deficit has on the government’s three main political goals on hunting embodied in the formal rules and enforced by the GMA. Recall that legitimacy is dependent on the ability of government to conform to formal rules and the perception that it is just and morally proper. If this perception is not widespread among individuals, government can be threatened unless the formal rules are anchored in a source of authority acknowledged and agreed to within society. In order to gain an adequate understanding of conflicts of interest in GMAs and their impact on the legitimacy of government’s goal on hunting, not only the compliance of rules, but the use of informal rules, must be investigated. Otherwise, as North put it (1990, 53), the relationship between informal constraints and an organisation’s performance cannot be made known. Informal rules come from socially transmitted information and are a part of the heritage we call culture. They are, according to Douglas North, an “extension, elaboration and modification of formal rules”, as well as being, “socially sanctioned norms of behaviour that internally enforce standards of conduct” (North 1990, 37: 40). I assume that both formal rules (policy) and informal rules govern hunting conduct locally in Sweden.

Consequently, tradition at the local level may come into conflict with the formal rules governing hunting because the various sources of legitimacy are rooted in clearly distinguishable types of belief system (Beetham 1991, 75). Shifts in belief, as gradual as they are fundamental, will leave a society’s established rules intellectually unsupported. In connection with these shifts in beliefs, Beetham (1991, 75) states furthermore, that “a similar gap between rules and beliefs can develop, conversely, through the attempt to introduce or impose new rules of power in a context where the appropriate beliefs are lacking.” Hence, the belief systems, which provide the source of legitimacy for an empowered organisation like the GMA area assumed to be formal and informal. If this is the
case it might create conflict among hunters that perceive the GMA’s formal exercise of power as legitimate and those that do not. In order then to understand the impacts of the GMA’s formal and assumed informal exercise of power on conflicts of interest among hunters it must be linked with legitimacy’s preconditions.

As shown earlier, the concept of legitimacy includes three preconditions each linked with a deficit of legitimacy that assumedly can explain the context of conflicting interests among hunters in Sweden (see Figure 3.1 below). Firstly, legitimacy is maintained to the extent the GMA conform to (1) the formal rules that constitute hunting policy or (2) informal rules, if they exist. If these rules are breached the GMA’s exercise of power will in a legal or moral sense be perceived by hunters as having a legal legitimacy deficit. As indicated in Figure 3.1, a GMA’s breach of formal rules is a first clue to the existence of an informal exercise of power, which, in turn, can be assumed to be legitimate.

Secondly, legitimacy is maintained by the extent to which a majority of the involved, or concerned, hunters perceive the GMA’s formal or informal exercise of power as just and morally proper (see 1a and 2a in Figure 3.1). Thus, to achieve the status of a just and morally proper organisation the GMA must be perceived by hunters as maintaining their welfare (utility) by effectively and impartially representing their interests. If the existing hunting policy as executed by the GMA fails to accomplish this, that is, if it upholds a skewed (non-plural) representation of different interests, it can be said to have a moral-legitimacy deficit.

Thirdly, if hunters should no longer express their consent for some aspect of the formal or informal exercise of GMA power (see 1b and 2b in Figure 3.1), it can be assumed to suffer from a public legitimacy deficit. In other words, concerned hunting interests are assumed to express their withdrawal of consent for the GMA’s exercise of formal or informal power because they no longer feel that this represents, or corresponds with, their interest. Thus, hunters can demonstrate if they convey or withdraw their consent for either of the two possible exercises of GMA power.

Of the three sources of legitimacy deficit, the public withdrawal of consent ought, from the perspective of the GMA, to be the most severe. In this thesis,
hunting at the local level in Sweden is assumed to be encumbered by the conflicts of interest that the formal (legal) and informal (traditional) exercise of GMA power brings about.

**Hunters’ Perceptions of the Exercise of GMA power**

*Figure 3.2* below represents the perceptions that hunters can have of either the formal (1a and 1b) or informal (2a and 2b) exercise of power in *Figure 3.1*, which has been constructed to create assumptions about hunters’ perceptions and relation to legitimacy.

The GMA exercise of power represented in box *1a* of the matrix in *Figure 3.2* below symbolizes from the perspective of hunting policy legitimacy an *ideal* situation because it meets legitimacy’s first, second and third preconditions. This ideal type situation implies that the GMA exercises its power in accordance with the formal rules laid down in the Game Management Association Act from 1980. In this situation all three GMA interests ought to perceive the formal rule underpinning its exercise of power as legitimate and, thus, conflicts of interest are avoided.
The exercises of GMA power in 1b and 2b in Figures 3.1 and 3.2 are assumed to have a public-legitimacy deficit. The reason for this expression of withdrawal of consent can, as already mentioned, have a legal or moral source. Therefore, the primary focus of this investigation will be on the legal and moral dimensions of legitimacy, or the first and second preconditions of legitimacy.

The exercise of power in box 1b of the matrix represents a situation where GMAs conform to the formal rules in policy, but has a moral or legal legitimacy deficit. Thus, a lack of consent is presumably caused by a divergence between hunters’ values or interests related to one or more of the formal rules. This type of GMA exercise of power only meets one of legitimacy’s preconditions, rule conformity. For example, a landowner may oppose all forms of hunting on moral grounds, as in the case of Chassagnou and others v. France (see chapter two), and wish, therefore, to discourage hunting on his or her property. Because the GMA conforms to the formal rules the unwilling landowner can be said to be in conflict with the contents of the formal rules, and not necessarily the GMA’s exercise of power. This kind of conflict may result in the decline of the GMA’s authority.

<table>
<thead>
<tr>
<th>Consent expressed</th>
<th>Exercise of GMA power</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Formal</td>
</tr>
<tr>
<td>Consent lacking</td>
<td>Informal</td>
</tr>
<tr>
<td>1a.</td>
<td>Legitimate exercise of GMA power</td>
</tr>
<tr>
<td>2a.</td>
<td>Legitimate exercise of GMA power</td>
</tr>
<tr>
<td>Ib.</td>
<td>Lack of legitimacy for exercise of GMA power in 1a</td>
</tr>
<tr>
<td>2b.</td>
<td>Lack of legitimacy for exercise of GMA power in 2a</td>
</tr>
</tbody>
</table>

Figure 3.2: Hunters’ Perceptions of the GMA’s Exercise of Power.

GMAs make decisions unsupported by law. These kinds of decisions are represented in box 2a of the matrix. This type of GMA exercise of power is only partially desired from a legitimacy perspective because it does not fulfil the formal rule conformity precondition. However, it can be assumed that this informal ex-
exercise of power is legitimate, inasmuch as it satisfies the interests of its hunters. It can, conversely, be assumed that if a significant number of the hunters perceive this informal exercise of GMA power as legitimate, the GMA may be more inclined, as a way of preserving its authority, to breach formal rules when exercising its power.

Finally, the informal exercise of GMA power in box 2b lacks the consent of its hunters. Once again this is assumed to be caused by a divergence between hunter’s interests and the informal rules and principles underpinning the illegal, but in the other hunters’ opinion legitimate, exercise of GMA power. Recall that if the exercise of formal power is weak, informal norms will become so-called opposition norms. According to Nee and Ingram, this is costly because it is a situation that demands third party intervention (Nee and Ingram 2001, 35). This exercise of power represents a worse case scenario for hunting in Sweden, not just because it is costly, but because none of legitimacy’s preconditions are met. Because a GMA does not conform to the formal rules when making decisions some hunters may perceive a decision, for example, to suspend him or her from hunting in the GMA, as illegal. This, I argue will lead to conflicts of interest between local landowners with traditional values and non-local rent-hunters from outside the GMA’s village, municipality or county who do not want to adhere to informal rules. It may be the case that village tradition benefits local landowner hunters at the expense of rent-hunters and may be susceptible to both kinds of legitimacy deficit (see Figure 3.2).

Two kinds of asymmetrical conflicts of interest can, therefore, come about as a result of hunter’s perceptions of either the formal or informal exercise of GMA power. Both of these conflicts of interest can result in the perception that the GMA misuses its power in either a legal or moral sense.

9. Time and the Exercise of GMA Power

I have assumed above that two types of conflicts of interest exist in the GMA with different consequences for the legitimacy of hunting’s political goals and policy. The dynamic of the matrix in Figure 3.2 is illustrated by the circumstance that different norms may be used by GMA boards when exercising their power. Another dynamic lays in the time it takes for norms to meet legitimacy’s
preconditions. For instance, if a GMA’s exercise of power lacks consent among its hunters, and if it is found to be informal, does this imply that that GMA will change its norm while making similar decisions in the future and begin to conform to the formal rules in the Game Management Association Act (1980)? Bear in mind that informal constraints are culturally derived and will not change immediately in reaction to changes in the formal rules (North 1990, 45). Does this then imply that hunting interests will not change their perceptions of a legitimate exercise of GMA power and traditionalists will continue to resist policy locally?

According to Douglas North, models reflect ideals, ideologies, and beliefs that are, at best, only partially refined and improved by information feedback on the actual consequences of enacted policies, the consequences of specific policy is not only uncertain, but to a substantial degree unpredictable (North 1990, 104). Based on this degree of unpredictability I assume that over time a GMA can exercise its power in one of three ways.

Ideally the first exercise of GMA power can be characterised by the decisive *formal* exercise of power in line with official political goals underpinning the current policy (see Figure 3.3). It will for analytical purposes be called E1 and represents the GMA’s exercise of power in its ideal form, that is, it meets legitimacy’s preconditions. However, as the evidence of conflicting hunting interests in Sweden show (see chapter one), reality at the local level of hunting policy is more complex than this example relates. Therefore, the second exercise of power, E2, ought to be characterised by the legitimate but decisive, *informal* exercise of GMA power and deviate from E1 inasmuch as it can be illegal. If this kind of exercise of power is revealed empirically, alternative legitimate, but illegal, rules exist parallel to E1 (see Figure 3.3).

A third possibility (E3) is that GMAs are in-decisive in their exercise of power and alternate between formal and informal rules when exercising their power. If these three assumed ways of exercising power do not meet one or more of legitimacy’s preconditions, they will be susceptible to conflict. In other words, a GMA that adheres desirably to E1, may be vulnerable to a legal or moral legitimacy deficit. That is, landowners or rent-hunters might perceive
some aspect or contents of the rules governing the formal exercise of GMA power as amoral.

A GMA might also have hunters that perceive the principles underpinning a GMA’s exercise of power as illegal. For instance, a GMA that adheres decisively to E2, might be perceived by its hunters as illegal, that is, the hunter’s have information that questions the GMA’s authority. Finally, GMAs that adhere to E3 may be vulnerable to both kinds of legitimacy deficit. However, this kind of institutional change is, according to North, overwhelmingly incremental (North 1990, 89, 101). Thus, some GMAs may exercise their power traditionally irrespective of the fact that they are governed by the same set of formal rules.

Norms affect how institutions evolve, and hence are a source of path dependency, that is they define how things are typically done (North 1990, 44). I assume that GMAs, due to changes in norms, follow certain ‘paths’ over time that correspond with the exercises of power E1, E2 and E3 in Figure 3.3. For instance, GMAs that initially follow E2 may, after some time, follow E3 before finally following E1. If this is the case, it could be conjectured that it takes a given amount of time for policy to become legitimate among hunting interests in the Swedish GMAs. According to Paul Sabatier, this will last for over a long period of time, if the majorities and minorities are homogenous, (Sabatier 1998, 106). E3 may, thus, function as an intermediary path in the ‘evolution’ of the GMA’s norms. However, it may also be the case that GMAs are, as North
pointed out, conservative in their exercise of power and, thus, always stay on the same path.

This discussion inspires two questions. To what extent do GMAs conform to the formal or informal rules that govern hunting when exercising their power? And, do hunters’ interests correspond with the justificatory principles underpinning the GMA’s formal or informal exercise of power? Concerning the three possible types of exercise of GMA power over time it is important to determine which of the alternative exercises of power, E1, E2 and E3 has legitimised GMA authority and which conflicts of interests characterise them.

10. Assumptions
To sum up, a GMA’s legitimacy is dependent on two reciprocal preconditions. It must conform to the formal rules in the Game Management Association Act (SFS 1980:894) and its members (landowning hunters and rent-hunters) must consider it to be just and morally proper. If the GMA does not meet these preconditions it will be assumed to suffer from a legal or moral legitimacy deficit. As has been discussed, the avoidance of problems within hunting before 1980 prompted and necessitated the subsequent empowerment of the GMA. The empowered organisation is justified because it was to maximise hunters’ utility through impartial representation. However, as was mentioned earlier, the power relationship in the GMA is asymmetrical. This implies that representation is partial and, as a result, the GMA is assumed to arbitrarily misuse its power. Landowning hunters and rent-hunters are in turn assumed to perceive this as illegal or amoral.

To the extent that the principles necessary to engender and maintain a government or authority in a modern state are ambiguous, and sometimes contradictory, I assume that GMAs are affected by this problem as well. If some of the GMA’s hunters favour the use of the utilitarian majority principle, for example, this may lead some of their hunters to favour the principle of impartiality, an attitude that favours the interests and rights of individual hunters or minorities of hunters. I assume, therefore, that conflicts will arise between majority and minority interests in GMAs.
Also, I assume that a breach of formal rules in hunting policy is evidence for the exercise of informal rules. This implies that some hunters favour the use of informal rules because they correspond with their values or interests. This can, with the first assumption in mind, be a problem if hunters in adherence with the majority principle favour the use of informal rules, especially if they are illegal.

Moreover, I assume that the exercise of GMA power is governed by both formal and informal rules. This is a problem because a hunter that perceives the formal exercise of GMA power as legitimate will be inclined to challenge the informal exercise of power if it does not favour his or her interest and vice versa. This will lead to either a legal or moral legitimacy deficit. Because the norms governing the exercise of GMA power are assumed to change incrementally over time, I, finally, assume that GMAs ought to be conservative in their particular exercise of power. This can lead to problems for a democracy if, once again with the first assumptions in mind, majority and minority conflicts arise and become permanent. In all five assumptions have been made:

1. GMAs arbitrarily use their power.
2. GMAs exercise their power formally and informally.
3. They breach the formal rules. This is evidence of the use of informal rules.
4. GMAs are conservative in their exercise of power, whether it is formal or informal.
5. Majority and minority conflicts will come about in GMAs because of different rules-in-use. They will be permanent because of the abovementioned incremental norm change.
Chapter Four

Methodology

In order to answer the questions posed, an investigation of conflicts among hunting interests in local Swedish hunting policy has been conducted in the county of Norrbotten. The case study makes it possible to show in what dimensions and concerning what specific issues the government’s hunting policy is questioned. That is, if conflicts among interests have affected the number of hunting opportunities created for rent-hunters and small landowning hunters and game management measures. Norrbotten has the third largest amount of GMAs (circa 200) active in Sweden’s 24 counties, coming after the counties of Värmland and Västerbotten (SOU 1997:91). Thus, it is believed to be representative of other counties that have many hunters. Therefore, it is reasonable to assume that a case study linked with Norrbotten should illuminate most of the conflicts that exist in the implementation of the Swedish hunting policy at the local level.

In all, almost 10,000 landowners are members of circa 200 GMAs in Norrbotten (SOU 1997:91, 288). GMAs cover roughly 1,057,235 hectares in 1996, which is 15% of the total hunting area in Norrbotten (SOU 1997:91, 289). The total hunting area in Norrbotten is estimated to 7,864,478 hectares (Norrbotten CAB moose hunting statistics 2002). If one takes into consideration that these landowners can rent hunting permits to family members and friends, a considerable number of people can be said to hunt moose within GMAs in the county of Norrbotten. Thus, conflicts of interest can be assumed to be numerous and vary considerably in character among hunters.

The GMA primarily represents the interests of landowners in local contexts. Both landowning hunters and rent-hunters hunt on private property and in other
kinds of hunting associations. Nevertheless, because they also make up the backbone of the GMA, conflicts of interest in the GMA are considered representative of conflicts between different hunting interests outside its boundaries.

1. Investigating the Legitimacy of Hunting Policy
The point of using Beetham’s preconditions for legitimacy is to indirectly determine if, how, and why local conflicts of interest arise among individual hunters in Sweden and how they question the legitimacy of local hunting policy. It is assumed that conflicts of interest will most likely arise between hunters and GMA boards. Therefore, the investigation focuses on decision making in GMAs.

The argument for an indirect approach is the following: if one directly asks a hunter if hunting is legitimate, the answer will most likely be yes, considering the results of earlier research (Ericsson 2002). However, knowing that hunting as an activity has legitimacy, does not imply that the means and goals of hunting policy also, in all their aspects, are legitimate. For example, most people perceive democracy as legitimate, but we are still willing to demonstrate for our own and others’ rights with regards to minority, gender, employment issues, etc. Thus, the same reasoning can be applied to hunting. Most people perceive hunting as legitimate, but with the landowners in the Kuivakangas-village GMA in mind, the policy governing hunting may still suffer from either a legal or moral legitimacy deficit. In this study, the expression of the values and interests of hunters will be captured in appeals where their perceptions of GMA decision making are demonstrated. The GMA’s decision making, defined as an exercise of power, will be used to indicate if, and to what extent, the government’s political goals on hunting suffer from a legal or moral legitimacy deficit.

As mentioned in chapter two, the GMA board and the annual huntsmen’s meeting make legally binding decisions that affect the hunters. By investigating the legality of GMA decisions it is possible determine whether or not, and to what extent, a GMA’s exercise of power is formal or informal. Recall that a GMA decision that is challenged, or appealed, by a hunter is adjudicated by the County Administrative Board (CAB). This state institution determines if the ap-
pealed GMA decision is legal or illegal. A GMA decision is legal if it conforms to the formal rules in hunting policy and illegal if it breaches them.

In chapter two a number of problems were identified that will also be addressed in the case study. The Environmental Protection Agency (EPA) claimed that majority—minority conflicts in GMAs are a result of the power—influence problem. The EPA also believed that the GMA has not succeeded in increasing the number of hunting opportunities. The cause of these problems has also been assumed to be affected by structural attributes such as the GMA’s size, allocation of moose, felling fees and different administrative contexts. Thus, the case study will take these assumptions into consideration in the analysis of legal/illegal frequencies in the decision making of concerned GMAs.

Yin argues that because the investigation of conflicts of interest in a GMA must rely on multiple sources of evidence, the so-called triangulation of data, to be complete, a case study is the preferred strategy when investigating the exercise of power (Yin 1994, 13). This approach also helps avoid the so-called tautology problem. That is, by using other sources of evidence than organisations ‘rules’ and perceptions, such as ‘structural attributes’, my hypotheses can be falsified (Peters 1996, 213). This follows the method suggested by Carlsson and Berkes (2004, 72-74) when studying the relationship between the explanatory factors mentioned above.

Three types of data provide the empirical basis for the case study. These are the Norrbotten CAB’s archival records, documentation made up of formal laws and reports, and interviews. The archival records and formal documentation constitute the basis for the creation of a number of databases and cover a broad range of issues related to hunting. This data is supplemented by interviews conducted with chairmen of GMAs. The interviews will, in line with Yin (1994, 80), provide insight into the analyses that are based on the databases.

2. The Norrbotten County Case Study

King, Keohane and Verba (1994, 23) purport that “as a step to improve the data quality the process by which data are generated ought to be presented”. This case study is no exception to this rule. It consists of data collected from the Norrbotten CAB’s archives in Luleå and Jokkmokk, and interviews with a sam-
ple of the county’s GMA chairmen. The data is made up of information in appealed GMA decisions and statistics on each and every GMA in Norrbotten. An appeal comprises of an account of why the appellant challenged the decision as well as GMA board’s view on the matter and the CAB’s decision on whether or not the decision is to be revoked, amended or ratified.

It was previously mentioned that if a GMA decision is perceived by its members as illegal or unjust they can appeal it to the CAB (see SFS 1980:894, 33§). Therefore, the legal judgements regarding whether GMAs conform to, or breach, the formal rules in hunting policy are determined by the Norrbotten CAB’s Legal Division in Luleå (the county’s capital). The legal division has a long history of adjudication in this area. An appeal provides the investigation with two important tools: hunters’ perceptions of the exercise of GMA power and whether the exercise of power can be characterised as legal or illegal.

Thus, the assumption is that a breach of formal rules, by the GMA boards, is an indication of the existence of informal rules in use, and that hunters’ values and interests will determine how they perceive it. Since norms normally change slowly over time, it is hypothesised that informal rules will resist policy implemented since 1981. Therefore, the study covers hunting policy from its implementation in 1981 until it was revised in 2001. This twenty year period will suffice to reveal trends in the use of formal and informal rules, which once again will be revealed indirectly by CAB adjudication and more directly by the interviews. Data has been collected from the CAB’s archives in the autumn of 2003 and the interviews were carried out in the spring of 2004 when a total of 19 GMA chairmen were interviewed.

A total of 257 appeals were collected from the CAB’s archives. These appeals, combined with the statistical data collected from the CAB’s hunting division archive in the rural town of Jokkmokk, makes it possible to determine if the GMA’s administrative context and if its structural attributes influence how a GMA exercises it power. The number of appealed GMA decisions only makes up a small fraction of those made under the actual time period. However, they are considered numerous enough to reveal trends in formal and informal GMA decision making. Recall that the interviews also allow a verification of the consistency of decision making trends.
3. Databases

According to Yin (1994, 95), every investigation should strive to present a formal, presentable database, so that other investigators can review the evidence directly. In this manner, a case study database markedly increases the reliability of the entire case study analysis. Together the information in the case study makes up the foundation for the construction of four databases. These are the ‘decision’-, ‘GMA’-, ‘year’- and ‘interview’-databases (see Appendix 3). Three first three of these databases will be dealt with in this section and the fourth in the section 4.

The Decision-Database

The first database is made up of 257 appealed GMA decisions. These appeals were made by 238 individual hunters. This database supplies information on which actors appeal the GMA decision, which GMA made it, how the appellant perceives it, to which hunting issue it is linked, and if it was made legally, etc. Linking appeals with different hunting issues enables the investigation to determine if any of the relevant problems identified with the empowerment of the GMA have had an affect on conflicts of interest there (see chapter two). This database also includes so-called non-appealed GMAs. This allows for a comparison of the two types of GMAs and their structural attributes to see if they have an impact on conflicts of interest in GMAs.

In order to make known how appellants perceive the legal outcome of the CAB’s decision, an ‘after adjudication’ point of view has been incorporated in the database. The rationale behind this strategy is that if appellants still express their withdrawal of consent for the GMA decision, they will continue the legal process of appeal to a higher legal institution, that is, appeal the CAB decision to the County Administrative Court (CAC).

The GMA-Database

The second database focuses on the appealed GMAs themselves. The GMA-database concerns itself with how many times an individual GMA has been appealed, which hunting issues they concern, how many landowners and rent-hunters they have, and how big they are. This database will allow the investiga-
tion to determine if a GMA’s structural attributes are factors that influence its exercise of power. For example, it can be assumed that a small GMA is associated with more conflicts and that more members mean more issues to be questioned, and so forth.

The Year-Database
Finally, the third database, the year-database aims to determine if the GMA’s exercise of power and conflicts of interest has changed over time. That is, if perceptions, hunting issues and rules-in-use have changed over time. The assumption is that norms change incrementally over time and, thus, resistance to formal policy ought to be strong locally. However, these databases only treat hunting policy’s formal rules and not its informal rules, therefore, interviews will provide this important information.

4. Interviews of GMA Board Chairmen
The notion behind interviewing GMA chairmen is to gain an understanding of the informal rules that govern those hunting issues most prone to conflicts of interest. The interviews are semi-structured, that is they are brief and focus on a particular group of questions related to the data analysis findings, but they also allow the respondent to speak freely. Thus, although all the questions will be asked they are not posed chronologically. They aim at contributing to a deeper understanding and more complete perception of hunting in a local context, which is the GMA village (cf. Holme and Solvang 1991, 114). The interviews were carried out in a conversational manner, although they followed a given set of questions. With the intention of allowing the correspondent to speak freely, the perspective of the naïve questioner was taken (Yin 1994, 85), which was not difficult since I have no experience of hunting. Once again, the purpose of the interviews is to corroborate the conclusions in the data analysis (Holme and Solvang 1991, 110).

Eleven of the 19 interviewed GMA chairmen come from non-appealed GMAs and eight from appealed GMAs. These respondents were divided into two GMA types to ascertain if non-appealed GMAs follow the same informal rules as appealed GMAs. If this is the case, it can be assumed that all GMAs in
Norrbotten follow the same norms and half of them just happened to be appealed. It also might reveal different perspectives expressed by chairmen from each type of GMA.

Each chairman was contacted prior to the interview, first by a letter and then again two weeks later by telephone. All of the chairmen were interviewed in their homes. Over forty GMA chairmen were originally contacted, 22 of these agreed to be interviewed. Of these three chairmen were not at home on the agreed time or day for the interview. GMA chairmen from different parts of the county were interviewed. Each respondent took from an hour to three hours to reach by car. In essence, every interview took about one working day to complete and another to transcribe and analyse the texts. An average interview lasted about 40 minutes and each respondent was asked 34 questions, divided into three categories. These categories emanate from the findings of the data analysis. One group of questions focused on the background of the chairman and his or her GMA. Another group of questions focused on the norms underpinning the hunting policy issues that are most prone to conflicts of interest. The final group of questions focused on the GMA chairmen’s perceptions of the political goals that underpin hunting policy (see Appendix 2). The interviews were coded in order not to divulge the identity of the particular chairmen, or his or her GMA. However, because of the sheer enormity of the information, that is the ca 200 pages of transcribed interview text, an interview database was created.

One weakness with the investigation is that only landowning hunter chairmen were interviewed. Ideally, rent-hunters could also have been included. The reason for focusing on landowning hunters was that they usually live in the village, thus, their knowledge of the rules in use in the GMA surpasses that of rent-hunters. However, rent-hunters’ perceptions can be found in the texts of some of the 257 appeals of GMA decisions in Norrbotten between 1981 and 2001 that have been analysed. Therefore, both interests’ perceptions on the same issues are captured.

The data collection encountered one problem, which was that it was not possible to determine the actual number of hunters in the GMA because this information is lacking in the CAB’s archives. This problem was, however, solved by
dividing the size of the GMA with the threshold number of hectares required to rent a moose hunting permit. This gives the number of theoretical hunters in the GMA. It is these figures that are used in the subsequent analysis.

Concerning the first three databases, the employment of CAB adjudication provides the investigation with a suitable tool to measure and determine the extent to which the GMA exercises its power based on formal or informal rules and how this changes over time. The fourth database provides the investigation with the contents and source of the informal rules that are used locally by GMAs.

5. Disposition of the Study

In order to achieve the aim of the investigation the study has the following disposition. In the next chapter, chapter five, the formal rules that govern hunting in local policy will be described. While, this chapter takes its point of departure in Swedish hunting policy it focuses on the legal rules that can be appealed by GMA hunters. This provides the basis for an application of legitimacy’s first precondition, that is, compliance to legal rules. Finally, this chapter also identifies the formal rules to which GMAs must conform, if they are to be perceived by their hunters as lawful, or morally proper.

Chapter six aims to identify the appellant’s perception of GMA decision making. It determines to what extent landowning hunters and rent-hunters appeal GMA decisions, which hunting issues are related to these appeals, which perceptions the GMA decisions engender and maintain among appellants, and if these perceptions differ concerning hunting issues characterised by conflicts of interest. Thus, legitimacy’s second precondition, that is the perception that the exercise of power is morally proper, is applied. Appellant hunters’ perceptions of the different policy issues can be linked with GMA decision making to see if they correspond or diverge. This allows for testing the assumption that the GMA’s exercise of power, irrespective of whether it is formal or informal, leads to different kinds of legitimacy deficit.

Chapter seven aims at determining if identified appellant hunters’ perceptions are ‘correct’, that is if the concerned GMA has made a legally correct decision of if it breaches the formal rules in Swedish hunting policy. Therefore, the as-
sumption that illegal GMA decisions are an indication of the existence of informal rules, which govern the exercise of GMA power, can be tested. The level of GMA decision legality surrounding GMA appellant perceptions and different hunting policy issues is also determined in this chapter. In addition, the legal performance of the GMA in two administrative contexts will be analysed. Therefore, at this stage of the case study it is known whether GMAs conform to or breach the formal rules in hunting policy when making decisions and how this exercise of power is perceived by hunting interests. However, what will not be known at this stage of the investigation is why a GMA makes decisions that hunters perceive as illegal or amoral.

Chapter eight aims to determine the contents of the informal rules that are assumed to underpin the exercise of GMA power. As has been discussed, it is probable that these rules are remnants of old policy rules and local traditions. Whether they converge with, or diverge from, new policy rules will determine the degree of tension between different hunting interests. The identified informal rules will also be compared with the formal rules in the Hunting Act from 1938 to see if the remnants of old policy are still used by GMAs.

Chapter nine aims to capture trends concerning the use of formal and informal rules by GMAs when exercising power. For instance, have certain hunting issues become more prone to conflicts of interests than others and vice versa. The assumption that the GMA is conservative and, therefore, any changes in its exercise of power will take more than one decade to complete it to be tested in this chapter.

Chapter ten determines to what extent a GMA’s structural attributes such as size and number of hunters make it more or less prone to having its exercise of power challenged and if these variables have an impact on the problems that have been discussed in chapter two. Thus, even structural attributes are assumed to influence conflicts of interest in GMAs.

In chapter eleven, the results of the case study in Norrbotten and their ramifications for local Swedish hunting policy will be analysed and the theoretical assumptions made in chapter three verified or falsified. Finally, in the concluding chapter, the findings from the case study along with the problems identified in chapter two are discussed in relation to the legitimacy of the government’s po-
itical goals on hunting. The thesis ends with a discussion about the prospects for legitimate policy making in contemporary society and a reflection on the use of Beetham’s legitimation theory in the context of local policy.
Chapter Five

Hunting Policy’s Formal Rules

In this chapter hunting policy in Sweden will be discussed in order to identify the formal rules that landowner and rent-hunter interests are subjected to in the GMA. By analysing a number of acts (formal rules) governing hunting, particularly in GMAs, it will be possible to define the content of the hunting policy that affects these hunting interests locally.

The formal rules that govern hunting interests on a daily basis in GMAs will be divided into a number of issues. These issues are determined by which kinds of the GMA decisions can be appealed by hunters. Therefore, not all hunting issues can be addressed in the thesis. However, where possible the problems identified by special interests prior to the establishment of the GMA in 1981 will be discussed in relation to the issues that can be appealed. Each issue represents a conflict of interest between hunting interests and GMA boards. Thus, each hunting issue may be prone to conflict because they either have a legal or moral legitimacy deficit. In other words, by dividing Swedish hunting policy into a number of issues, legal and moral conflicts of interest can be distinguished from each other.

It is important to note that not all conflicts are between the GMA board and its hunters. Conflicts of interest can even arise between hunters, which do not involve the GMA board’s exercise of power or the formal rules in hunting policy. Thus, they are assumed not to impact on the legitimacy of hunting policy.
1. The Process of Definition

To reiterate, in this thesis policy is defined as a number of political goals manifested in formal rules that govern an organisation. These rules are, in turn, linked with five types of GMA decisions that can be appealed by hunters if they perceive them as either breaching the formal rules in policy or encroaching on their individual rights (SFS 1980:894, 33§; GMA statutes, 18 §). These are decisions concerning the:

1. Number and type of game to be felled,
2. Issuing of hunting permits to rent-hunters and guest-hunters,
3. Withdrawal of property from hunting within, or permanent removal of property from, the GMA,
4. Hunting permit and felling fees, and
5. Suspension of hunters.

In sum, the aim of this chapter is twofold: to identify which formal rules constitute hunting policy, and to link these rules with the five abovementioned issues. This course of action will contribute to the empirical investigation in the sense that, if conflicts of interest are to be related to a particular hunting policy issue, the investigation can locate and determine which formal rules are concerned. These are, therefore, the hunting policy issues most prone to conflict of interest between GMA boards and hunters because their underpinning legal rules can be appealed. These will later be compared with corresponding informal rules.

2. The Formal Rules Governing Hunting

Seven legal acts have been related to the management of hunting identified by the AHWM (Svenska jägareförbundet). These are: the Reindeer Husbandry Act (SFS 1971:437), the Secrecy Act (SFS 1980:100), the Game Management Association Act (SFS 1980:894), the Hunting Act (SFS 1987:259), the Animal Protection Act (SFS 1988:534), the Law and Order Act (SFS 1993:1617) and the Firearms Act (SFS 1996:67) (Svenska jägareförbundet 1999).

Due to the requirement that each act should incorporate at least one of hunting policy’s inherent issues, the following acts will be eliminated from the forth-
coming investigation: the Secrecy Act from 1980 (Sekretesslagen), the Animal Protection Act from 1988 (Djurskyddslagen), the Law and Order Act from 1993 (Ordningslagen) and the Firearms Act from 1996 (Vapenlagen).

The Secrecy Act contains regulations about secrecy in public affairs and about the prohibition of the disclosure of particular public documentation. In the latter context the regulations imply limitations in the Freedom of the Press Act, one of the five pillars of the Swedish Constitution (SFS 1980:100, 1:1). The Secrecy Act is connected with hunting in the sense that the authorities, the police force in particular, regulate the use of firearms. Therefore, this regulation applies to hunters because they are registered as owners of firearms (SFS 1980:100; 1:1, 5:5). The Animal Protection Act only concerns itself with issues that deal with the care and treatment of domesticated animals and animals that live in captivity (SFS 1988:534, 1§). Thus, the Secrecy Act and the Animal Protection Act do not, in any direct sense, constitute issues of importance for the thesis. In other words, the government inquiries and subsequent bills, the annual chamber debate and, in both cases, the special interests that expressed their views about the contents of these particular acts have not pondered hunting policy’s most common issues to any greater extent. They are, therefore, eliminated from the investigation.

The Law and Order Act, like the foregoing acts, is also only concerned with hunting in a peripheral sense. It contains special regulations about public meetings, law and order in public places, and in and around institutions of commerce (SFS 1993:1617, 1:1). Specifically, it deals with issues such as precautions to safeguard firearms and which regulations should govern the withdrawal of issued firearms’ licences (SFS 1993:1617, 3:6-9). Lastly, the Firearm’s Act is only concerned with the use of firearms and ammunition as well as certain objects that are, by law, considered firearms (SFS 1996:67, 1:1). Because of this it is almost entirely concerned with issues of definition and regulation of firearms (SFS 1996:67, 1:2 and 1:3). As first mentioned, the issue of hunting in Sweden is only treated peripherally by the Law and Order and Firearms Acts. Consequently, they too are eliminated from the forthcoming empirical investigation.
Formal Rules that Govern Hunters Locally

The acts that wholly, or partially, encompass the five hunting policy issues mentioned above are: the Reindeer Husbandry Act from 1971 (Rennäringslagen), the already mentioned Game Management Association Act from 1980 (Lag om Jaktvårdsområden) and the Hunting Act from 1987 (Jaktlagen). However, because this thesis ponders local Swedish hunting policy in GMAs as a means of eliciting the source(s) of conflicts of interest and their impact on the legitimacy of the government’s hunting politics, it will not deal with the Reindeer Husbandry Act. There are no GMAs on reindeer grazing lands to investigate.

The first of the two remaining acts, the Game Management Association Act (SFS 1980:894) has been amended three times and was finally replaced by a new Game Management Association Act in 2000 (SFS 2000:592). However, because there are no major differences in the formal rules underpinning the two acts, and because the GMA’s exercise of power has not been affected dramatically, the term GMA will be used in this thesis irrespective of time period.

The Hunting Act defines hunting, firstly, as the trapping and killing of designated game under the duration of the hunting season and, secondly, the tracking and pursuing of game for protective, or scientific, purposes. Protective hunting is permitted when there is no other suitable solution obtainable, on the basis that it does not obstruct the management and preservation of a particular game species’ numbers (SFS 2001:451, 23a §). Furthermore, the term hunting includes interfering with the designated game’s lairs or nests and the taking or destroying of fowl and birds’ eggs (SFS 1987:259, 2 §). Swedish game is, for the most part, protected and may only be hunted under given circumstances (SFS 1987:905). In this context, protection entails the protection of game, their lairs, nests and eggs (SFS 1987:259, 2 §). Hunting different kinds of game is legally recognized during the so-called hunting season (jaktåret) between July 1\textsuperscript{st} and June 30\textsuperscript{th} and is regulated by the Hunting Regulation (SFS 1987:905).

The Game Management Association Act aimed, and in its new guise aims, to promote game management and the common interests of those who hunt within the GMA’s boundaries. It also recommends the establishment of GMAs throughout Sweden (SFS 1980:894, 1 §). Of these two acts that affect hunting interests in GMAs, the least influential is the Hunting Act from 1987. The Act
(SFS 1987:259), as well as its regulation (SFS 1987:905), is mainly concerned with hunting issues outside of the GMA (SFS 1987:259, 1 §).

Since the application of European law in Sweden, the Supreme Administrative Court (Regeringsrätten), SAC, is now focusing on the application of the so-called proportionality principle to Swedish law in cases where a landowner’s right to use his or her property is weighed against the general interest in the GMA (SOU 1997:91, 306-7). With the EPA’s criticism of the GMA’s contribution to the general interest in mind (see chapter two), the Hunting’s Conditions inquiry was of the opinion that coercion to establish GMAs must only be applied when absolutely necessary. Furthermore, if used it must be justified from a game management perspective (SOU 1997:91, 308). With this legislation as a point of departure the thesis will now proceed to deconstruct its contents in order to determine the character of the rules underpinning GMA decision making surrounding the five hunting policy issues.

In Sweden the formal rules that govern a specific activity are written into an act, which is established by the Swedish parliament, the Riksdag. Swedish hunting policy is contained for the most part in the Game Management Association Act. With this as a background one important question can be addressed: Which issues are determined by, and intrinsic to, hunting policy? The answer to this question is believed to contribute to a deeper understanding of the different kinds of hunting policy issues and formal rules that are linked with conflicts of interest. These are presented later in this chapter in Table 5.1.

3. Hunting Policy Issues

Before addressing those hunting policy issues that are most likely to involve conflicts of interest, two types of hunting will be addressed. These are moose hunting and small game hunting. Moose hunting and small game hunting are two of the most common forms of hunting in Sweden.

Moose Hunting

Since 1987, some alterations have come about that are of interest concerning moose hunting, which is the most prominent form of hunting in Sweden. For instance, within the acknowledged legal framework, it was stipulated in 1987,
that the general hunting of moose should take place under one or more periods of no more than thirty days (SFS 1987:905, Appendix 2). This was altered in 1991 (SFS 1991:1770) and the moose hunting seasons in GMAs (in both hunting licence and moose management areas) has been extended to several periods that together are no less than seventy days (SFS 2001:450, Appendix 2), which is an extension of the hunting season. If certain circumstances require it, the CAB may limit the hunting of moose to bulls, cows or calves.

Moose hunting can be assumed to be connected with the power-influence problem identified by some of the special interests that commented on the recommendation of the Game Management Association inquiry. It is ultimately the GMA board that determines who can or cannot hunt moose within its boundaries. The GMA’s ability to limit access to the moose hunt is one of the bases of its power. This right may, for instance, affect access to the moose hunt for rent-hunters.

Small Game Hunting

Today there are a total of 30 categories of game species in Sweden that can be hunted annually, provided that one can rent a hunting licence permit or is a landowner and possess appropriate property (SFS 1987:905, Appendix 1 and SFS 2001:450, Appendix 1). These thirty game species have, for the sake of simplicity, been divided into two categories: animals and fowl. Currently, ten categories of animals and twenty categories of fowl are hunted, compared to twelve categories of animals and twenty-two categories of fowl hunted in 1987 (SFS 1987:905, Appendix 1 and SFS 2001:450, Appendix 1). Many of the species in these categories constitute small game, especially fowl. Several species have been taken from the inventory of generally hunted species while other species have been added.13 GMA hunters that hunt any of these game species (often rent-hunters) and that perceive a GMA decision as either encroaching on their individual rights, or as breaching the legal rules or statutes, can appeal such decisions to the CAB (SFS 1980:894, 33§).
The Issuing of Hunting Permits

In compliance with the Hunting Act, landowning hunters and those who rent hunting permits have the right to hunt (SFS 1987:259, 10-11 §§). The state is also at liberty to hunt game or predators in designated areas, so-called crown park areas (Kronopark), throughout Sweden (SFS 1987:259, 10a §), as well as on lands that constituted crown park areas until the beginning of June 1992 (SFS 2000:593, 10a §). Concerning the issuing of hunting permits, the right to hunt game on state lands above the Cultivation line (see Appendix 1) are granted to those who are permanent residents of Sweden. This is under the conditions that they do not interfere or come into conflict with, firstly, the reindeer husbandry conducted by the Sami, secondly, the 32 § of the Reindeer Husbandry Act14 and, thirdly, the environment, tourism, or other interests in the area (SFS 1993:384, 33 §).

The landowner and GMA board must, however, give permission if someone else is to hunt on the concerned property (SFS 1980:894, 10 §; 1987:259, 14 §; GMA statutes, 4 and 7 §). Therefore, it is recommended that a contract be drafted between the landowner and potential rent-hunter(s). This contract should be valid for no less than one year (SFS 1980:894, 10 §). If the particular contract is detrimental for game management or disturbs other GMA members, the board or the annual huntsmen’s meeting can deny permission to issue someone a permit to hunt on his or her property (GMA statutes, 4 and 7 §§). Due to the fact that the 23 § of the Hunting Act makes provisions to allow other interests to be protected, farmers and gardeners are also empowered with a right to hunt certain animals that threaten their livelihoods (SFS 1987:259).15 The hunting permit issue plays an important role when determining if GMA hunters perceive the abovementioned hunting policy rules as legal or morally proper. This issue is also linked to the power-influence problem, in the sense that it involves landowning hunter and rent-hunter interests as well as the GMA board. Moreover, it also involves the property threshold requirement that characterises the particular GMA, in the sense that a hunter must rent the predetermined amount of hectares (usually 50) in order to attain a permit.
The Withdrawal and Removal of Property

How does a landowner go about withdrawing or removing his or her property from the GMA? The removal of property issue is basically the only issue that has legal rules that solely emanate from the Game Management Association Act (SFS 1980:894). To reiterate, this issue is controversial because many properties have been, and still are, coerced, that is required or forced without the use of physical violence, into becoming members of GMAs (SFS 1980:894, 7 §). The removal of property issue is the most likely to be affected by the proportionality principle in the sense that the interest of the particular landowner must be weighed against the general interest of the other GMA landowners (recall that rent-hunters have no say in property related decisions). As already mentioned in chapter two, a landowner also has the possibility to withdraw from hunting while his or her property remains in the GMA (SFS 1980:894, 11 §). The withdrawal of property from hunting is usually an internal affair and rarely ever reaches the CAB. Therefore, the thesis will focus on the more controversial removal of property issue.

The majority criterion that is needed to coerce a property into a GMA has been changed from a 3/5 to a 4/5 majority (SFS 2000:592, 7 §). This, however, does not harmonise the Game Management Association act with EG law. It will later be argued that this has no significance whatsoever since the number of newly established GMAs has decreased dramatically. Here it is assumed that the problem is not that more landowners are coerced into becoming members of GMAs, but, on the contrary, that unwilling landowners are not allowed to remove their properties permanently from hunting in the GMA.

If a landowner desires to permanently remove his or her property from the GMA, two criteria must be fulfilled. Firstly, no kind of hunting is to be permitted on this land in the future. And, secondly, a majority of landowners must be of the opinion that the particular property no longer has any significance for game management in the GMA (SFS 1980:894, 29 §). If a landowner who wished to remove property permanently from the GMA is unable to because these criteria are not met, he or she can appeal this decision to the CAB (SFS 1980:894, 33 §). This issue is linked with two problems: coercion and unwilling landowners. Recall the case of Chassagnou v. France in chapter two. Here it was
judged by the European Court on Human Rights (ECHR) that a local hunting association (*Associations communales de chasse agréées*) decision not to allow two anti-hunt landowners to remove their properties permanently from their hunting association outside of Bourdeaux was in breach of articles 1 (on the rights of property ownership) and 11 (on the encroachment of the individual’s exercise of rights) of the convention (see chapter two).

**Hunting Permit and Felling Fees**

The felling fee issue is also linked with the power-influence problem. The GMA board can, on its own, determine hunting permit and felling fees within the GMA (SFS 1980:894, 12 §). The Huntsmen’s meeting determines hunting permit fees for rent-hunters and so-called guest-hunters. The fees are not allowed to vary for the same kind of permits. However, the fees should be determined on the basis of the costs of the particular GMA’s game management measures. Therefore, fees can vary from GMA to GMA. The revenue from these fees is divided and paid out annually to the GMA’s landowners (GMA statutes, 6 §). However, specific interests have expressed worry over the possibility of speculative felling fees. These concerned interests include the former Communist party (*Vänster Partiet Kommunisterna*), the Environmental Protection Agency (*Naturvårdsverket*) and the Association of Local Authorities (*Svenska Kommunförbundet*).

**Suspension of Hunters**

To facilitate the acquirement of a hunting permit, hunters must now take tests to ensure that they have sufficient knowledge of relevant hunting rules and the game they hunt as well as the ordinance they carry (SFS 1987:259, 40 §). If a hunter, violates the rules of conduct he or she can be fined or suspended from hunting (for no more than one year) unless the offence is punishable by another act (SFS 1980:894, 32 §; GMA statutes 5 §). Moreover, if game is felled or trapped in an unlawful way, the game or its estimated value will be forfeited. GMA decisions concerning this kind of offence can, as mentioned in the previous chapter, be appealed at the next huntsmen’s meeting, or to the CAB, the County Administrative Court (*Länsrätten*), CAC, the National Administrative
Court (Kammarrätten) in Sundsvall, NAC, and the Supreme Administrative Court (Regeringsrätten), SAC (SFS 1980:894, 32, 34 §).

In the context of the GMA, its board can sanction any member (landowner or rent-hunter) that breaches the formal rules that govern hunting within its boundaries. An ample example of this is the mentioned Kuivakangas-village GMA. Here eleven landowners were perceived as breaching the legal rules by the board’s chairman and the CAC. However, when the landowners challenged the CAC decision in a civic (district) court (this is in fact highly unusual and an indication of the intensity of this particular conflict of interest) they lost their case and were fined heavily by the court for their breach of the GMA statutes and underpinning formal rules (SFS 1980:894, 32 §; GMA statutes, 5 §). This issue can also be linked with the power-influence problem since it is the GMA board or huntsmen’s meeting that makes this kind of decision. Once again the formal rules suggest that it is likely, but not certain, that landowning hunters are in majority and this may lead to the suspension of minority rent-hunters.

4. Formal Hunting Policy Defined

In this thesis policy has been defined as a set of formal rules used in relation to Swedish GMAs. These formal rules are presented and summarised below in Table 5:1 and the corresponding informal rules that challenge them will be presented in chapter eight.

Nonetheless, hunters are obliged to conform to the different kinds of rules laid down in formal hunting policy and enforced by the GMA and monitored occasionally by the CAB. Since there are no formal rules that actually govern moose and small game hunting except hunting season times they will not be included in Table 5.1. However, conflicts of interest linked with these issues are still relevant.

Of all the hunting policy issues affected by Sweden’s EU-membership in 1994, the issue regarding the permanent removal of property from GMAs is the most likely issue to be controversial in both European and Swedish legislation.
Table 5.1: Swedish Hunting Policy as Formal Rules.

| Hunting Permits | 1. The Hunting Act governs the issuing of hunting permits to rent-hunters. The landowner must give his or her permission if someone else is to hunt on his or her property (SFS 1938;274, 9 §; 1980:894, 10 §; 1987:259, 14 §; GMA statutes, 4 and 7 §).  
   2. A contract should be drafted between the landowner and potential rent-hunter(s). This contract should be valid for no less than one year (SFS 1980:894, 10 §).  
   3. The GMA can only say no to a contract if they perceive it as detrimental for game management or as disturbing other GMA members (GMA statutes, 4 and 7 §). |
| Withdrawal or removal of property | 1. A GMA can be established only if a 4/5 majority of the concerned landowners are in favour of this. This majority must also own at least half of the property in the proposed GMA. The so-called majority principle can be found in SFS 1980:894, 7 §.  
   2. A landowner who wishes to withdraw his or her property from hunting in the GMA must do so in accordance with SFS 1980:894, 11 §.  
   3. If landowners are allowed to permanently remove their property from the GMA two criteria must be fulfilled. Firstly, no kind of hunting is to be permitted there in the future. Secondly, a majority of landowners should be of the opinion that the particular property no longer has any significance for game management in the GMA (SFS 1980:894, 29 §).  
   4. If a landowner’s request to withdraw from hunting or remove property from the GMA is denied by the board, he or she can appeal the decision to the CAB (SFS 1980:894, 33 §). |
| Felling Fees | 1. The GMA determines hunting fees within its boundaries (SFS 1980:894, 12 §).  
   2. The revenue is divided annually among the GMA’s landowners (GMA statutes, 6 §). |
| Suspensions | 1. A hunter that violates a Huntsmen’s meeting or board’s decisions can be fined (SFS 1980:894, 32 §).  
   2. A hunter that violates a hunting leader’s instruction while hunting can be suspended from hunting in the GMA for a period no longer than one year (GMA statutes 5 §). |

Coercion, defined as required or forced membership, nowadays, can only be applied when absolute necessary to establish a GMA and must be justified from a game management perspective. The rules presented in Table 5.1 are presumably those that underpin conflicts of interest in GMAs, since they are the rules most likely to be appealed by its hunters.
Chapter Six

Hunters’ Perceptions of GMA Decisions

The principles of democracy discussed in chapter two presuppose that the GMA exercises its power with the consent of a majority of its members and ensure that these have the right to participate in decision making. As was discussed in the previous chapter, this opportunity has been provided for by law and occurs annually at each GMA huntsmen’s meeting. The GMA, as a decision maker, is, thus, obliged to impartially and effectively implement the rules in formal policy. If, however, hunters perceive GMA decisions as illegal or morally improper (immoral) lawmakers have made provisions so that at least some of them can be appealed (SFS 1980:894, 33 §). This part of the investigation will first deal with the different hunting disputes that come about in GMAs, and later, the perceptions they engender and maintain among their hunters. Important to note is that the CAB does not refer to whether a decision is made by a GMA board or the huntsmen’s meeting when adjudicating appeals: the investigation will, thus, use the term ‘GMA decision’ to describe both kinds of decisions.

The aim of this part of the investigation is to determine which hunting policy issues engender and maintain legal as well as illegal and immoral perceptions among GMA hunters and also to determine why they prevail. In order to achieve this aim a few questions will be addressed:

1. Which hunting interests in the GMA appeal its decisions?
2. What types of hunting issues are appealed?
3. Which perceptions do GMA decisions engender and promote among its hunters?

When the first three questions have been answered it can even be determined if appellant hunter perceptions differ concerning the different hunting policy issues. These questions determine the disposition of this chapter. However, in order to understand the context of hunting locally, the first section will provide some background statistics on GMAs in Norrbotten.

1. The GMA in Norrbotten

The investigation consists of 257 GMA decisions appealed by 238 hunters between 1981 and 2002. These appeals involve 97 of a total of 196 GMAs in the county of Norrbotten (see Figure 6.1). The Y-axis in Figure 6.1 represents the number of appeals made annually by hunters in GMAs. The X-axis represents the number of times a particular GMA has had its decisions appealed. For example, at the very left of the figure it can be discerned that 98 GMAs never have been appealed, and on the very right of the figure that one GMA has been appealed twelve times.

![Figure 6.1: Frequency of Appeals Distributed among Norrbotten’s GMAs](Source: County Administrative Board in Norrbotten).
Almost half of the GMAs have been appealed at least once. Fifty seven GMA boards have been appealed more than twice; of these 13 have been appealed more than five times. As mentioned, the most appealed GMA was appealed 12 times since 1981. This frequency of appeal can be compared with the Fishing Management Association (FMA) established the very same year as the GMA (SFS 1981:533), which can be regarded as a similar kind of association. Like the GMA, the FMA’s decisions can be appealed to the CAB. This has, however, never occurred since its establishment (Rajala 2005, 29). This circumstance indicates that hunting policy is more prone to conflicts of interest than other similar policies.

![Diagram showing GMA Appellants’ Place of Residence in Norrbotten (N = 257).](image)

**Figure 6.2: GMA Appellants’ Place of Residence in Norrbotten (N = 257).**

It should be noted that most GMAs in Norrbotten have a majority of appellant hunters who live outside its village, municipal or county (see Figure 6.2). Only one third of appellant hunters actually live in the GMA’s village. The numbers of appellant hunters from outside the GMA municipal, which constitute over 15% of GMA hunters may, as was pointed out by Norrbotten’s CAB in 1979, possibly lead to conflicts between them and local hunters.

For instance, while away from the village, GMA hunters or their children might acquire new values causing them to perceive GMA decisions differently
than local hunters. These newly acquired values may or may not come into conflict with already existing traditional values in the village GMA. It is reasonable to assume that if more landowners move from the local village, municipal or even county, the more the norms of GMA decision making will change. As Figure 6.2 shows almost two thirds of appellant GMA hunters in Norrbotten live outside the village GMA.

2. Appellants
As would be expected, landowning hunters, rent-hunters and the board are involved in conflicts of interest within the GMA’s boundaries. The group that appeals GMA decisions the most are landowning hunters (see Figure 6.3). This interest group, in accordance with hunting policy, makes up at least half of the GMA board (see GMA statute, 2 §, B.).

The second largest group of appellants is made up of rent-hunters. This interest group is dependent on landowners to rent the required amount of hectares to hunt moose or small game in the GMA. The GMA determines how many hectares a hunter is required to own or rent in order to attain a hunting permit, in accordance with the threshold property requirement. The most common number of hectares required for hunting moose and small game in Norrbotten is 50. Although rent-hunters are represented in the GMA board and can also participate at huntsmen’s meetings, they do not, as already mentioned, have the same rights as landowning hunters. For instance, rent-hunters cannot vote on specific hunting issues. These issues touch on internal moose allocation and felling fees, as well as the withdrawal or removal of property from the GMA (see GMA statute 2 §, A.). This explains, for instance, why rent-hunters have not appealed GMA decisions linked with the removal of property issue (see Table 6.3).

The last and smallest group of appellants consists of GMA landowners that do not hunt. Because of its statistical insignificance this group has been amalgamated into the landowning hunter group. However, the dominant actor in the GMA is the board and will be investigated in more detail in chapters seven and ten. Guest-hunters constitute another subordinate group of hunters active in the GMA. Because these kinds of hunters are not members of GMAs, they cannot appeal GMA decisions, thus they will not be included in this part of the investi-
gation. However, attitudes among GMA board chairmen toward guest-hunters will be investigated in chapter eight. These attitudes are relevant since they have bearing on hunting’s first goal, which is to increase the number of hunting opportunities in Sweden by establishing and proliferating GMAs.

![Figure 6.3: GMA Decisions Distributed among Two Appellant Interests](Source: see Figure 6.1)

Figure 6.3 indicates that landowning hunters have appealed 147 GMA decisions, while rent-hunters have appealed 110 between 1981 and 2003. Taking into account that rent-hunters cannot influence all decisions and that they seldom make up more than half of the hunters in a GMA, they are strongly represented among appellants.

3. Conflicts of Interest in Hunting Policy

In the course of defining formal hunting policy in chapter five, it became apparent that appeals of GMA decisions could initially be linked with a number of hunting policy issues. Furthermore, it was mentioned that other issues could also be appealed. These other issues concern the annexation, non-usage and exclusion of property as well as the dissolution and the establishment of GMAs. However, because of the low percentage of appeals concerning them they will be lumped together to constitute the ‘other issues’ category (see Figure 6.4). The inclusion of this category broadens the investigation to six hunting policy issues.
To reiterate, conflicts of interest in hunting policy come about when GMA board decisions are challenged by landowning hunters or rent-hunters. These conflicts of interest are linked with the following issues:

Small game (which also reflects on the moose hunting issue),
Suspension of hunter,
Hunting permits,
Removal of property,
Association disputes (which includes the felling fee issue), and
Other issues

Each of these issues can also be linked with the formal rules that constitute hunting policy (see Table 5.1 and Figure 6.4). The withdrawal of property from hunting in the GMA issue will not be dealt with in the data analysis since this issue is, as was mentioned earlier, rarely ever appealed to the CAB. Thus, the investigation will focus on landowners that have appealed to permanently remove their property from the GMA. Once again, the difference between these issues is that if a landowner withdraws his property from hunting in a GMA, the property remains in the GMA, but hunting is no longer allowed there (for more detail see chapter two).

Figure 6.4: The Hunting Policy Issues Linked with Appealed GMA Decisions
(Source: see Figure 6.1).
However, if a landowner removes his property from the GMA, this is permanent and may even threaten the GMA’s existence if it is strategically placed within its boundaries. As can be seen in Figure 6.4, sixty two appeals of GMA decisions are linked with the hunting permit issue making it the most disputed issue in formal hunting policy. Another much disputed hunting policy issue is the association issue, which is linked with 58 appeals. The small game hunting issue and the removal of property issues are moderately disputed, the former issue is linked with 41 appeals and the latter with 38.

The least common of the five issues is the suspension of hunter issue, which is linked with 24 appeals. The category ‘other issues’ is linked with 34 appeals. These hunting issues define and constitute disputed formal hunting policy in Norrbotten between 1981 and 2003 and represents local Swedish hunting policy. A brief description of what each of the issues involves will now follow.

**Hunting Permit Conflicts**

It is not always the case that all landowners make use of their right to hunt, which was one of the reasons for establishing the GMA in the first place. This issue concerns the ability of a GMA board to effectively utilise its hunting permits. This kind of conflict of interest generally concerns landowning hunters disputing being denied the right by the GMA board to issue permits to rent-hunters, or guest-hunters. In a case from 1996, a landowning hunter was not allowed by the board to issue a hunting licence permit to his brother. It was revealed that the landowning hunter was not aware of the threshold property requirement in force in the GMA. The GMA board decision was, thus, legal (Dnr. 270-11257-96).

Even other kinds of hunting permit disputes are common. In another case from 1996, a GMA decided that local villagers could participate in the next annual moose hunt. This decision was appealed by one of its landowners and deemed illegal by expertise at the CAB. This decision was justified by the board because a potential hunter must own, or rent, in accordance with the threshold property requirement, at least 200 hectares of property (note that this surpasses the usual 50 hectare requirement) to be eligible to hunt moose in the concerned GMA (Dnr. 270-9427-96). It was apparent that none of the individual villagers
could meet this requirement. This is a typical conflict of interest linked with this issue.

**Association Conflicts**

Conflicts of interest linked with the association issue concerns the ability of the board to administer hunting in the GMA. Association disputes are internal in character, that is, they involve twice as many landowning hunters than rent-hunters (see Figures 6.7 and 6.8). This kind of dispute encompasses issues like determining the number of moose each GMA hunting team can hunt as well as felling fees. In another 1996 case, a GMA’s decision to increase felling fees for moose inadvertently burdened the smaller of its two hunting teams. This resulted in the decision being appealed to the CAB by a landowning hunter from the smaller hunting team. The CAB sided with the GMA and determined that the decision to increase fees for felling moose was legal (Dnr. 270-9655-96). This case represents a typical association dispute.

**Small Game Conflicts**

The small game hunting issue concerns the ability of the GMA to deal with conflicts between moose hunters, on the one hand, and small game hunters, on the other. Small game hunting conflicts concern, for the most part, GMA decisions that determine where and when small game hunters can hunt within its boundaries. This kind of conflict of interest is between small-game hunters, a majority being rent-hunters (see Table 6.5), and the GMA board. The most common dispute occurs when small game hunters want to hunt in the same area and the same time as moose hunters.

In 1985 a GMA board decided to limit the hunt of small game to Saturdays and Sundays with the exception of fox hunting, which at the time was permitted everyday. The decision was appealed by a small game hunter on behalf of himself and other small game hunters in the GMA. The GMA decision was found to be illegal with the justification that it can only prevent small game hunters from hunting if it has obvious negative consequences for the annual moose hunt. This particular GMA decision was illegal because no negative consequences for
m Moose management were apparent (Dnr. 11.361-1720-85). This is typical of small game hunting conflicts in Norrbotten.

**Removal of Property Conflicts**

This issue concerns the ability of the GMA to maintain cohesiveness among its properties. The loss of a property may in some extreme cases lead to the dissolution of the concerned GMA. The application of the qualified majority criterion established in 1938 to bring about a speedy and effective establishment of GMAs throughout Sweden may have contributed to this issue’s controversy. An example will be given to support this assumption. In 1997 a landowner justified his request to permanently remove his property from a GMA on the grounds that his health had deteriorated to the extent that he no longer could hunt. Given this new circumstance he found it difficult to accept that his request could not be approved by the GMA board. However, with regards to requirements laid down in the 29 § in the Game Management Association Act (1980) and in the benefit of the general interest (as stipulated in RF 2:18), his appeal was denied by the County Administrative Board (CAB). The concerned GMA’s decision to deny the landowner’s removal of property from the GMA was regarded as legal, but it was controversial because it favours the right of the general interest, at the expense of the individual landowner, to determine the use of his or her own property (Dnr. 27-12369-98). Recall that this is no longer a course of action that the European Court on Human Rights (ECHR) neither recommends nor condones.

**Suspension of Hunter Conflicts**

Finally, the suspension issue concerns the ability of the GMA to maintain order within its boundaries. The suspension of a hunter usually comes about when he or she is accused by other hunters or hunting team leaders of having breached the formal rules governing hunting in the GMA. Hunters are usually suspended during the annual moose hunt. One common reason for suspending a hunter is so-called over-felling. In a case from 1987, a rent-hunter was suspended because he felled a moose after receiving instructions from his hunting team leader that the hunt had been called-off. As a consequence, and because he was a rent-hunter, his contract to hunt in the GMA was terminated by the concerned land-
owner. The rent-hunter in question admitted to felling the moose, but contested his suspension and claimed that the whole incident was a result of an unfortunate misunderstanding. He added, moreover, that he was never actually given the opportunity to explain his version of events to the GMA board. With this information as its basis, the CAB found that the GMA’s decision to suspend him was illegal (Dnr. 2610-8997-87). This kind of suspension of hunters is characteristic of other cases linked with suspension conflicts. Each of these hunting policy issues will now be linked with the two appellant groups. This is a way to establish how they perceive the different issues and will contribute to explaining how their perceptions inspire or influence conflicts of interest.

4. Appellants and Hunting Policy Issues

Table 6.1 illustrates which hunting policy issues are appealed by landowning hunters and rent-hunters. As expected, both groups of appellants tend to be linked with different kinds of hunting policy issues. The table should be read as follows. Firstly, 83% of appealed GMA decisions linked with the small game issue originate from rent-hunters, while a minority, 17%, originate from landowning hunters. This implies that the small game hunting issue concerns rent-hunters more than landowning hunters.

Secondly, even the suspension issue is dominated by rent-hunters and, like the small game issue, seems to affect them more than landowning hunters. Twice as many rent-hunters than landowning hunters are linked with conflicts over sus-
pensions. In fact, 63% of appealed GMA decisions linked with this issue are appealed by rent-hunters. This hunting policy issue makes up a total of 9% of appealed GMA decisions in Norrbotten between 1981 and 2002 (see Table 6.5).

Thirdly, the issue that engages both landowning hunter and rent-hunter appellants alike is the issuing of hunting permits. Out of 62 appealed hunting permits, 47% were made by rent-hunters and 53% by landowning hunters. This is logical, since both interests are affected by GMA board decisions that touch on their contracts.

Fourthly, the removal of property issue is the only issue that rent-hunters self-evidently do not appeal, since they neither own property in the area nor, in accordance with the GMA’s statutes, are allowed to vote on board decisions related with this issue. However, one quarter of landowning hunter appellants are involved in this issue and have applied to the GMA to permanently remove their property.

Fifthly, the association issue is dominated by the GMA’s landowning hunters. It involves 27% of landowning hunter appellants compared with 17% of rent-hunter appellants. A majority of GMA decisions (67%) linked with the association issue are appealed by landowning hunters (see Table 6.1). This can be explained by the fact that, as was mentioned earlier, rent-hunters cannot appeal all GMA decisions linked with the association issue. Landowning hunters are, consequently, more inclined to dispute GMA decisions linked with the association issue than rent-hunters. Finally, twice as many landowning hunters were involved in other issues compared with rent-hunters.

I assume that their focus on different hunting policy issues engenders and maintains different perceptions among landowning hunters and rent-hunter appellants inasmuch as they focus, with the exception of the hunting permit issue, on different hunting policy issues. It can be argued that hunters’ perceptions of different issues contribute to conflicts of interest, in the sense that the GMA’s decision triggers a reaction among some hunters to appeal it, that is, to publicly express their withdrawal of consent for the particular decision. This argument inspires two questions. Firstly, which perceptions can be found among appellant hunters and, secondly, do these vary? By answering these questions the kinds of
perceptions that are characteristic for landowning hunters and rent-hunters can be established and linked with hunting policy’s different issues.

5. Appellant Perceptions

As revealed in section 4, five dominant perceptions are expressed by hunters in their appeals of GMA decisions. Here these will be divided into two categories that correspond with the different kinds of legitimacy deficit mentioned above. These are the illegal decision perception and immoral authority perceptions. To perceive a GMA decision as illegal implies that the appellant is convinced that the particular decision breaches one or more of the formal rules governing the GMA’s activities. The immoral perception category is made up of four perceptions. These are the unfair, coercive, unjust or unsatisfactory perceptions. Recall that Beetham defines a lack of authority as a situation where a government’s decisions are not anchored or agreed to within society. A GMA that exercises immoral authority can be defined as a GMA whose decisions no longer are perceived by hunters as converging with their values or interests. This is equated with immoral authority.

If a GMA is perceived to have made an illegal decision it will be judged to face a legal-legitimacy deficit. If, on the other hand, GMA decisions lead to its board’s authority as being perceived as immoral the concerned GMA will be judged to have a moral-legitimacy deficit. The relationship between these perceptions and conflicts of interest, that is, the cause of the perception, will now be discussed. It should, once again, be pointed out that the individual appellant might not be aware of the source of his/her perception.

Perceptions of Illegality

The first and most common perception among appellants is that the GMA decision is regarded as illegal. This kind of perception focuses explicitly on procedure. The decision making per se is the source of legitimacy deficit and not the GMA’s general authority. Appellants that perceive a decision as illegal do so because it is regarded as incorrect, a mistake, or not very well thought through. For example, a GMA decided in 1988 to increase its hunting licence permit fees from 200 to 350 SEKs for both moose and small game and to distribute the
revenue from these fees to landowners with more than ten hectares. This decision was appealed by a landowning hunter on the grounds that GMA statutes were breached when the decision was made and that it was, therefore, illegal not to distribute the revenue from felling fees to all landowners in the GMA. The landowning hunter was incorrect concerning fee increases because, according to the CAB, the statutes make provisions for this. He was, however, correct in his perception that all GMA landowners should receive payments from fee revenues, not just those with more than ten hectares (Dnr. 2610-11524-88). This is a typical example of a perception of decision illegality. By withdrawing consent for a particular decision appellants seek to rectify the GMA’s mistake or make sure it does not reoccur.

**Perceptions of Immoral Authority**

To perceive an organisation’s authority as immoral implies that one’s values or interests, because they diverge from its exercise of power, come into conflict. These perceptions of GMA decision making have in common that they focus on the authority of the board.

**Discrimination**

Appellants can perceive GMA decisions as unfair. Appellants that express this perception do so because they individually, or the group they belong to, are convinced they are being discriminated, that is, treated worse than other hunters in the GMA. Not only is the content of a decision a source of legitimacy deficit, but more likely the GMA board’s very exercise of power, and authority. It is apparent that the appellant sometimes reacts personally to a decision and believes that those who made it would have acted differently if it had concerned another hunter. For example, when a GMA in 1991 decided to limit small game hunting to three days a week, the decision was appealed by a rent-hunter. He perceived the decision as unfair because as a shift-worker he could miss out on his already limited opportunity to hunt. This particular small game hunter did not refer to legal rules or the GMA statutes in his appeal, only that he felt discriminated (Dnr. 270-985-91). Such a discriminated rent-hunter is more likely to perceive the GMA board’s authority as the source of his or her discrimination.
rather than the actual decision. Consequently, the lack of moral legitimacy is assumed to lead to conflict between the GMA board and rent-hunters that feel discriminated.

Coercion
To perceive a GMA decision as coercive entails that landowning hunter appellants express that a GMA decision, in one way or another, encroaches on their property rights. This is because the landowner is required or forced to become a member of the GMA against his or her will. One example is a so-called unwilling landowner that wished to permanently remove his property from a GMA in 1998 and who felt coerced into remaining in the GMA. He claimed, on moral grounds, that he did not want game to be felled on his property. However, because this particular landowner is a known hunter and, moreover, had earlier (1996) applied to become a member of another hunting association, his moral protest was not taken seriously by the CAB (Dnr. 27-8002-98). Nonetheless, and irrespective of the landowner’s reason for wanting to remove his property, he is still a member of the association against his will. If a landowning hunter feels coerced it can be assumed that he or she will very likely resent the source of coercion, the GMA board’s authority. Thus, even if the GMA exercises its power legally correct it can still lack moral legitimacy because the contents of the formal rules underpinning its decision are in the eyes of some landowning hunters morally improper. Therefore, also this kind of perception is contributory to the problem of the unwilling landowner discussed in chapter two.

Injustice
To perceive a decision as unjust the appellant can express that the GMA decision is an injustice not just for him or her, but others as well. This kind of perception often entails some form of commonality which often restricts itself to a particular group of hunters, for example small game hunters of which a majority are rent-hunters. In 1999, a rent-hunter appealed a GMA decision to adjust and regulate times and dates for small game hunting. He perceived the decision an injustice to all small game hunters in the GMA because it encroached on their individual rights (Dnr. 27-9404-99). Another example of this kind of perception
can be found in an appeal from 1996. In this case a landowning hunter thought a GMA’s decision to increase the threshold property requirement to hunt moose from 50 to 100 hectares was unjust. The appellant considered the decision unjust because not all landowning hunters (in particular those with less than 100 hectares) were present when it was made (Dnr. 270-7108-96). These kinds of perception can also be assumed to have their source of legitimacy deficit in the GMA’s authority.

**Dissatisfaction**

Finally, to perceive a decision as *unsatisfactory* the appellant expresses his or her frustration over the board’s capability to make decisions or run the GMA’s economy. The reason that conflicts of interest in the Kuivakangas-village GMA came about was that some of the landowning hunters became disgruntled over the number of moose the GMA’s hunting teams could hunt. They claimed that landownerships, and not the number of hunters in each team should determine the number of moose they could hunt in the GMA. They also claimed that a general mismanagement of the GMA had led to the emergence of factions among hunters. This caused dissatisfaction among GMA hunters and, as one landowner put it, “[this] is a result of the GMA’s complete incompetence” (Dnr. 27-9517-99). Therefore, this dissatisfaction undermines the GMA board’s authority, since it fails to maintain orderliness within its boundaries.

Because of its character, the first perception, about illegality, on its own constitutes the illegal decision category. Together, the remaining four perceptions will constitute the immoral authority category. These two perception categories have varying implications for hunting policy. For instance, just because an appellant hunter perceives a GMA decision as illegal does not mean that he or she perceives other decisions that the GMA makes (and, thus, its authority) as immoral. However, if an appellant hunter perceives the GMA as unfair, coercive, unjust or unsatisfactory he or she may very well perceive the GMA’s general authority as immoral.

I argue that a legal legitimacy deficit is far less serious for the legitimacy of the GMA than a moral legitimacy deficit, in the sense that illegal decisions can be invalidated, or reversed, by the CAB and the perceptions of the appellant jus-
tified. However, the consequences for conflicts of interest in the GMA are far more serious if an appellant henceforth perceives the authority as being immoral. Which of these perceptions do GMA decisions engender and maintain among appellant interests? In order to address this question, all five perceptions will be correlated with the landowning hunter and rent-hunter appellant groups.

6. Perceptions among Appellant Groups

Table 6.2 indicates that of those appellant groups that perceive GMA decisions as illegal, 57% are landowning hunters and 43% rent-hunters. The perception that the GMA’s authority is immoral (which in turn is made up of 24% unfair, 11% coercive, 12% unjust and 9% unsatisfactory perceptions) is shared by over half of all appellant hunters. The remaining appellants perceive the GMA decision as illegal.

Table 6.2: Perceptions of GMA Decisions among Appellant Groups, N=237
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Perceptions of GMA decisions</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ill. dec.</td>
</tr>
<tr>
<td></td>
<td>illegal</td>
</tr>
<tr>
<td>Rent-hunter</td>
<td>44</td>
</tr>
<tr>
<td>% within app. category</td>
<td>42%</td>
</tr>
<tr>
<td>% within app. perception</td>
<td>43%</td>
</tr>
<tr>
<td>Landowning hunters</td>
<td>59</td>
</tr>
<tr>
<td>% within app. category</td>
<td>45%</td>
</tr>
<tr>
<td>% within app. perception</td>
<td>57%</td>
</tr>
<tr>
<td>Both</td>
<td>103</td>
</tr>
<tr>
<td>% within app. categories</td>
<td>44%</td>
</tr>
<tr>
<td>% within app. perceptions</td>
<td>100%</td>
</tr>
</tbody>
</table>

Landowning hunter appellants tend, to a greater extent than rent-hunter appellants to perceive GMA decisions as illegal. However, the perception that the GMA’s authority is immoral, in particular unfair, is shared with almost equal intensity by landowning hunter and rent-hunter appellants. Table 6.2 also indicates that the immoral GMA authority perception is more common than the perceptions that the GMA’s decisions are illegal.

The perception that a GMA decision is unfair is more common among rent-hunter than landowning hunter appellants. The perception that a GMA decision is coercive is more dominant among landowning hunter appellants than rent-
hunter appellants. In fact, a majority of these perceptions were expressed by so-called unwilling landowners. A slightly higher percentage of rent-hunters than landowning hunter appellants perceive GMA decisions as unjust. This perception is distributed evenly among both appellant interests. Finally, both interest groups expressed equally the perception that the GMA’s exercise of power is unsatisfactory. Landowning hunters are behind a majority of these perceptions.

More landowning hunters are dissatisfied with their GMA’s exercise of power than rent-hunter appellants. Both appellant groups display the same kinds of perceptions, but varying. For instance, a majority of landowning hunter appellants are inclined, in some cases, to perceive GMA decisions as illegal and, in others, its authority as immoral, while a majority of rent-hunter appellants are inclined to perceive the GMA’s authority as immoral. Thus, it can be concluded that rent-hunters more than landowning hunters to perceive a GMA’s authority as immoral. Before determining if these perceptions are, in a legal sense, correct, the investigation will link each appellant group’s perceptions with the disputed hunting policy’s issues. This will shed more light on, among other things, which issues are linked with the two different sources of legitimacy deficit mentioned above.

7. Appellant’s Perceptions and Hunting Policy Issues

This section will explain, in detail, which perceptions the different hunting policy issues engender and maintain among GMA landowning hunter and rent-hunter appellants. Once this question has been answered it will be possible to link conflicts of interest with the kind of legitimacy deficit that characterises them.

Rent-Hunter Perceptions

A total of 110 rent-hunter perceptions are linked with five hunting policy issues. Table 6.3 elucidates that 31% of rent-hunters are linked with the small game issue, 26% with the hunting permit issue, 17% with the association issue and 14% with the suspension of hunter issue. The remaining rent-hunter appeals are linked with other issues.
Of those rent-hunters who appealed GMA decisions linked with the small game hunting issue, a majority perceive the GMA’s authority as immoral and one third perceive its decisions as illegal. A majority, 59%, of rent-hunter appellants linked with the hunting permit issue perceive the GMA as immoral and the rest perceive its decisions as illegal (see Table 6.3). Concerning all issues, a majority of rent-hunters perceive the GMA’s authority as immoral. Therefore, conflicts of interest occur because small game hunters and suspended hunters, a majority of whom are rent-hunters, perceive the GMA’s authority as immoral.

Table 6.3: Rent-Hunter Perceptions and Hunting Policy Issues, N=110
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Hunting policy issues</th>
<th>GMA rent-hunter perceptions</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Decision illegality</td>
<td>Immoral authority</td>
</tr>
<tr>
<td>Small game</td>
<td>12 35% 65% 33%</td>
<td>34 100%</td>
</tr>
<tr>
<td>% within issue</td>
<td>27%</td>
<td></td>
</tr>
<tr>
<td>% within perception</td>
<td>27%</td>
<td></td>
</tr>
<tr>
<td>Suspension</td>
<td>5 33% 67% 14%</td>
<td>15 100%</td>
</tr>
<tr>
<td>% within issue</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>% within perception</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>Hunting permit</td>
<td>12 41% 59% 26%</td>
<td>29 100%</td>
</tr>
<tr>
<td>% within issue</td>
<td>27%</td>
<td></td>
</tr>
<tr>
<td>% within perception</td>
<td>27%</td>
<td></td>
</tr>
<tr>
<td>Association</td>
<td>9 47% 53% 17%</td>
<td>19 100%</td>
</tr>
<tr>
<td>% within issue</td>
<td>21%</td>
<td></td>
</tr>
<tr>
<td>% within perception</td>
<td>21%</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>6 46% 54% 12%</td>
<td>13 100%</td>
</tr>
<tr>
<td>% within issue</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>% within perception</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>44 40% 60% 100%</td>
<td>110 100%</td>
</tr>
<tr>
<td>% within issues</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>% within perceptions</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Less than half of appellant rent-hunters perceive GMA decisions linked with association issues as illegal, while more than 50% perceive the GMA’s authority as immoral. One third of rent-hunter appellants perceive their GMA’s decisions concerning the suspension of hunters as illegal, while two thirds of the rent-hunters perceive suspension of hunters as a result of immoral GMA board authority (see Table 6.3).

In sum, it can be concluded that 40% of the rent-hunters that appeal GMA decisions perceive them as illegal, while the remaining 60% perceive their boards’ authority as immoral. Therefore, conflicts of interests are affected by
hunter perceptions, but in different ways. Two types of conflict of interest, based on legitimacy’s reciprocal preconditions, can arise in GMAs depending on which hunting policy issue they are linked with. For instance, conflicts of interest concerning the issuing of hunting permits and association disputes are engendered and maintained by a perception of the GMA decision as illegal, while conflicts of interest concerning small game and suspension of hunter issues are, on the other hand, engendered and maintained by a majority of rent-hunters’ perception of the GMA’s authority as immoral.

**Landowning Hunter Perceptions**

A total of 144 appellant landowning hunter perceptions are linked with all six hunting policy issues.

Table 6.4: Landowning Hunter Perceptions and Hunting Policy Issues, N=144 *(Source: see Figure 6.1).*

<table>
<thead>
<tr>
<th>Hunting policy issues</th>
<th>GMA landowning hunter perceptions</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Illegal decision</td>
<td>Immoral authority</td>
</tr>
<tr>
<td>Small game</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>% within issue</td>
<td>29%</td>
<td>71%</td>
</tr>
<tr>
<td>% within perception</td>
<td>4%</td>
<td>6%</td>
</tr>
<tr>
<td>Suspension</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>% within issue</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>% within perception</td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>% within issue</td>
<td>49%</td>
<td>52%</td>
</tr>
<tr>
<td>% within perception</td>
<td>28%</td>
<td>20%</td>
</tr>
<tr>
<td>Removal of property</td>
<td>11</td>
<td>24</td>
</tr>
<tr>
<td>% within issue</td>
<td>31%</td>
<td>69%</td>
</tr>
<tr>
<td>% within perception</td>
<td>19%</td>
<td>28%</td>
</tr>
<tr>
<td>Association</td>
<td>17</td>
<td>22</td>
</tr>
<tr>
<td>% within issue</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>% within perception</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td>Others</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>% within issue</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>% within perception</td>
<td>12%</td>
<td>16%</td>
</tr>
<tr>
<td>All</td>
<td>57</td>
<td>87</td>
</tr>
<tr>
<td>% within issues</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>% within perceptions</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Table 6.4* shows that 27% of the GMA decisions appealed by landowning hunters are linked with the association dispute, 24% with the removal of property,
30% with the issuing of hunting permits, 6% with the suspension of hunters, and 5% with small game hunting.

Over half of landowning hunter appellants linked with the association and suspension of hunter issues perceive the GMA’s authority as immoral the rest perceive its decisions as illegal (see Table 6.4). Half of landowning hunter appellants perceive appealed GMA decisions linked with the hunting permit disputes as illegal and half perceive the GMA’s authority as immoral. A majority of landowning hunter appellants linked with the removal of property issue perceive the GMA’s authority as immoral and the rest perceive its decisions as illegal (see Table 6.4).

When it comes to the small game issue a majority, 71%, of landowning hunter appellants perceive the GMA’s authority as immoral and the rest, 29%, its decisions as illegal. In sum, it can be concluded that a majority of landowning hunter appellants perceive their GMA’s authority as immoral, while the rest perceive its decisions as illegal. The two hunting issues that landowning hunters equated the most with immoral GMA authority are the small game and removal of property issues.

8. Conclusions
In sum, conflicts, as demonstrated in the appeals of GMA decisions, between landowning hunters and rent-hunters, and the GMA board vary. These conflicts of interest lead to legal and moral legitimacy deficits. Two groups of appellants dominate hunting policy disputes in GMAs. The largest group is made up of landowning hunter appellants and the second largest of rent-hunter appellants. All five of the identified perceptions are prevalent among appeals of GMA decisions, but varyingly. For example, the GMA’s exercise of power engenders and maintains perceptions among a minority of landowning hunter appellants that its decisions are illegal and its authority immoral. This exercise of power also engenders and maintains perceptions among a majority of rent-hunter appellants that its authority is immoral. The explanation for this variance is that the appellant groups, because of different interests, focus on different hunting policy issues.
Rent-hunters tend to focus on small game and suspension issues that engendering perceptions of unfairness and injustice among them and landowning hunters tend to focus on the removal of property and suspension issues, engendering and maintaining illegal decision or immoral authority perceptions. Both appellant interests dispute the hunting permit issue with equal intensity. For landowning hunters the GMA’s authority is immoral concerning the removal of property issue. Its authority is immoral for rent-hunters concerning the suspension of hunter issue. Although more rent-hunters than landowning hunters hunt small game, those that have appealed GMA decisions share the same perception. That is, a majority of both group interests perceive the GMA’s authority concerning its decisions on small game issues as immoral.

The reason that appellants dispute formal hunting policy, can be found in the appellant’s perception of GMA decisions as expressed in his or her appeal. Also, the source of the perception of the appellant interest can be identified. It seems as suspensions and small game issues lead to conflict between rent-hunters and the GMA boards. Thus, GMA decisions linked with the suspension of hunter and small game issues create a moral legitimacy deficit among rent-hunters, while conflicts between rent-hunters and the GMA board concerning association and hunting permits seem to have both legal and moral legitimacy deficits in about the same proportions.

It is, most certainly, the small game and removal of property issues that have created a moral legitimacy deficit among some of the GMA’s landowning hunters, while the suspension, hunting permit and association issues is more evenly distributed on legal and moral legitimacy deficits among GMA landowning hunters.

To summarise the conclusions so far, two sources of hunting policy legitimacy deficit have been verified. Firstly, the GMA’s authority is perceived by 60% of landowning hunter and rent-hunter appellants as immoral. Secondly, GMA decisions are perceived by 40% of landowning hunter and rent-hunters appellants as illegal.

The question to be dealt with now is: If these appellant perceptions of GMA decisions are, in a legal sense, correct? If appellant interests’ perceptions are
judged to be correct, this will support the existence of two sources of legitimacy deficit, which are a consequence of conflicts of interest.
Chapter Seven

Are Appellants Correct?

The fact that appellant hunters subjectively perceive GMA decisions as either illegal, or their GMA’s authority as immoral does not mean that the particular decision is actually illegal. Therefore, the Norrbotten CAB’s adjudication of appealed GMA decisions between 1981 and 2003 will be applied to the investigation in order to determine whether the 238 appellant hunter perceptions are correct or not. If the appellant’s perception of the appealed decision is correct legally and morally, it will prove that assumed informal rules are in use. In order for an appellant’s perception to be deemed as correct the CAB must judge the concerned GMA decision to be illegal. If this is the case, the appellant ought to be satisfied by the legal outcome of the CAB’s adjudication. If, however, the appellant’s perception is incorrect they have the choice of either doing nothing or appealing the CAB decision to a higher court of appeal, in this case the County Administrative Court (see Figure 2.1). If a CAB decision is appealed to a higher court it will be interpreted as an indication that the concerned appellant still perceives the initial GMA decision, as well as the CAB decision, as illegal or its authority as so immoral that he or she is willing to continue the legal process to a higher court.

To reiterate, the investigation shows that 60% of landowning hunters and rent-hunter appellants perceive their GMAs’ authority as immoral, while 40% of both appellant groups perceive the GMA decisions as illegal because they think the decisions breach formal rules in hunting policy.

The aim of this chapter is to determine to what extent GMAs breach the formal rules underpinning their decision making, the outcome of which will reveal
the existence of alternative and corresponding informal rules. This will clarify
the issue of whether or not the GMA exercises its power formally in accordance
with E1, or informally in accordance with E2, or both in accordance with E3
(see Figure 3.3). Firstly, it is necessary to identify the level of GMA decision
legality. Secondly, because the moose management area is a more recent form of
hunting area, it may very well affect the legal performance of GMAs. Therefore,
an insight into the legal performance of GMAs and the perceptions they engen-
der and maintain among hunters in both administrative contexts is necessary.

1. Appellant Perceptions and CAB Adjudication

Table 7.1 indicates that 89 (38%) of 237 appealed GMA decisions (see Table
6.6 above) were found to be correct. Table 7.1 further indicates that out of these
89 GMA decisions, 52% use legal arguments and 48% moral arguments against
the GMA’s use of authority. This result confirms that the two sources of legiti-
macy deficit do indeed exist and in about the same proportions.

Table 7.1: Perceptions of Illegal GMA Decision 1981-2001, N=89
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Correct perceptions</th>
<th>Appellant</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>rent-hunter</td>
<td>Land-owner</td>
<td></td>
</tr>
<tr>
<td>Illegal decisions</td>
<td>24</td>
<td>22</td>
<td>46</td>
</tr>
<tr>
<td>% within perception</td>
<td>52%</td>
<td>48%</td>
<td>100%</td>
</tr>
<tr>
<td>% within appellant category</td>
<td>50%</td>
<td>54%</td>
<td>52%</td>
</tr>
<tr>
<td>Immoral authority</td>
<td>24</td>
<td>19</td>
<td>43</td>
</tr>
<tr>
<td>% within perception</td>
<td>56%</td>
<td>44%</td>
<td>100%</td>
</tr>
<tr>
<td>% within appellant category</td>
<td>50%</td>
<td>46%</td>
<td>48%</td>
</tr>
<tr>
<td>Both</td>
<td>48</td>
<td>41</td>
<td>89</td>
</tr>
<tr>
<td>% within perceptions</td>
<td>54%</td>
<td>46%</td>
<td>100%</td>
</tr>
<tr>
<td>% within appellant categories</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 6.6 has shown that 105 rent-hunters and 132 landowning hunters appealed
GMA decisions during the period 1981-2001. Table 7.1 shows those 48 rent-
hunters, 46%, and 41 landowning hunters, 31%, were found by the CAB to be
correct in their perceptions of GMA decisions. About 50% of both appellant
groups found by the CAB to be correct in their perception of CAB decisions
used legal arguments and, consequently, 50% moral arguments. The next two
sections will describe to what extent appeals that are proven correct vary in dif-

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different administrative contexts. First appeals in hunting licence areas and then in moose management areas are investigated.

**Perceptions and Adjudication in Hunting Licence Areas**

*Tables 7.2 and 7.3 confirm that GMAs in hunting licence area and moose management areas do not behave in the same way.*

**Table 7.2: Perceptions and CAB Adjudication in Hunting Licence Area GMAs, n=101 (Source: see Figure 6.1).**

<table>
<thead>
<tr>
<th></th>
<th>CAB adjudication</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Legal</td>
<td>Illegal</td>
<td>Disq.</td>
<td>Total</td>
</tr>
<tr>
<td>Illegal decisions</td>
<td>18</td>
<td>14</td>
<td>6</td>
<td>38</td>
</tr>
<tr>
<td>% within perception</td>
<td>47%</td>
<td>37%</td>
<td>16%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcome</td>
<td>34%</td>
<td>50%</td>
<td>30%</td>
<td>38%</td>
</tr>
<tr>
<td>Immoral authority</td>
<td>35</td>
<td>14</td>
<td>14</td>
<td>63</td>
</tr>
<tr>
<td>% within perception</td>
<td>56%</td>
<td>22%</td>
<td>22%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcome</td>
<td>66%</td>
<td>50%</td>
<td>70%</td>
<td>62%</td>
</tr>
<tr>
<td>Both</td>
<td>53</td>
<td>28</td>
<td>20</td>
<td>101</td>
</tr>
<tr>
<td>% within perceptions</td>
<td>52%</td>
<td>28%</td>
<td>20%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcomes</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Out of 101 appealed GMA decisions in hunting licence areas, the CAB found 52% to be legal, 28% to be illegal and 20% were for different reasons disqualified. A GMA decision is disqualified if it is late or does not follow the conditions laid down in the formal rule for what an appeal should include (SFS 1980:894, 33 §). For instance, one of the most common reasons for appeals being disqualified is that they simply come in too late. An appellant has four weeks from the date the GMA decision is made to send his appeal to the CAB.

In total 38% of appellants used legal arguments and 62% moral arguments. Concerning illegal GMA decisions, half were appealed on legal grounds and, consequently, half on moral grounds. Concerning legal decisions, two thirds were appealed on moral and one third on legal grounds. Within the perception category ‘immoral authority’ only 22% of the appeals were found to be illegal by the CAB, while 78% of the appeals (56% and 22% respectively) were either found to be illegal or were disqualified. This differs, but only slightly, from the perception category “illegal decisions”, where 47% of appealed decisions were found to be made legally, 37% illegally and 16% were disqualified by the CAB.
Perceptions and Adjudication in Moose Management Area GMAs

Do GMAs in moose management areas deviate from those in hunting licence areas with regards to appellant perceptions and the outcome of CAB adjudication? As in the hunting licence area GMA a majority of appellants, 60%, perceive the GMA authority as immoral while a minority, 40%, perceive it as primarily illegal (see Table 7.3).

Firstly, almost 58% of appellant hunters in moose management area GMAs that perceive decisions as illegal are correct. While only 21% of appellant perceptions linked with immoral authority are correct. Half of the appealed GMA decisions made in moose management areas are legal, 35% are illegal and 13% are disqualified (see Table 7.3).

Table 7.3: Perceptions and CAB Adjudication in Moose Management Area GMAs after 1991, n=48 (Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Perceptions</th>
<th>CAB adjudication</th>
<th>Legal</th>
<th>Illegal</th>
<th>Disq.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal decisions</td>
<td></td>
<td>7</td>
<td>11</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td>% within perception</td>
<td></td>
<td>37%</td>
<td>58%</td>
<td>5%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcome</td>
<td></td>
<td>28%</td>
<td>65%</td>
<td>17%</td>
<td>40%</td>
</tr>
<tr>
<td>Immoral authority</td>
<td></td>
<td>18</td>
<td>6</td>
<td>5</td>
<td>29</td>
</tr>
<tr>
<td>% within perception</td>
<td></td>
<td>62%</td>
<td>21%</td>
<td>17%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcome</td>
<td></td>
<td>72%</td>
<td>35%</td>
<td>83%</td>
<td>60%</td>
</tr>
<tr>
<td>Both</td>
<td></td>
<td>25</td>
<td>17</td>
<td>6</td>
<td>48</td>
</tr>
<tr>
<td>% within perceptions</td>
<td></td>
<td>52%</td>
<td>35%</td>
<td>13%</td>
<td>100%</td>
</tr>
<tr>
<td>% within outcomes</td>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Thus, the main difference between GMAs in the two types of hunting area concerns the illegal decision perception. In moose management area GMAs almost 58% the appellants that perceives GMA decisions as being illegal are correct, while in hunting licence area GMAs only 38% are correct. Hence, moose management area GMAs make more illegal decisions than their counterparts in hunting licence areas.

2. Hunting Policy Issues and Legality

As mentioned in chapter two, some authorities (special interests) were sceptical concerning the establishment of the GMA. The Environmental Protection Agency (EPA) even implied that the GMA misuses its authority and should, therefore, be regarded as undemocratic (SOU 1997:91). This investigation con-
firms that this is the case with regards to GMAs in Norrbotten. In this section it is determined to what extent perceptions of the GMA’s authority and decision making can be traced to specific issues.

**Table 7.4: Hunting Policy Issues and CAB Adjudication, N=257**
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Hunting policy/issue</th>
<th>CAB adjudication</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Legal</td>
<td>Illegal</td>
</tr>
<tr>
<td>Small game</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>% within Issues</td>
<td>24%</td>
<td>61%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>9%</td>
<td>26%</td>
</tr>
<tr>
<td>Suspension</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>% within Issues</td>
<td>21%</td>
<td>54%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>5%</td>
<td>13%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td>18</td>
<td>31</td>
</tr>
<tr>
<td>% within Issues</td>
<td>29%</td>
<td>50%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>16%</td>
<td>32%</td>
</tr>
<tr>
<td>Removal of property</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>% within Issues</td>
<td>82%</td>
<td>5%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>28%</td>
<td>2%</td>
</tr>
<tr>
<td>Association</td>
<td>30</td>
<td>14</td>
</tr>
<tr>
<td>% within Issues</td>
<td>52%</td>
<td>24%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>27%</td>
<td>14%</td>
</tr>
<tr>
<td>Other</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td>% within Issues</td>
<td>53%</td>
<td>35%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>Total</td>
<td>112</td>
<td>97</td>
</tr>
<tr>
<td>% within Issues</td>
<td>43%</td>
<td>38%</td>
</tr>
<tr>
<td>% within adjudication</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Table 7.4** confirms that of all GMA decisions appealed in Norrbotten between 1981 and 2002, 43% were made legally, 38% illegally and 19% were disqualified. Of 38 appealed decisions linked with the removal of property issue, 82% are made legally. Only a small fraction of 5% is found to be made illegally. Two unwilling landowners succeeded in removing their properties from their GMAs since 1991. In association disputes the decision making in the GMAs has the next highest percentage of legality, that is, 52%. It is obvious that the high degree of legality in the removal of property decisions is by far the exception to the rule among hunting policy issues in general.

In comparison, appeals of GMA decisions linked with the hunting permit, small game and suspension of hunter issues display a lower percentage of legality. Of 62 appealed GMA decisions concerning the hunting permit issue, 29% are made legally. Of 41 appealed GMA decisions concerning the small game
issue, 24% are made legally. Finally, of 24 appealed GMA decisions concerning the suspension of hunter issue, 21% are made legally (see Table 7.4). In other words, GMAs have a higher tendency to breach legal rules concerning the latter three hunting policy issues, in particular. Together these issues encompass almost half of the appealed GMA decisions in Norrbotten between 1981 and 2003. Hence, GMAs make most legal decisions concerning the removal of property and association issues and they, conversely, make most illegal decisions concerning the suspension of hunter, small game and hunting permit issues. In line with the assumption made in chapter two, the latter three issues are believed to be more likely to be governed by strong informal rules in conflict with the formal rules, that is, legislation governing hunting in Sweden. This will be discussed in more detail in the next chapter.

The fact that appeals concerning the removal of property issue are common, but have a very high degree of legality, add weight to the probability that also the very contents of formal rules are a source of legitimacy deficit. It should also be noticed that this hunting policy issue has the highest percentage of appellants that continue the legal process, that is, appeal the CAB decision to the County Administrative Court (CAC).

The figures in Table 7.5 reveal that almost half (17) of the unwilling landowners that appealed to permanently remove their properties from GMAs also appealed the CAB decisions to the CAC. In fact, these appellants make up almost half of those who appealed CAB decisions to the CAC (see Table 7.5). This is an indication that the concerned landowners still want to remove their property from the GMA and, thus, question the contents of the concerned formal rules. Moreover, 65% of these appellants’ perceptions of the CAB decision as immoral are correct (see Table 7.5).

If it is not the GMA decision or its authority that is the source of these landowners perceptions, then it seems more likely that it can be found in the contents of the formal rules underpinning the GMA decision, in this case the 29 § in the Game Management Association Act from 1980 (see chapter four, Table 5.1). However, most of the CAC decisions concerning the removal of property issue were either revoked or amended by the National Administrative Court (NAC). The reason for the lack of legal consensus is that the CAC applied European leg-
islation, that is, the articles in the convention of the European Court on Human Rights (ECHR), and the NAC applied Swedish law (see CAC case nr. 972-97 and NAC case nr. 3389-1997).

Table 7.5: CAB Decisions Appealed to Norrbotten’s CAC, N=42
(Source: see Figure 6.1)²¹

<table>
<thead>
<tr>
<th>Hunting policy issues</th>
<th>CAC adjudication</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>legal</td>
<td>illegal</td>
</tr>
<tr>
<td>Small game</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>Suspension of hunter</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>60%</td>
<td>20%</td>
</tr>
<tr>
<td>Removal of property</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>65%</td>
<td>35%</td>
</tr>
<tr>
<td>Association</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>78%</td>
<td>0%</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Total</td>
<td>29</td>
<td>10</td>
</tr>
<tr>
<td>% within hunting policy issues</td>
<td>69%</td>
<td>24%</td>
</tr>
</tbody>
</table>

However, one must also take into consideration that 35 unwilling landowner perceptions are linked with the removal of property issue. If these are subtracted from the previously identified sources of legitimacy deficit it can be concluded that 52% of both categories of appellants perceive the GMA’s authority as immoral, 35% of appellants perceive GMA decisions as illegal and that at least 14% of landowner appellants perceive, directly or indirectly, the legal rules underpinning GMA decisions linked with the removal of property issue as immoral.

Consequently, it can be concluded that hunting policy has three sources of legitimacy deficit. Firstly, the main source is the perception that the GMA board’s authority is immoral. Secondly, the perception that its decisions are illegal is another source. Thirdly, both of these legitimacy deficits can be brought about indirectly by the contents of formal rules. Because the perceptions that lead to this kind of legitimacy deficit are seldom correct, the conflicts they give rise to can be assumed to be long-lasting. This assumption will be tested in chapter nine.
3. Legal Performance in Two Administrative Contexts

As mentioned in chapter two, the GMA can be found in either of two administrative contexts: hunting licence or moose management areas. Thus, it can now be discerned if GMAs in either of these kinds of hunting areas differ in any way concerning their legal performance. Although appeals of GMA decisions span the time period from 1981 to 2002, the first GMA did not become a member of a moose management area in Norrbotten until 1991 (Norrbotten CAB, archives in Jokkmokk). Furthermore, because moose management area GMAs only make up 15% of Norrbotten’s ca. 200 GMAs, a straight comparison between their legal performances within the different hunting policy issues would be skewed. Since the first moose management area GMA was established ten years after GMAs in hunting licence areas, only data after 1991 will be applied in this part of the investigation. The data from this time period is made up of 149 appeals. Of these appeals, 101 emanate from the older hunting licence area GMAs and 48 from moose management area GMAs.

The GMA’s ability to deter conflicts between moose and small game hunters differs in the two hunting areas. The results of the investigation indicate that small game hunters dispute GMA decisions more often in moose management areas than in hunting licence areas. Almost 13% of appealed GMA decisions in moose management areas are linked with the suspension of hunter issue compared with 8% in hunting licence areas (see Table 7.6). Conflicts of interest linked with the GMA’s issuing of hunting permits differ only slightly in the two types of hunting areas. However, hunting permit conflicts appear to be more frequent in moose management areas and are linked with 21% of its appealed decisions compared with 17% in hunting licence area GMAs.

The removal of property issue is also the exception to the rule concerning hunting policy in the two hunting areas. Three times as many removals of property conflicts occur in hunting licence area GMAs compared with moose management area GMAs after 1991. Moreover, the moose management area GMA has almost twice as many association conflicts than its counterpart in the hunting licence area. Excluding other issues, the removal of property, association and hunting permit issues dominate hunting policy conflicts in hunting licence area
GMAs, while association, hunting permit and small game conflicts dominate hunting policy in moose management area GMAs (see Table 7.6).

**Table 7.6: GMA Decision Legality in Two Types of Hunting Areas, N=149**  
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Hunting policy issues</th>
<th>Hunting area type after 1991</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HLA</td>
<td>MMA</td>
</tr>
<tr>
<td>Small game</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Suspension of hunter</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Hunting permit</td>
<td>17</td>
<td>10</td>
</tr>
<tr>
<td>Removal of property</td>
<td>27</td>
<td>4</td>
</tr>
<tr>
<td>Association</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
<td>2</td>
</tr>
<tr>
<td>Total all</td>
<td>101</td>
<td>48</td>
</tr>
</tbody>
</table>

Since the two kinds of hunting areas are prone to different kinds of conflicts of interest; it is also of interest to determine if their legal performance also varies.

**GMA Decision Legality in Hunting Licence Areas**

Starting from the controversy surrounding hunting policy between 1991 and 2002 the data reveals that, of a total of 101 appealed GMA decisions, the removal of property issue is the most disputed in hunting licence area GMAs. However, only 7% of GMA decisions linked with this issue are made illegally (see Table 7.7). The removal of property issue is obviously characterised by a high 82 percentage of legality and is, consequently, far from the rule in hunting licence area GMAs.

The association issue is the second most disputed issue in this type of hunting area. Precisely 25% of GMA decisions related to this issue are made illegally. The association issue has a lower percentage of legality than the permanent removal of property issue. It should be noted that this issue also has the highest percentage of disqualified appeals (see Table 7.7). This indicates that appellants
are not always aware of the regulations concerning felling fees, moose allocation, etc.

Table 7.7: GMA Decision Legality of in Hunting Licence Areas, n=101
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Hunting policy issues</th>
<th>CAB adjudication</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>legal</td>
<td>illegal</td>
</tr>
<tr>
<td>Small game</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>60%</td>
<td>30%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>11%</td>
<td>11%</td>
</tr>
<tr>
<td>Suspension of hunter</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>25%</td>
<td>50%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>4%</td>
<td>14%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>35%</td>
<td>41%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>11%</td>
<td>26%</td>
</tr>
<tr>
<td>Removal of property</td>
<td>22</td>
<td>2</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>82%</td>
<td>7%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>42%</td>
<td>7%</td>
</tr>
<tr>
<td>Association</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>40%</td>
<td>25%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>15%</td>
<td>18%</td>
</tr>
<tr>
<td>Others</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>47%</td>
<td>37%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>17%</td>
<td>25%</td>
</tr>
<tr>
<td>Total</td>
<td>53</td>
<td>28</td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>53%</td>
<td>28%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

The issuing of hunting permits is characterised by a high percentage of illegal decision making. Only one third of GMA decisions linked with this issue are made legally. This is the lowest percentage of legal decisions in hunting licence areas. This might indicate that the formal rules underpinning them are difficult to interpret (as the Law Council remarked already in 1980).

The small game hunting issue is characterised by a high percentage of legal GMA decisions. Because this issue has an overall low degree of legality, it can be assumed that it is predominantly moose management area GMAs that make illegal decisions linked with the issue. Finally, compared with other issues, the suspension of hunters is characterised by the highest percentage of illegal, and lowest of legal, GMA decisions, 50% and 25% respectively (see Table 7.7). Thus, the legal performance of hunting licence area GMAs corresponds with the overall results in Table 7.4. The exception to the rule is the small game issue, which has a higher percentage of legality in hunting licence area GMAs.
GMA Decision Legality in Moose Management Areas

A total of 48 GMA decisions were appealed in moose management areas between 1991 and 2003. Among these the association issue is the most disputed in moose management areas. These disputes are also characterised by the highest percentage of legal, and the lowest percentage of illegal, GMA decisions in this type of hunting area (see Table 7.8). The second most disputed issue in moose management area GMAs is the issuing of hunting permits.

Table 7.8: GMA Decision Legality in Moose Management Areas, n=48
(Source: see Figure 6.1).

<table>
<thead>
<tr>
<th>Hunting policy issue</th>
<th>CAB adjudication</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small game</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>25%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>8%</td>
</tr>
<tr>
<td>Small game</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>33%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>8%</td>
</tr>
<tr>
<td>Suspension of hunter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>50%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>20%</td>
</tr>
<tr>
<td>Suspension of hunter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>100%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>16%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>61%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>44%</td>
</tr>
<tr>
<td>Hunting permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>100%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>50%</td>
</tr>
<tr>
<td>Association</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>4%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>17%</td>
</tr>
<tr>
<td>Association</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within hunting policy issue</td>
<td>legal</td>
<td>52%</td>
</tr>
<tr>
<td>% within legal adjudication</td>
<td>illegal</td>
<td>100%</td>
</tr>
</tbody>
</table>

This issue is characterised by an even split between legal and illegal decisions. Conflicts concerning the small game, suspension of hunter and removal of property issues rarely occur in moose management areas. Thus, it is difficult to generalise about their legality and illegality (see Table 7.8). Given available data the small game issue has, as assumed, a low percentage of legality. Even suspension of hunters has a lower percentage of legality compared with the overall legal performance of GMA in both kinds of hunting areas (see Tables 7.4 and 7.7). However, it is noteworthy that only four landowners have wished to remove their properties from moose management area GMAs since 1991. It is also sig-
significant that none of these landowner appellants has been successful. Moose management area GMAs, which are intimately connected with forestry interests, to a greater extent, satisfies landowning hunter preferences than rent-hunter preferences.

The removal of property issue dominates in hunting licence area GMAs, while association issues dominate hunting policy in moose management areas. GMA decision making has a lower percentage of legality in moose management areas compared to hunting licence areas. However, GMAs in both types of hunting area have similar percentages of legal decisions. The exceptions to the rule are the small game and suspension issues, which have a lower percentage of legality in moose management areas.

4. Conclusions
A general conclusion form the investigation above is that three issues, small game, suspension of hunter and hunting permit issues are very prone to conflicts of interest. The formal rules linked with these three kinds of conflicts of interest have frequently been breached and, therefore, it can be concluded that the concerned GMAs do not fully conform to the formal/legal rules that make up official Swedish hunting policy. In fact, they only do so in 44% of the cases. Thus, the assumption that the breach of formal rules is an indicator of the existence and use of strong informal rules when an organisation exercises its power is partially verified. The informal rules in use in GMAs will be discussed in the next chapter, chapter eight.

The breach of formal hunting policy rules differ in the two different administrative contexts. For instance, the small game and association issue is characterised by a higher percentage of illegality in moose management areas. Variances in correct appellant perceptions are also discernable in the data. Almost half of rent-hunters and one third of landowning hunters are found to be correct in their perceptions of GMA decision making. In other words, rent-hunters are more justified by the CAB in their perception of GMA decisions than landowning hunters. GMAs in moose management areas generally make more illegal decisions than their counterparts in hunting licence areas.
Thus, it can be concluded that local Swedish hunting policy has three main sources of legitimacy deficit. Half of the appellant hunters that perceive their GMAs’ authority as immoral are correct. Of the 35% of appellant hunters that perceive GMA board decisions as illegal, over half are correct. Finally, of the 14% of unwilling landowners that are linked with the removal of property issue and rule content legitimacy deficit, two, 5%, are correct in their perception. Of these, illegal decision and the contents of formal rules have been explained. The latter source is restricted to GMAs in hunting licence areas. However, although immoral GMA authority engenders and maintains unfair, unjust, coercive and unsatisfactory perceptions among some appellant hunters, it does not explain why GMAs make illegal decisions. Therefore, it will now be determined which corresponding informal rules are in use and to what extent they are based solely on tradition and/or maybe are remnants of old formal rules in the Hunting Act from 1938.
Chapter Eight

Norms, Rules and Decision Making in GMAs

A clarification of the term ‘rule’ is required in this chapter. When decisions are made they are assumed to be governed by rules. The rules in use in GMAs were assumed in chapter three to be of two kinds: formal and informal. When referring to the formal rules in hunting policy I refer to the rules which govern what hunters can and cannot do when they hunt. When referring to norms I mean the underlying values used by the GMA boards when making decisions related to the legal, that is, formal rules that govern hunting. Thus, when a GMA makes a decision that breaches the formal rules in hunting policy, that is, makes an illegal decision, obviously the norms guiding the board, consciously or unconsciously, are in conflict with the legal rules. Therefore, these norms might also be characterised as ‘informal rules’.

Consequently, it will also be determined in this chapter to what extent existing norms, that is, informal rules, explain the actual behaviour of the GMA board that might, or might not, question their legitimacy from the viewpoint of hunters, on the one hand, and the state, that is, County Administrative Board (CAB), on the other. In order to achieve this aim, GMA chairmen were interviewed in the spring of 2004.

The reason that half of the appellants perceive the GMA board’s authority as immoral, it has been assumed, is that their perceptions diverge from the norms governing GMA decisions. For this reason, GMA board chairmen were interviewed to reveal the norms that govern their decision making concerning the
three hunting issues mostly associated with illegal GMA decisions. To reiterate, these are the suspension of hunter, small game and hunting permit issues. Although I have concluded that GMAs follow the formal rules concerning the association and removal of property issues, questions will, nevertheless, be raised concerning the latter issue since, taking into account its legal and moral controversy, it is vital to know how widespread this kind of conflict of interest has become.

Since the 33 § in the Game Management Association Act from 1980 determines which issues can and cannot be appealed, the conflicts of interest investigated so far are linked with these issues. However, this does not mean that other kinds of conflicts of interest do not arise locally among hunters.

1. Conflicts of Interest Unrelated to Hunting policy.

Based on the interviews it is apparent that, irrespective of whether their GMAs are appealed or not, the interviewed chairmen report that conflicts can be found in appealed as well as non-appealed GMAs (see Table 8.1).

Table 8.1: Frequency of Conflict in GMAs (Source: Interviews).

<table>
<thead>
<tr>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflicts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>no</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

Moreover, the board chairmen also give varying reasons for how these conflicts of interest arise. Firstly, the majority of chairmen claimed that the reason for conflicts in their GMAs had to do with ‘litigious hunters’. Litigious hunters are defined as hunters that are prone to formal disputes of all kinds. One board chairman claimed that:

There are always one or two landowners that are unruly and we have one in particular who is the reason why we have been appealed so many times and now he has appealed us again. He tried first to remove his property from the GMA so he could hunt on his own. But he did not succeed. Now he is trying again to remove his property from hunting in the GMA and we fear that he will succeed this time.
because a person who applies to leave on ideal grounds always wins (respondent 15). This board chairman’s conclusion that the landowner will succeed is, in fact, incorrect. The data in Table 7.4 indicates that irrespective of which grounds a landowner gives for removing his or her property from the GMA the chances of success are minuscule. Also in relation to conflicts between litigious individuals and the GMA board, another board chairman claimed that:

It is almost a rule that in our GMA it is the same person that is behind appeals of decisions. I claim that since the establishment of this GMA has been the same four individuals that are behind all of the appealed GMA decisions (respondent 14). It is noteworthy that a majority of board chairmen who claim to have litigious hunters in their GMAs come from the appealed GMAs (see Table 8.2). The presence of litigious hunters is the main reason for conflicts of interest in GMAs that do not touch on any of hunting policy’s issues. These hunters when they appeal a decision bring the CAB’s attention to bear on their GMA boards’ exercise of power.

Table 8.2: Reason for Conflicts of Interest in GMAs (Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Conflicts</th>
<th>Type of GMA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-appealed</td>
<td>Appealed</td>
</tr>
<tr>
<td>Litigious hunter(s)</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Old village conflict</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Moose scarcity</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Outside influence</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Deceased’s property</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>No conflict</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11</strong></td>
<td><strong>8</strong></td>
</tr>
</tbody>
</table>

Other chairmen pointed to old village disputes, scarcity of moose and outside influence, as a cause of conflict of interest in the GMA. By outside influence they mean other GMAs or hunting teams that hunt along their boundaries. There was even a conflict over who had the right to utilise the hunting permit of a deceased landowner to hunt in the GMA. Finally, five board chairmen claimed that they have no conflicts of interest, past or present, in their GMAs. Most of these chairmen belong to non-appealed GMAs (see Table 8.2).
The interviews also revealed four different kinds of procedural norms applied traditionally to resolve conflicts in GMAs (see Table 8.3). Firstly, one chairman from a non-appealed GMA claimed that he could only run the GMA 'by the book', or as he put it:

When a majority supports a decision, that decisions must be accepted. The GMA statutes are the only way for us to make sure that decisions are followed by hunters (respondent 14).  

Eight board chairmen, a majority of whom come from non-appealed GMAs, claim that they avoid conflicts of interest by reaching consensus, which often results in a compromise between the interests in conflict. An example of such a consensus is given by one chairman concerning a landowner who wanted to remove his property from the GMA because he disliked small game being hunted there.

We have reached an understanding with the old man, which implies that if his property remains in the GMA we will not hunt small game on his property (respondent 5).

This kind of gentleman’s agreement seems to be common and is permitted by the 11 § in the (old) Game Management Association Act. Two other chairmen from non-appealed GMAs claim that they arranged a meeting between the interests in conflict in order to reach a resolution.

Table 8.3: Conflict Resolution Norms in Use in GMAs (Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Solutions</th>
<th>Type of GMA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-appealed</td>
</tr>
<tr>
<td>Legal authority</td>
<td>1</td>
</tr>
<tr>
<td>Reach consensus</td>
<td>5</td>
</tr>
<tr>
<td>Hold a meeting</td>
<td>2</td>
</tr>
<tr>
<td>Conflict still ongoing</td>
<td>1</td>
</tr>
<tr>
<td>No conflict</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
</tr>
</tbody>
</table>

However, six board chairmen stated that the conflicts between interests in their respective GMAs are still ongoing. Not surprisingly, a majority of these arise in appealed GMAs. An example of an ongoing conflict is given by a village GMA
board chairman from the Övertorneå municipal (see Appendix 1). One reason for not reaching a resolution is, according to the chairman:

Hunters you cannot control. I don’t know. They do whatever they want. Among other things it happens that they fell moose without permission from the GMA. Poaching! Of course the other hunters in the GMA are really angry now and the CAB is totally offside. It is even hard to get the police involved, although they have shown up from time to time (respondent 13).26

Two board chairmen from non-appealed GMAs claimed that because of the absence of conflict, resolution procedures were not necessary (see Table 8.3). In general, it can be concluded that a majority of appealed GMAs have not yet been forced to develop or decide conflict resolution norms. Thus, the presence of litigious hunters as well as the absence of conflict resolution norms also contributes to explaining why GMA decisions, in particular appealed GMAs, are disputed. However, it says nothing about whether the decision in question is made legally or illegally.

2. Norms Governing the Suspension of Hunters
The majority of board chairmen consider the possibility of suspending a hunter as paramount to maintaining order in the GMA, that is, orderliness. All of the board chairmen in the appealed GMAs, with the exception of one, are of the opinion that it is right to suspend hunters given reasonable circumstances (see Table 8.4).

Table 8.4: Chairmen’s Attitudes toward Suspension of Hunters
(Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspension</td>
<td>Right 8</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Wrong 3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

Three of the four board chairmen who are of the opinion that suspending hunters is wrong come from non-appealed GMAs (see Table 8.4). One of these chairmen justified this opinion:
A hunter can be punished in other ways than suspending him. However if a special person repeats an offence, for instance, felling too many or the wrong kind of moose, he must be punished. Nevertheless, he should not be suspended. If you are drunk you should be sent home, even if you fell the wrong kind of moose you should just be sent home (respondent 1).²⁷

A hunter can be suspended from hunting if he or she threatens order in the GMA. The consumption of alcohol, rowdy behaviour and, above all else, danger for the safety of other hunters are clear breaches of the ‘orderliness’ norm. If a GMA hunter disobeys a direct order or ignores hunting regulations, he or she is in violation of this norm. This norm corresponds with the formal rules (SFS 1980:894, 32 § and GMA statutes, 5 §) that govern the suspension of hunters (see Table 5.1, p. 77).

Table 8.5: Suspension of Hunter Norm in Use in GMAs (Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orderliness</td>
<td>8</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Not necessary</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

It is also apparent that this norm is breached in both appealed and non-appealed GMAs. Only three board chairmen, all from non-appealed GMAs, expressed that a suspension of hunter norm is not necessary in their GMAs (see Table 8.5). Therefore, conflicts between suspended hunters and the GMA board, and the subsequent illegal exercise of its power, do not arise from the use of informal rules as was assumed in chapter three. The only plausible explanation for these norms engendering and maintaining the perception among suspended hunters that the GMA’s authority is immoral, is that the concerned decision arbitrarily breaches the 32 § in SFS 1980:894 and the 5 § in the GMA’s statutes. This is verified by the fact that GMA decisions linked with the issue have a high percentage of illegality and no informal rules are evident to explain this.

3. Norms Governing Small Game Hunting

Table 8.6 indicates that appealed GMAs have a higher percentage of small game hunters than non-appealed GMAs. In all of the appealed GMAs more than 25%
of hunters hunt small game (see Table 8.6). In three out of eight appealed GMAs more than 50% of hunters also hunt small game.

Table 8.6: Estimate of Small Game Hunters that Hunt in GMAs
(Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>26-50</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>51-</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

Four norms are guiding the board chairmen when making decisions concerning the small game issue. These are ‘safety I’ (signs), ‘safety II’ (prior contact), ‘safety III’ (designated area) and (moose hunting) ‘for-locals-only’ norms (see Table 8.7). The three safety norms (I-III) aspire, to supply information via signs, person to person (telephone) contact and by designating certain areas within the GMA to maintain safety for all hunters in the GMA. Or as one board chairman put it:

Guest-hunters must, under the duration of the annual moose hunt, inform us where he or she is going to hunt. They don’t need a guide, but they must absolutely tell us where they going to hunt. It is for everybody’s safety that we want them to inform us of their whereabouts (respondent 3).²⁸

This norm also requires that the concerned small game hunters are aware of where designated areas are and when it is time to hunt there.

Small game hunters can hunt freely, but when the moose hunt commences we designate an area where they can hunt. The area must consist of at least 1000 hectares (respondent 5).²⁹

Another norm the chairmen say they practice has to do with moose hunting. This norm is strong and can be labelled the ‘for-locals-only’ norm. This norm is defended by some chairmen. The following quotation is representative of this norm.
There is a risk that small game hunters must stand aside for moose hunters. That is the way it has always been here … however, should small game hunters constitute a majority they can decide on where or when they can hunt. This is because of safety reasons. We do not want [to] have small game hunters in the woods when we hunt moose (respondent 9).30

Important to note is that a majority of rent-hunters on the GMA board is technically not possible (GMA statutes 2, B §). Table 8.7 indicates that a majority of chairmen in non-appealed GMAs rely on the prior contact norm when they make decisions concerning the issue. All of these norms are informal in the sense that it is the hunting seasons presented in the Hunting Regulation (SFS 1987:905) that dictate where and when small game hunters can hunt, and not the individual GMA boards. Therefore, the norm does not correspond with the formal rules in this case.

Table 8.7: Norms Governing Small Game Decisions in GMAs
(Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Norms</th>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety I (signs)</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Safety II (prior contact)</td>
<td></td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Safety III (designated area)</td>
<td></td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>For locals only</td>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

Board chairmen from appealed GMAs apply the sign, prior contact and designated area norms when making similar decisions. It is noteworthy that almost all GMA chairmen from non-appealed GMAs choose the direct (person to person) prior contact norm while a majority of board chairmen in appealed GMAs apply what could be described as indirect contact norms. In fact, four of the board chairmen from appealed GMAs apply norms that are informal (designated area and for locals only norms). This would explain why certain GMAs that use these kinds of norms might have a moral legitimacy deficit among small game hunters. The application of these informal rules, and the fact that they diverge from formal policy, to small game hunting explains why moose and small game hunters come into conflict with each other and GMA boards. The assumption that
illegal GMA decisions are evidence for the use of informal norms is supported concerning the small game issue.

4. Norms Governing the Issuing of Hunting Permits

Two norms that govern GMA decisions are linked with the issuing of hunting permits. Six board chairmen claimed that hunting in their GMA is open for all annually. On the other extreme, more than half of the board chairmen claim that hunting in their GMAs is restricted to people they know locally. One board chairman justified this decision because he believed that “the GMA is too small to take in ‘outside’ hunters” (respondent 2).31 Not surprisingly, only two of the GMAs that use the open-for-all norm were appealed, while more than half of the GMAs that use the for-locals-only norm were appealed.

Others claim that their guest-hunters only hunt small game and that “moose hunting is for landowning hunters only” (respondent 6).32 These norms are spread evenly among non-appealed and appealed GMAs. Only six board chairmen answered that their GMA is open for guest-hunters (see Table 8.8). This explains why certain rent-hunters and guest-hunters could perceive GMAs that apply these kinds of informal rules to their decision making as immoral. However, it should be noted once again that guest-hunters cannot appeal GMA decisions.

The first of these two norms corresponds with the formal rules in hunting policy and, in particular, the 10 § in the (old) Game Management Association Act. The second norm does not breach the formal rules in policy, but it does not follow the spirit of the Swedish government’s goals on hunting. In other words, locals exclude outside rent-hunters and, thus, negate the goal of increasing the

<table>
<thead>
<tr>
<th>Norms</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open for all</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>For locals only</td>
<td>5</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>No norm</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11</strong></td>
<td><strong>8</strong></td>
<td><strong>19</strong></td>
</tr>
</tbody>
</table>

*Table 8.8: Norms Governing Hunting Permit Decisions in GMAs (Source: see Table 8.1).*
number of hunting opportunities. This norm will be considered informal, but in line with the formal rules in hunting policy. Before 1980 it was the Hunting Act from 1938 (SFS 1938: 274) that governed hunting in GMAs, in particular the 9 § and 12 §. Both of these paragraphs gave landowning hunters the right to issue hunting permits to those they saw fit without the requirements being questioned. This could explain why over half of the board chairmen’s GMAs today apply the for-locals-only norm. This informal rule could, therefore, very well be a remnant from the 9 and 12 §§ in the old hunting policy that are still in line with the 10 § in the new hunting policy between 1980 and 2000.

5. The Removal of Property Issue
The permanent removal of property from a GMA issue has been concluded to have its own particular source of legitimacy deficit and is, in addition, the most morally as well as legally controversial and disputed issue in local Swedish hunting policy today. There are also reasons to expect that the issue of removal of property will increase in importance on all political and judicial levels due to the obvious clash between Swedish and European legislation (see chapter two). Therefore, it is important to illuminate and gain understanding of the issue. Eleven of the nineteen board chairmen indicated that landowners have been coerced, that is required or forced against their will, to become members of GMAs. Therefore, coercion issues are assumed to be widespread among GMAs.

Table 8.9: Estimate of Unwilling Landowners in GMAs (Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Coercion</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>1-2 landowners</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>3-5 landowners</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>More than 5 landowners</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11</strong></td>
<td><strong>8</strong></td>
<td><strong>19</strong></td>
</tr>
</tbody>
</table>

One board chairman reported that more than five landowners had been coerced into becoming members of his GMA (see Table 8.9). The chairmen also indicate that these landowners had since applied to remove their properties. Seven out of
the eleven board chairmen from non-appealed GMAs reported that landowners had, at one time or another, wanted to remove their properties (see Table 8.9).

Table 8.10: Estimate of Properties Removed from GMAs (Source: see Table 8.1).

<table>
<thead>
<tr>
<th>Type of GMA</th>
<th>Non-appealed</th>
<th>Appealed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of property</td>
<td>yes</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>no</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
</tbody>
</table>

A majority of board chairmen from appealed GMAs also claim that they know of unwilling landowners in their GMAs. It would appear that a considerable amount of landowners have attempted to remove their properties from their GMAs (see Table 8.10). This explains why landowner appellants perceive initially the GMA decision’s legality or its authority as the possible source of their perception. However, it has been revealed that the source of their perceptions is to be found in the contents of the 7 and 29 §§ in the old Game Management Association Act from 1980, and currently in the contents of the 7 and 33 §§ in the new Game Management Association Act from 2000. Paragraph seven has now been altered to the way it was before 1980, that is, a four-fifth majority is once again required if a GMA is to be established. Very few GMAs have, however, been established in the county of Norrbotten since 1997. Thus, the impact of this amendment is negligible. Paragraph 29, on the other hand, remains the same. Hence, it seems that this formal rule and its contents are still morally challenged by unwilling landowners residing in and outside of the GMAs municipal. If any norm is to be found here it must be that GMAs are in general unwilling to let go of landowners’ properties and this corresponds with the formal rules in both the new and old hunting policy (see also SFS 1938:274, 10 §).

6. The Swedish Government’s Goals on Hunting

Landowners may have had, at least partly, other reasons for establishing GMAs that are not in line with the goals put forward by the Swedish government in 1980. A number of alternative reasons for establishing GMAs have been re-
vealed by the interviewed chairmen. However, in line with the Swedish government’s goals on hunting, half of the board chairmen maintained that their GMAs were established voluntarily as a way of having more moose per hunter to fell. “We took the initiative to establish the GMA because we needed”, according to one chairman, “to coordinate hunting better” (respondent 13).33 Secondly, a couple of board chairmen maintain that their GMAs were established as a way of gaining authority in what they, at the time in question, perceived as unruly hunting circumstances. Both of these board chairmen belong to appealed GMAs. Thirdly, five board chairmen recalled that it was on the initiative of the CAB that they became members. One board chairman expressed it like this “Oh yeah, there was no choice. The CAB said we must re-establish the GMA” (respondent 12).34 In other words, board chairmen believed in some cases that they had no choice but to establish their GMAs, either because the CAB had ordered this, or the situation was chaotic already and something had to be done.

A survey carried out by the Hunting Conditions inquiry in 1997 (SOU 1997:91) encompassed Sweden’s northernmost province, Norrland, which the county of Norrbotten is a part of. It revealed that 45% of landowners in Norrland were of the opinion that the GMA contributes to increasing the number of hunters that hunt within its boundaries. Almost 26% are of the opinion that the GMA had no affect on the number of hunters that hunt within its boundaries, while 5% are of the opinion that the GMA had led to a general decline in the number of hunting opportunities (SOU 1997:91, Table 7.13, p. 296).

To reiterate, there are three reasons for establishing GMAs (see also chapter two). Concerning the Swedish government’s first goal on hunting, increasing the number of hunting opportunities for rent-hunters and guest-hunters, the board chairmen were asked if in their opinion the number of hunting opportunities really had increased or decreased since their respective GMAs were established.

Only 10% of board chairmen (landowners) believe that the GMA has contributed to increasing the number of hunting opportunities since its establishment. Almost 40% of the chairmen believed that the GMA actually has no affect whatsoever on the number of hunting opportunities within their boundaries.
Our numbers have halved. We had once over eighty hunters. That was the year before we re-established the GMA. The average age of our hunters is way too high, combined with the difficulty of recruiting new hunters. However, we have managed of late to recruit some younger hunters as well as seven female hunters that are now ready to hunt (respondent 12). Finally, half of the chairmen believe the GMA in actual fact has led to a hindrance in the way of increasing hunting opportunities for rent-hunters and guest-hunters.

Our numbers have decreased a little over the years … None of our hunters live here any more … To get younger hunters to join the hunting team is almost impossible today. They have simply lost interest in hunting (respondent 3). In sum, the GMA is no longer perceived by interviewed GMA chairmen as contributing to an increase of hunting opportunities.

Concerning the Swedish government’s second political goal on hunting, satisfying the preferences of small landowning hunters, a majority of board chairmen say that they have small landowning hunters in their GMAs, but they are of the opinion that most of them are satisfied, in particular, with the number of moose they may hunt. However, recall that it has been assumed that an increase in the threshold property requirement would lead to dissatisfaction among small landowners (see chapter three).

Pertaining to the Swedish government’s third goal on hunting, improving game management, the board chairmen were also asked if they believe that game management has improved since their GMAs were established. The term game management relates in this investigation to the hunting and feeding of game and the maintenance of fences and other manmade obstacles. These measures aim to prevent game (moose) from crossing roads, motorways and railroad lines within the GMA’s boundaries.

Once again, the data supplied in SOU 1997:91 indicates that 60% of landowner-hunters in GMAs in Norrland were of the opinion that game management had improved, while 28% believed the GMA had no impact whatsoever on game management. Twenty percent of the interviewed chairmen are of the opinion that the GMA has contributed to improving game management measures.
Some people are more active than others. Actually those that live within the GMA’s boundaries, and are pensioners, have more time than others. There is a downside to having too many outside hunters and that is that game management measures suffer (respondent 16).  

Almost half of the chairmen are now of the opinion that the GMA has no impact at all on game management measures. Thus, the GMA in the county of Norrbotten cannot be perceived as contributing to improving game management measures.  

[It is] the same few people that game management falls on. It isn’t the big landowners, but a few small farmers that are involved. And they are no longer young! We really want some young energetic hunters. Many of the big landowners don’t even hunt; they probably think they don’t have time to hunt, even though they have game to hunt and woods to hunt it in (respondent 18).  

A majority of the board chairmen are either dissatisfied, or both satisfied and dissatisfied, with hunting in the GMA. It is noteworthy that three of the four board chairmen that are dissatisfied are from appealed GMAs. This dissatisfaction varies, however. For example one chairman said:  

The allocation of bear is wrong. We are only allowed to hunt fifteen bear in Norrbotten. The problem is that these are felled in the mountains and those of us who hunt in the woods have no chance of participating (respondent 4).  

Some board chairmen believe that extending the annual moose hunt to Christmas is the wrong thing to do and may have negative consequences for hunting in the GMA in general because “the long moose hunting season leads to people losing interest” (respondent 9). Another board chairman was unhappy with the lack of power the board had.  

We want power to decide things. It is the CAB’s fault that conflicts are still ongoing in our GMA. They know our statutes and the decisions we have made, but they shouldn’t amend or revoke them! The board or the huntsmen’s meeting’s decisions should be sovereign (respondent 13).  

Finally, a majority of the board chairmen express the need for change with regards to how the GMA is run. It would seem that the GMA no longer lives up to the goals set down by politicians in the end of the 1970s.
7. Conclusions

Not all illegal GMA decisions are governed by formal rules, but concerning the three most common illegal hunting policy issues; suspension of hunter, small game and the issuing of hunting permits, GMA decisions follow different kinds of norms, that is, informal rules.

From the interviews it can be concluded that GMA decisions concerning suspension of hunter does not seem to be inspired or influenced by norms, that is, informal rules, in conflict with the formal rules in hunting policy. However, because of the high degree of illegality associated with GMA decisions and linked with this issue, the arbitrary and almost random breach of the 33 § in the old Game Management Association Act and 7 § in the GMA’s statutes is a more likely explanation. Thus, the assumption that illegal rules are evidence of the use of informal norms does not apply to this hunting policy issue. However, the assumption is verified concerning the small game issue.

Small game hunters perceive the GMA’s authority as immoral because they apply informal rules, when making decisions related to the issue. Most of these are traditional and aim for safety reasons to prevent a situation where small game hunters and moose hunters hunt in proximity to each other. This concern for safety is often extreme as is the case where no small game hunting is allowed under the duration of the annual moose hunt. This explains why this issue is characterised by both legal and illegal GMA decisions. Thus, the assumption is partially verified concerning this issue.

Table 8.11: Hunting Policy Issues and Norms-in-Use in GMAs.

<table>
<thead>
<tr>
<th>Illegal issues</th>
<th>Rules</th>
<th>Type</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspension of hunter</td>
<td>1. Orderliness</td>
<td>Formal</td>
<td>Arbitrary</td>
</tr>
<tr>
<td>Hunting permits</td>
<td>1. Open for all</td>
<td>Formal</td>
<td>Policy</td>
</tr>
<tr>
<td></td>
<td>3. For locals only</td>
<td>Informal</td>
<td>Old policy</td>
</tr>
<tr>
<td>Small game</td>
<td>1. Safety I-III (signs, prior contact and designated area)</td>
<td>Informal</td>
<td>Tradition</td>
</tr>
<tr>
<td></td>
<td>2. For locals only</td>
<td>Informal</td>
<td>Tradition</td>
</tr>
</tbody>
</table>

GMAs use different kinds of norms when issuing hunting permits to rent-hunters and guest-hunters. Firstly, the open-for-all norm follows the formal rules
in policy, while, secondly, the open for-locals-only norm is informal and deviates from the hunting season times laid down in the Hunting Regulation (SFS 1987:905). However, these informal norms correspond with the formal rules in the old Hunting Act from 1938 (see Table 8.11).

Finally, the removal of property issue is, as was pointed out in the previous chapter, controversial. This is also verified by the interviewed board chairmen. Over half of the chairmen claim that landowners had been coerced into becoming members when their GMAs were established. Over half of the board chairmen indicate, furthermore, that since then many unwilling landowners have wanted to remove their properties from the GMA.

GMAs do not contribute to increasing the number of hunting opportunities in the county of Norrbotten. Informal rules, that is, norms, obviously have a strong influence on the behaviour of GMAs in this respect. Neither have they contributed to improving game management measures. It would seem that depopulation in the county has had a tangible affect on hunting in the latter case.
Chapter Nine

Time and Hunting Policy

So far, the perceptions engendered and maintained by the GMA’s exercise of power, as well as its legality have been discussed. This part of the investigation aims to determine how appellant perceptions, hunting policy issues, and the use of norms in the GMA have evolved over time. Thus, the assumption that, because of incremental norm change, GMAs will be conservative in their exercise of power will now be tested. As a result of this assumed conservative trend in the GMA, it was also conjectured that conflicts between landowning hunters and rent-hunters, as well as the GMA board, will be permanent and last for at least one decade (see chapter three). This assumption will also be tested now.

Therefore, this chapter will determine if landowning hunters and rent-hunters’ perceptions vary over time concerning the GMA board’s exercise of power. For instance, are the four sources of conflicts of interest in the GMA, that is, perceived immoral GMA authority, illegal decisions and the contents, as well as the arbitrary use, of one or more of the formal rules in hunting policy, situated in any particular time period? It will also be determined which of the identified hunting issues are still controversial. It has been shown in the previous chapter that formal hunting policy does not govern all hunting issues in Norrbotten’s GMAs. Thus, the use of GMA rules and norms now becomes an issue for the investigation making it necessary to determine if hunting policy has become more or less formal since its implementation. If the exercise of GMA power has become more formal, it would indicate that the goals underpinning the Swedish government’s goals on hunting have a greater chance of being fulfilled. Con-
versely, if its exercise of power has remained, or become more informal or arbitrary, these goals will not be fulfilled.

1. Appeals over Time

*Figure 9.1* indicates the propensity of the two GMA interests, landowning hunters and rent-hunters, to be involved in conflicts of interest. It is apparent from reading the figure that the passage of time has had no affect on their propensity to appeal GMA decisions.

*Figure 9.1: GMA and Appellant Interests over Time, N=257 (Source: see Figure 6.1).*

Both the landowning hunter and rent-hunter appellant groups have been active in legally or morally challenging the exercise of GMA power since 1981 (see *Figure 9.1*). Landowning hunters dominate appeals of GMA decisions in the time period between 1996 and 2000, while rent-hunters dominate the years 1995 and 1996. This latter dominance declined between 1997 and 1999. *Figure 9.1* indicates, additionally, that GMA decisions are challenged by both landowning hunters and rent-hunters with almost equal intensity. However, landowning
hunter appellants have dominated conflicts of interest annually since 1997. The main difference between landowning hunters and rent-hunters, it would seem, are the decisions they appeal (see Table 6.5).

2. Hunting Issues over Time
Disputed hunting issues within the GMA have fluctuated in intensity between 1981 and 2001. Association disputes, which include felling fees, have dominated the history of the GMA in the county of Norrbotten. This kind of dispute declined first in 1992. The removal of property from GMAs first became an issue in 1985 and is linked with just under one fifth of GMA decisions that were appealed that year. However, between the years 1995 and 2001 the number of appealed GMA decisions linked with this issue doubled, and in 1997 the issue constituted less than half of the decisions appealed in GMAs that year. The issuing of hunting permits immediately became an issue after the implementation of formal hunting policy and dominated appealed GMA decisions until 1985. The issue peaked in 1982 and was linked with a majority of appealed GMA decisions that year, and over half in 1983. However, in 2001 the issuing of hunting permits only represented a small fraction of all appealed GMA decisions (see Figure 9.2).

Appealed GMA decisions linked with the suspension of hunters are more sporadic than is the case with the other issues. Suspensions of hunters first became controversial in 1982 when it is linked with two of ten appealed GMA board decisions. The issue’s controversy has increased over time. In 1988 it was linked with a fraction of appealed decisions. Also in 1998 it was linked with one quarter of appealed decisions, and by 2002 it was linked with almost half of appealed GMA decisions. Appeals of GMA decisions linked with small game hunting became an issue twice under the actual time period. The first period began in 1983 and ended in 1990. In 1984 the small game issue was linked with over half of all appealed GMA decisions. The second period began in 1994 and ended in 2001. In 1999 the small game issue was linked with one third of all appealed GMA decisions (see Figure 9.2).
The only two hunting policy issues that show any trends are the issuing of hunting permits and removal of property. The hunting permit issue is clearly on the decline, indicating that the formal rules and decisions governing landowner-rent-hunter contracts are far less prone to conflict today. However, the removal of property is, as assumed in chapter eight, becoming increasingly controversial for moral reasons as the years pass.

3. Appellants’ Perceptions over Time
All five appellant perceptions fluctuate over time. However, two specific kinds of perceptions dominate hunting policy between 1981 and 2002. These are the illegal and immoral GMA authority perceptions (see Figure 9.3). The latter perception is represented by the unfair perception, which was the most common among all four perceptions in this category. The more dominant of the two perceptions is the illegal perception, which is expressed mostly when formal hunting policy was implemented in 1981. Thus, the authority of the GMA was initially not, to any greater extent, challenged by its hunters. It is first in 1985 that
this perception’s dominance declines among appellant hunters signalling a shift in perception. Nevertheless it has dominated appeals since 1997.

![Graph showing appellant hunters' perceptions over time, N=238]

*Figure 9.3: Appellant Hunters’ Perceptions over Time, N=238 (Source: see Figure 6.1).*

The unfair perception increased dramatically among appellant hunters after 1992 and then again in 1994. This perception is more common under this time period than the illegal perception. In other words, appellant hunters’ perceptions of GMA decisions shifted after 1992. That is, for the first time in hunting policy, a majority of appellant hunters perceived their GMAs’ authority as immoral. Illegal perceptions begin to dominate hunting policy again five years later in 1997. The coercive, unjust and unsatisfactory perceptions are erratic, but constant. Of the three immoral perceptions, the coercive and unjust perceptions have increased since 1996 (see *Figure 9.3*). These perceptions are linked with the removal of property, small game hunting and the suspension of hunters.

4. The GMA’s Use of Rules over Time

Also the use of formal and informal rules by GMAs when exercising their power has fluctuated over the two decades of hunting policy (see *Figure 9.4*). It was
revealed that decisions have been appealed every year since the reestablishment, empowerment and proliferation of the GMA and that 38% of these have been found by legal expertise at the CAB in Norrbotten to have been made illegally. It has, moreover, been revealed that formal policy is not always conformed to by GMAs and, thus, its political goals have met resistance locally. Even so, not all illegal decisions were governed by informal rules as assumed in chapter three: some GMAs use their power arbitrarily.

![Figure 9.4: Formal and Informal Rules-in-Use in GMAs over Time, N=257 (Source: see Figure 6.1).](image)

Nevertheless, informal rules govern the small game and hunting permit issues. Once again, GMA decisions deemed to be legal by the CAB are underpinned by the formal rules in policy. Therefore, this particular exercise of GMA power is considered formal. Conversely, if the GMA decision is deemed to be illegal, it has been shown that it can be caused by the use of informal rules, or in the issue of suspension of hunters the arbitrary misuse of power.

Once again, hunting policy spans two entire decades from 1981 to 2001 and can be divided into two distinct periods, each roughly a decade long: the formal and informal exercise of GMA power periods. The informal period (1981-1992)
is characterised by a high frequency of illegal GMA decisions in particular between 1981 and 1984. A total of 117 GMA decisions were appealed in this period. The formal period (1992-2002) differs from the first inasmuch as it is characterised by an increase in legal GMA decision making. A total of 143 GMA decisions were appealed in this period (see Figure 9.4).

However, the years 2000 and 2001 (like those prior to 1995) are characterised by a new increase in illegal GMA decision making and constitutes once again at least half of those decisions appealed in this two year period. Is hunting policy after two decades on its way, once again, into a new informal exercise of power period? It is clear that not all GMAs in Norrbotten exercised their power formally. Since its implementation in 1981, and despite the fact that the number of legal decisions made over the 20 year period has increased, GMAs still use informal rules when making decisions.

5. Conclusions
Neither landowning hunter nor rent-hunter appellants dominate hunting policy under the two decades that characterise hunting policy, although they are linked with different kinds of issues. The most controversial hunting issue between 1981 and 2001 was the issuing of hunting permits, but this is no longer as controversial as it once was. It is now the removal of property issue that is becoming increasingly prone to conflict with the passage of time. This verifies the assumption made in chapter eight that this issue is likely to be long long-lasting. This conflict of interest will probably continue until the formal rules in the 33 § of the new Game Management Association act are amended or revoked. This issue also presents its own particular kind of legitimacy deficit, namely, formal-rule-content legitimacy deficit.

Perceptions of the GMA’s exercise of power have shifted twice since 1981. At first appellants perceived it as illegal, but as time went on they began to a greater extent to perceive it as immoral. The first five years after the implementation of hunting policy is characterised by the use of informal rules and arbitrary use of power by appealed GMAs. The next five year period is characterised by the use of both formal and informal rules. Finally, the last ten years of hunting policy is characterised by the formal exercise of GMA power. This has,
however, evened out again in 2001. This seems to be a ‘natural’ evolution of the GMA’s exercise of power, in the sense that resistance to formal policy is strongest in the implementation phase and weakens as time goes on. Although hunting policy in Norrbotten is becoming more and more formal over time, it still has not reached full compliance, which also makes it difficult for the Swedish government’s goals on hunting to be achieved locally.

The period of the formal exercise of power is ironically the period most characterised by conflicts of interest between unwilling landowners and GMA boards concerning the removal of property issue, which in turn gave rise to an increase in immoral GMA authority perceptions, in particular between 1996 and 1999. Therefore, a shift in use of norms by GMAs from the informal to the formal exercise of power does not always imply a similar shift in perceptions among some hunting interests.

It can be verified that norm change in the context of local hunting is incremental, that is changes slowly over time. Therefore, the exercise of formal power (E1) is still not yet attained twenty five years after their re-establishment, empowerment and proliferation of the GMA. However, it can be said to characterise the GMA’s initial exercise of power. The assumption is also verified by the fact that the exercise of GMA power is conservative to be sure. However, the exercise of informal power (E2) is still also predominant in local Swedish hunting policy. The indecisive, that is, sometimes formal, sometimes informal, exercise of power (E3) is a reality since most GMAs use both formal and informal rules when making decisions linked with, for instance, the issuing of hunting permits (see Figure 3.3, p. 57). The time period between 1986 and 1991 could be characterised by an exercise of GMA power in line with E3 in Figure 3.3. Interest groups in the GMA are very permanent and tend to be involved in conflicts of interests linked with particular issues. Although these hunting policy issues fluctuate and some of them become more or less controversial over time, the conflicts they give rise seem to be constant. Therefore, some issues like small game hunting or the removal of property usually affect the same interest, in the former case rent-hunters and the latter unwilling landowners, making them permanent minorities.
Chapter Ten

Structural Attributes and the Exercise of GMA Power

So far three kinds of hunting policy legitimacy deficit have been revealed that are linked with the 38% of illegal GMA decisions made in Norrbotten between 1981 and 2001. Firstly, half of the conflicts of interest in GMAs are explained by the perception among some hunters that its authority is immoral. In fact, almost one third of these hunters are correct (see Tables 6.6 and 7.3). This is evidence of a moral-legitimacy deficit in hunting policy. Secondly, almost one third of the conflicts of interests in GMAs are explained by the breach of legal rules. Almost half of these appellant perceptions were found to be correct. This is also evidence that hunting policy has a legal-legitimacy deficit. Thirdly, at least 14% of the perceptions of so-called unwilling landowners, linked with the removal of property issue can be attributed to the contents of formal rules underpinning hunting policy (see chapter seven, section 4). However, only a small fraction of unwilling landowning hunter perceptions are correct.

The existence of informal rules, as well as the arbitrary use of formal rules, explains why GMAs make these illegal decisions, but it says nothing about what kind of GMA that is most likely to exercise its power informally or arbitrarily. Thus, this chapter aims to determine which kind of GMAs are most prone to conflicts of interest and most likely to exercise their power informally or arbitrarily, that is make illegal decisions. In order to achieve this aim, the investigation will apply a number of structural attributes as independent variables to determine if certain types of GMA have a tendency to be appealed more and to
make illegal decisions. The chapter will also determine if the structural attributes might contribute to the explanation of the frequency of illegal decisions.

1. Structural GMA Attributes

To reiterate, the first goal underpinning the Swedish government’s hunting policy is to increase the number of hunting opportunities in Sweden. Recall that the GMA is linked with a village and, therefore, identified with the name of the village where often a majority of its landowning hunters reside. The numbers of hunters from outside the GMA’s municipal or county will increase, because of recent de-population trends in sparsely populated regions like Norrbotten. This was predicted by the CAB in Norrbotten in 1979, when it expressed its views on the Game Management Association inquiry’s recommendations, as a potential source of conflict between local and outside-municipal hunters living in highly urbanised regions (see Prop. 1979/80:189, 68). Being an ‘absent’ or ‘distant’ landowner can, as expected, not only lead to different interests, but also different lifestyles, ideas and attitudes, which might come into conflict with traditional values in rural villages. Because there is no data concerning how many outside-municipal landowners or rent-hunters each GMA has, the proportion of outside-municipal appellants will be used as a proxy to capture if such a phenomenon exists.

Hunting policy dictates that hunters must meet the threshold property requirement, that is, own or rent a given number of hectares (usually 50), to hunt moose or small game in the GMA. This requirement is significant to the investigation because it allows the GMA to determine which landowning hunters can hunt and rent hunting permits. In this context small landowning hunters, or even rent-hunters, may feel discriminated against if they cannot meet the GMA’s threshold property requirement. Call to mind that the County Game Management Consultants Association (Sveriges länsjaktvårdskonsulenter förening) believed that this requirement would vary from GMA to GMA and would, thus, cause dissatisfaction among small landowning hunters as well as rent-hunters. Dissatisfaction may, in extreme cases, lead to landowners wanting to remove their properties permanently from their GMAs. Therefore, the actual required number of hectares for each hunting permit has been introduced to the investiga-
tion as an independent variable. Is there a tendency among GMAs requiring a low or high threshold property requirement to be more prone to conflicts of interest?

To reiterate, the smallest GMAs in Norrbotten have less than 1000 ha, while hunters in larger GMAs can have access to as much as 40000 ha. Thus, the size of GMAs varies vastly in the county. Moreover, the CAB also decides how many moose each hunter can hunt in the GMA, based on the GMA’s size as well as the number of hectares required to hunt there. However, one can conjecture that the size of the GMA has an affect on the level of conflict in a GMA, here defined as the number of appeals per GMA hunter. In order to investigate if the size of the GMA has any affect on the level of conflicts of interest it will also be introduced as an independent variable. The question to answer now is whether the frequencies of conflicts of interest tend to be higher in large or small GMAs. One hypothesis might be that because large GMAs have many hunters, ‘social control’ might be less strict and, therefore, result in higher frequencies of appeals, that is, conflicts of interest.

From the data collected it is possible to estimate the number of moose felled annually in GMAs. The obvious question is then: Is the number of conflicts of interest in GMAs related to this economic aspect of hunting? There is reason to expect that if a higher value is involved, moose (meat) per hunter (that is, money), the more frequent conflicts of interest will be. It is also reasonable to conjecture that the higher the fees for felling moose, the higher the probability that level of conflicts of interest in the GMA increases. This was of concern to the ALA (Svenska Kommunförbundet) and the former Communist party (Vänster Partiet Kommunisterna) because they believed that speculative felling, and hunting permit, fees would be a result of the GMA’s empowerment. Both of these special interests believed that this would have negative consequences for rent-hunters.

The abovementioned structural attributes will now be introduced to the investigation as independent variables. To summarise, the frequency of conflicts of interest, that is appeals per hunter in each GMA, is the dependent variable to be explained by the following four independent variables:
1. Outside-municipal hunters
2. GMA threshold property requirement
3. Size of GMA
4. Number of moose per GMA hunter

Explaining Conflicts of Interest in Hunting Licence Areas

The four structural attributes ability to explain conflicts of interest is presented in Table 10.1. Concerning the frequencies of appeals and regardless of the issues involved, the model captures about half of the variation in appeals per hunter ($R^2_{adj} = 0.458$). Among the independent variables, the percentage of outside municipal appellants and the number of moose per hunter are highly significant (T-values 9.38 and 3.55, that is significant on the 1 percent level). The parameter for outside-municipal appellants implies that with a 10 percent higher proportion of appellants from outside the GMA, the frequencies of appeals will increase by 5.4 percent. If this really reflects the overall share of outside landowning hunters and rent-hunters that hunt locally, it can be concluded that the actual apprehension of the Norrbotten CAB from 1979 seems to be confirmed by the history of local Swedish hunting policy since 1981. The often heard sentiment that “the more involvement of outsiders, the more problems for the GMA”, might be verified by these findings, regardless of whether it is ‘good’ or ‘bad’, from any angle, to have decisions appealed.

It is obvious that the ‘economic’ hypothesis formulated above seems to be reasonable. The higher the values involved (moose meat per hunter) in the GMA, the higher the level of conflicts of interest. If the number of moose per hunter increases by 10 percent, the parameter implies that the total number of appeals tends to increase by almost 8 percent. It can also from Table 10.1 be concluded that neither the total size of a GMA, nor the threshold property requirement, seem to influence the total frequency of conflicts of interest, that is appeals per hunter.

As mentioned above, Table 10.1 indicates that the four attributes together explain almost 46% of the variation of appeals per hunter in hunting licence areas all issues included. Broken down among the five issues, they explain 6.2% of the small game issue, 9.2% of the suspension of hunter issue, 19.1% of the hunt-
ing permit issue, 21.6% of the removal of property issue and 28.3% of the association issue.

Table 10.1: Attributes that Explain Conflicts of Interest in Hunting Licence Areas.*

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>Dependent variables: number of appeals per GMA hunter concerning:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All N=167</td>
</tr>
<tr>
<td>Percent of outside-municipal hunters (LN)</td>
<td>.544 (.009)</td>
</tr>
<tr>
<td>GMA’s threshold property requirement (LN)</td>
<td>.220 (.007)</td>
</tr>
<tr>
<td>Size of GMA in hectares (LN)</td>
<td>-.008 (.006)</td>
</tr>
<tr>
<td>Nr. of moose per hunter (2002) (LN)</td>
<td>.757 (.164)</td>
</tr>
<tr>
<td>Constant (LN)</td>
<td>.0007 (-.129)</td>
</tr>
<tr>
<td>R² (adj.)</td>
<td>.458 (.062)</td>
</tr>
</tbody>
</table>

* The estimated model: log (y+1)=a+b1log(x1)+b2log(x2)+b3log(x3)+b4log(x4). The model is chose to reduce the influence of extreme values and to handle the zeros. The log-log model also implies that the parameters can be interpreted as elasticities (Source: see Figure 6.1).

From Table 10.1 it can be concluded that the percentage of outside-municipal appellants significantly increases the number of appeals per hunter concerning all five issues inherent in hunting policy at the local level. It strongly indicates that the more outside-municipal hunters that are present in a GMA, the more conflicts of interest concerning the small game, suspension of hunter, hunting permit, removal of property and association issues will arise (T-values vary from 2.22 to 5.61, and are significant on the 1 percent level). The threshold property requirement has no significant impact on the frequency of conflicts of interest, except concerning the removal of property issue. If the number of hectares required to rent a hunting permit increases by 10 percent, the frequency of appeal concerning the removal of property will increase by 2.6 percent. One interpretation of this finding is that the majority of this group will be made up of small landowning hunters as well as rent-hunters that cannot meet the requirement to rent a hunting permit.
From Table 10.1 it can also be concluded that the size of a GMA has no explanatory value concerning the number of appeals per GMA hunter with regards to hunting policy as a whole in hunting licence areas, nor in any of its issues.

The economic reward, or value, of hunting, that is, the number of felled moose per hunter, leads to an increase in appeals concerning three out of five hunting issues. This does not influence small game hunting or the removal of property significantly. However, it significantly influences suspension of hunters, hunting permits and association disputes (which include disputes concerning felling fees). This variable’s insignificance for small game hunting seems self-evident, since it does not directly involve the moose hunting issue at all. On the other hand, the variable significantly increases the number of hunting permit, association as well as suspension of hunter conflicts in GMAs.

To summarise, hunters in hunting licence areas are involved in conflicts of interests in all five hunting issues. The four structural attributes of the GMA explain about half of the total number of conflicts per hunter. The level of conflicts of interest, that is appeals, are primarily explained by the ratio of outside-municipal hunters and the number of moose each hunter can fell in hunting licence areas. GMAs with a high threshold property requirement will also face more removal of property conflicts.

**Explaining Conflicts of Interest in Two Kinds of Hunting Areas**

The results above concern only GMAs in hunting licence areas. It will now be investigated whether there are differences in the frequencies of conflicts of interest in GMAs in hunting licence areas compared with those in moose management areas, that is, GMAs in another administrative context. Unfortunately it is not possible to estimate an identical model as in Table 10.1 to include the moose management area, since there is no data on the number of moose per hunter in this kind of hunting area. The model estimated to explain appeals per hunter in the GMAs two administrative contexts will, therefore, have a set of four, but not identical, independent variables as in Table 10.1 above. They are:

1. Outside-municipal hunters
2. GMA threshold property requirement
3. Size of GMA
4. Dummy, 1 = moose management area, else 0.

The number of cases will increase from 167 to 189 when the (dummy variable) moose management area is included. Table 10.2 shows that, in this estimation, the four independent variables explain about half (47.7%) of the total variation of appeals per hunter in GMAs. Distributed among the five hunting policy issues the model also explains 32.4% of association, 17.5% of removal of property, 14.5% of suspension of hunter, 14% of hunting permit and 3.5% small game conflicts (see R^2 adj. in Table 10.2).

Table 10.2: Attributes that Explain Conflicts of Interest in Two Kinds of Hunting Area GMAs (t-values in parenthesis)

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>Dependent variable: number of appeals per GMA hunter concerning:</th>
<th>All issues</th>
<th>Small game</th>
<th>Suspension</th>
<th>Hunting permit N=189</th>
<th>Removal of property N=189</th>
<th>Association N=189</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of outside-municipal hunters (LN)</td>
<td>.493</td>
<td>.004</td>
<td>.110</td>
<td>.188</td>
<td>.159</td>
<td>.216</td>
<td></td>
</tr>
<tr>
<td>GMA threshold property requirement (LN)</td>
<td>.426</td>
<td>-.002</td>
<td>.009</td>
<td>.006</td>
<td>.273</td>
<td>.122</td>
<td></td>
</tr>
<tr>
<td>Size of GMA in hectares (LN)</td>
<td>-.228</td>
<td>.011</td>
<td>-.008</td>
<td>-.009</td>
<td>-.007</td>
<td>-.002</td>
<td></td>
</tr>
<tr>
<td>Moose management area GMA (LN)</td>
<td>(.285)</td>
<td>(.241)</td>
<td>(-.204)</td>
<td>(-1.379)</td>
<td>(-1.287)</td>
<td>(-.454)</td>
<td></td>
</tr>
<tr>
<td>GMA</td>
<td>(.4680)</td>
<td>(.279)</td>
<td>.248</td>
<td>.259</td>
<td>-.001</td>
<td>.612</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>.547</td>
<td>.125</td>
<td>.373</td>
<td>.584</td>
<td>-.481</td>
<td>-.252</td>
<td></td>
</tr>
<tr>
<td>R^2 (adj.)</td>
<td>(.816)</td>
<td>(.318)</td>
<td>(1.025)</td>
<td>(1.109)</td>
<td>(-1.035)</td>
<td>(-.564)</td>
<td></td>
</tr>
</tbody>
</table>

Source: see Figure 6.1. Estimation similar to Table 10.1

It can be concluded that GMAs in moose management areas have a significantly higher total frequency of appeals (the parameter 0.805 implies about two appeals per average hunter). Concerning small game hunting, the suspension of hunter and the issuing of hunting permits, GMAs in moose management areas display around 1.2 appeals per hunter and GMA on the average than in hunting licence areas (see parameter estimates in Table 10.2). Association disputes in moose management areas exceeds those in hunting licence areas by about 1.7-1.8 appeals per hunter.
The percentage of outside-municipal hunters also significantly increases the probability of appeals in all issues even with the moose management areas included, except concerning small game hunting. Concerning the rest of the issues the presence of 10 percent more outside-municipal hunters among appellants will increase appeals by between 1.1 and 2.1 percent on average.

An increase in the number of hectares required to hunt moose, the threshold property requirement, will significantly increase conflicts of interest related to the removal of property issue. If the threshold property requirement is increased it will obviously lead to removal of property conflicts between unwilling landowners and GMA boards in both kinds of hunting area (see Table 10.2).

In contrast to the estimation in Table 10.1, which only considers the situation in hunting licence areas, the size of the GMA has a negative impact on the total number of appeals per hunter when all GMAs are included. In other words, the probability of hunters appealing their boards will decrease (see Table 10.2). However, the size of a GMA is the only variable that significantly influences the number of appeals per suspended hunter. If, for instance, a GMA is large or its size for some reason is increased this will lead to a decrease in number of appeals per suspended hunter. The opposite can, thus, be stated. That is, hunters are suspended more frequently in smaller GMAs. Generally, GMAs in moose management areas are larger than their counterparts in hunting licence areas. This would explain, for instance, why the Size of GMA variable has no impact on conflicts of interest in hunting licence areas.

If an appellant’s GMA belongs to a moose management area, there is a higher general probability that his or her tendency to appeal will increase. But as can be concluded from Table 10.2 this tendency is significantly associated with only three hunting issues. These are the association, small game and suspension of hunter issues. In sum, some common structural GMA attributes explain the tendency of hunters to appeal decisions under given circumstances. It is important to remember at this juncture that the four attributes explain over half of appeals per hunter. So in addition to hunters’ perceptions of the formal or informal exercise of GMA power, the presence of litigious hunters and absence of conflict resolution norms, structural attributes also explain why conflicts of interest
arise in GMAs. What is not known is if these attributes also affect illegal GMA decision making, that is, the GMA’s informal or arbitrary exercise of power.

2. Structural Attributes as an Explanation of the Legal-Illegal Ratio in GMA-Board Decision Making

As was made known above, at least some of the GMA’s structural attributes have significant impacts on the frequency of conflicts of interest, defined as appealed decisions per hunter. It will now be investigated if the same attributes, that is the same independent variables as in Table 10.2, influence whether or not GMA boards make legal or illegal decisions. The dependent variable in this part of the investigation will be the proportion of illegal GMA decisions. Thus, the number of appealed GMA decisions to be investigated has decreased dramatically to focus on those GMAs that since 1981 were found by the CAB in Norrbotten to have made illegal decisions.

However, the independent variables, that is structural attributes, ability to explain a GMA decision’s degree of legality/illegality has a limited success compared with the results presented in Tables 10.1 and 10.2 (see Table 10.3). Even in this wider context, the percentage of outside-municipal hunters present in a GMA has an expected significant explanatory value concerning the degree of legality/illegality with regards to the removal of property, suspension of hunters and association disputes.

It can be concluded from Table 10.3 that the propensity of outside-municipal landowning hunters and rent-hunters to appeal GMA decisions that were found by the CAB to be illegal concerning the removal of property and association disputes is significant and positive with the exception of suspension of hunters. To conclude, the proportion of outside-municipal hunters is to a higher degree found to be right when in conflict with GMA boards concerning removal of property and association disputes, while they are usually wrong concerning the suspension of hunters. The parameters in Table 10.3 implies that an increase of outside-municipal hunters by 10 percent would imply that a corresponding increase, 3.3 and 2.2 percent respectively, of illegal GMA decisions concerning the removal of property and association disputes. A similar increase in the percentage of outside-municipal hunters would also imply a 7.2 percent decrease (!)
in illegal GMA decision making concerning suspensions (significant negative parameter -0.723). The latter finding is interesting and in line with the discussion above with regards to being ‘distant’ or a more or less ‘absent’ landowning hunter. However, it implies that local hunters are, more often than not, the victim of the arbitrary use of formal rules and not, as would be expected, outside-municipal hunters. This may also imply that GMA boards are more wary of outside-municipal hunters, or that local hunters are not to keen to appeal board decisions because of ‘social control’ or ‘social costs’ and, thus, the board takes advantage of this. So the fact that some hunters come from outside the municipal makes them immune to the arbitrary use of power associated with this issue.

Table 10.3: Attributes that Explain the Share of Illegal GMA Decisions in Two Kinds of Hunting Area (t-values in parenthesis).

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>All issues</th>
<th>Small game</th>
<th>Suspension</th>
<th>Hunting permit</th>
<th>Removal of prop</th>
<th>Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of outside-municipal hunters in GMA (LN)</td>
<td>.122 (.766)</td>
<td>-.723 (.003)</td>
<td>.329 (.216)</td>
<td>-1.796 (-2.068)</td>
<td>-1.924 (-2.068)</td>
<td></td>
</tr>
<tr>
<td>GMA threshold property</td>
<td>-.155 (.909)</td>
<td>1.534 (.208)</td>
<td>.008 (.214)</td>
<td>-1.774 (-2.068)</td>
<td>-1.611 (-2.068)</td>
<td></td>
</tr>
<tr>
<td>Size of GMA in hectares (LN)</td>
<td>(.393) .521 (.492)</td>
<td>.321 (.176)</td>
<td>.216 (.051)</td>
<td>(.293) .838 (.651)</td>
<td>(.495) (.582)</td>
<td></td>
</tr>
<tr>
<td>Moose management area GMA</td>
<td>.204 (.745)</td>
<td>.693 (.658)</td>
<td>-.623 (.612)</td>
<td>(.394) (.673)</td>
<td>(.875) (.118)</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>.167 (.796)</td>
<td>-.727 (-3.055)</td>
<td>-1.924 (-2.068)</td>
<td>(.058) (.293)</td>
<td>(.651) (.495)</td>
<td></td>
</tr>
<tr>
<td>R^2 (adj.)</td>
<td>-.022 (.007)</td>
<td>.043 (.089)</td>
<td>.324 (.582)</td>
<td>(.058) (.293)</td>
<td>(.651) (.495)</td>
<td></td>
</tr>
</tbody>
</table>

Source: see Figure 6.1. Estimation similar to Table 10.1

There are a number of explanations for the impact of outside-municipal hunters on the data in Table 10.3. Outside-municipal hunters whether they are landowning hunters or rent-hunters may have developed, or adopted different values after living away from the village for a long time. Consequently, one might expect a conflict between their perceptions and the norms governing GMA decisions dominated by local hunters. Additionally, because these hunters no longer live within the GMA’s boundaries it is easier for them than those still living on their properties to fulfil the criteria laid down in the 29 § of the Game Management
Association Act (see Table 5.1). Recall that a property must no longer be involved in hunting if it is to be permanently removed from the GMA.

In other words, it is easier for outside-municipal landowners to change the usage of their properties so that hunting is no longer allowed there. Recall also that a majority of local hunters must give their consent before a property can be removed permanently from the GMA (see Table 5.1). If local hunters are in a prolonged conflict with an outside-municipal hunter, they may in some cases decide that a loss of property is worth the inconvenience for game management. Finally, as was mentioned, outside-municipal hunters do not live in the village and have, to be sure, a lower ‘social cost’ to pay if they defy and/or oppose the GMA board or annual huntsmen’s meeting by, for example, attempting to remove their properties. Considering that most GMA decisions linked with this policy issue are made legally, those hunters that succeeded in removing their properties are assumed to come from outside its municipal.

3. Conclusions

From Tables 10.1 and 10.2 it can be concluded that the involvement of non-local hunters, that is, the proportion of appellants that live outside of the GMA-village’s municipal, increases the frequency of conflicts of interests in GMAs, defined as appealed decisions per hunter. The economic value of the moose hunt, defined as the number of moose allocated to be felled, also tends to increase the frequency of conflicts of interest in GMAs. It has been found that conflicts of interest in general, and concerning small game hunting, suspension of hunters and association disputes in particular, are more frequent in GMAs in moose management areas than in their counterparts in hunting licence areas.

In explaining the frequency of illegal GMA decisions, that is conflicts of interest where the GMA board is wrong, it has been found, in accordance with Norrbotten CAB’s adjudication, to be higher in moose management areas, particularly concerning association disputes, than in hunting licence areas. CAB adjudication also reveals that the percentage of conflicts of interest where the GMA board is wrong is generally higher when they involve non-local hunters, especially concerning the removal of property and association disputes. Despite the fact that GMA board decision making concerning the removal of property
has the highest degree of legality of all issues in hunting policy, the only illegal
decisions made by GMA boards were associated with non-local hunters. This
was assumed to be a result of prolonged conflicts between local and non-local
hunters, where the former grew weary and allowed the property to be removed.
It is also believed that it is legally easier to change the usage of property so that
hunting can no longer be practiced there, if it is no longer in use. This, once
again, make it easier for it to be removed. The opposite is the case concerning
the suspension of hunters, which was not an expected finding. Here an exception
to the rule is also revealed and assumed to be caused by a combination of GMA
boards taking advantage of local hunters’ avoidance of ‘social costs’ and non-
local hunters’ propensity to conflict that forces GMA boards to behave differ-
ently towards ‘local’ and ‘outside’ hunters. Therefore, when a local hunter ap-
peals a GMA linked suspensions the odds are good that the board made an ille-
gal decision (see Table 7.4)
Chapter Eleven

Conflicts of Interest and Local Swedish Hunting Policy

The aim of this thesis has been to determine to what extent individual perceptions, the GMA’s exercise of power, the formal and the informal rules-in-use affect, or interact to affect, conflicts between hunting interests locally in Sweden. Each of these conflicts is associated with four kinds of legitimacy deficit. This chapter will deal with the impact each factor mentioned above has had on conflicts of interest and how they contribute to legitimacy deficits in Swedish hunting policy. It will also be determined how well the two preconditions of legitimacy perform, that is, explain the reality of local hunting policy in relation to structural and other GMA attributes.

1. Hunters’ Perceptions

The GMA’s exercise of power, its influence on conflicts of interest linked with the different issues in policy and its relation to legitimacy is illustrated in Figure 11.1. The public-legitimacy deficit, that is, the expressed lack of consent, that characterises hunting policy locally is manifested in and restricted to appellant hunters’ perceptions. Two categories of perceptions were revealed among land-owning hunters and rent-hunters. Half of these hunters together perceive the exercise of GMA power as immoral because it does not converge with their values or interests. That is, they believe that the GMA’s exercise of power is either, unfair, unjust, coercive or unsatisfactory. One third of hunters perceive the exercise of GMA power as illegal. That is, they perceive the decision in itself as wrong,
or they are aware of its illegality. The former form of perception has been
deemed to be more serious for the legitimacy of the GMA than the latter, since it
has a more profound impact on the hunter’s perception of the GMA board, and
its authority. For this reason the legal-legitimacy deficit will not be dealt with to
any great lengths from here on.

![Diagram showing the cause and effect of conflicts of interest in GMAs.](image)

*Figure 11.1: The Cause and Effect of Conflicts of Interest in GMAs.*

On the one hand, rent-hunters perceive the GMA’s exercise of power concerning
the suspension of hunter, small game and hunting permit issues as immoral. It
has been concluded that rent-hunters are more correct in their perceptions of the
GMA’s exercise of power than landowning hunters. This is due to the fact that
they are discriminated by the GMA board. Landowning hunters, on the other
hand, perceive the GMA’s exercise of power concerning the small game, re-
moval of property and suspension of hunter issues as immoral. They are often coerced and discriminated against by the GMA board with regards to these issues.

Therefore, the way GMAs exercise their power can be concluded to be perceived as immoral in different kinds of conflicts of interest, in particular, small game and suspension of hunter conflicts that involve either landowning hunters or rent-hunters, on the one hand, and the GMA board, on the other. Litigious hunters can also perceive the exercise of GMA power as illegal or immoral. Recall that almost every board chairmen reported the presence of this kind of individual and claimed that they were responsible for ongoing conflicts in their GMAs. These perceptions are, once again, a reaction to the exercise of GMA power.

Hunting interests have also become permanent in GMAs solidifying the already asymmetric power relationship. As a result of this kind of power relationship landowning hunters dominate in GMAs, while rent-hunters and, in particular, small game hunters constitute permanent minorities. This inhibits cooperation between the three interests in the GMA, negating its corporatist logics.

2. The GMA’s Formal Exercise of Power

The GMA exercises its power in two administrative contexts: in hunting licence areas and moose management areas. Hunting licence area GMAs are more formal in their exercise of power than their counterparts in moose management area GMAs. The exception to the rule concerning conflicts of interests in the two kinds of hunting area tends to be small game hunting and the suspension of hunters. The exercise of power among appealed GMA boards is informal concerning the former issue and arbitrary concerning the latter.

The GMA board exercises its power formally (legal) when it comes into conflict with unwilling landowners concerning the removal of property and association disputes. It exercises it power informally (illegal) when it comes into conflict with small game hunters as well as with both landowning hunters and rent-hunters concerning the issuing of hunting permits. Yet, taking into consideration both the fact that appeals of GMA decisions linked with removal of property conflicts have been deemed to have a high degree of legality by the GMA and
that unwilling landowners go to great lengths to have their properties removed, it can be concluded that this particular kind of conflict of interest is caused by the contents of the formal rules in the 29 § of the old, and in the 33 § of the new, Game Management Association Act.

However, it is usually the GMA’s authority or decision making that is initially challenged by these so-called unwilling landowners. Thus, rule-content-legitimacy deficit is implicit (see Figure 11.1). It is not as serious as the moral or public-legitimacy deficits, but more serious than a legal-legitimacy deficit in this context, since its controversy increases with time. If the rule concerning the removal of property is changed it could threaten the cohesion of many GMAs leading them to dissolve because their properties would no longer be connected and the principle of connectedness would no longer be adhered to. On the other hand, a considerable number of unwilling landowners would appreciate this.

3. Informal Rules in Use in GMAs

It was assumed in chapter three that GMAs do not just exercise their power formally and informally, they also make illegal decisions that provides evidence of the use of informal rules in use in GMAs (see Figure 11.1). To reiterate, the most likely kind of conflicts of interest associated with informal rule use concern the issuing of hunting permits and small game conflicts. Informal rule use explains conflicts of interest concerning the small game and partly concerning hunting permit issues, but does not explain conflicts of interest between suspended hunters and their GMA boards. Decision making concerning the small game issue, is based on tradition, informal rules, and causes conflicts between rent-hunters and GMA boards. The remnants of an old policy from 1938 (SFS 1938:274) make up the informal rules that govern the issuing of hunting permits.

Generally, conflicts between suspended hunters and their boards are, however, the result of the arbitrary use of power. Therefore, the assumption that GMAs exercise their power formally and informally is verified. However, the assumption that illegal rules are evidence of the existence of informal rules is only verified concerning small game and hunting permit conflicts of interest. It was also assumed in chapter three that shifts in GMA norm use are incremental. This can also be verified in the context of local Swedish hunting policy where
the rules-in-use change very slowly. This affects the GMA over time, which reluctantly changes from the informal (E3) to formal (E1) exercise of power (see Figure 3.3), and, as indicated by the finding in this thesis, not even after two decades of hunting policy. Thus, it would seem that it will take more than a decade or so to bring about the formal exercise of power among GMAs as codified in the rules and statutes of current hunting policy.

4. Legitimacy Deficits in Hunting Policy

Conflicts of interest between subordinate hunting interests and the GMA board, depicted in the centre of Figure 11.1, arise first and foremost because at least half of the appellant hunters perceive the GMA board’s authority as immoral and express this publicly. One third of the hunting interests perceive GMA decisions as being made illegally, and the remaining 14% consists of unwilling landowners that indirectly perceive the contents of the rules underpinning GMA decisions linked with the removal of property issue as coercive and immoral.

Four kinds of legitimacy deficit characterise local Swedish hunting policy today. These are, in order of severity the:

1. Public-legitimacy deficit
2. Moral-legitimacy deficit
3. Formal-rule-content-legitimacy deficit
4. Legal-legitimacy deficit

The first kind of legitimacy deficit, the ‘public-legitimacy’ deficit, is evident in hunters’ perceptions of appeals of GMA decisions. The suspension of hunter, small game and hunting permit issues engenders and maintains a second kind of legitimacy deficit, a ‘moral-legitimacy’ deficit, among rent-hunters. This is, once again, explained by the fact that hunters are suspended arbitrarily, and that informal rules are in use in GMAs concerning small game hunting and the issuing of hunting permits. This kind of legitimacy deficit is more serious for hunting policy than the others because it focuses on the moral authority of the GMA board as opposed to its decisions. Hunting policy has a third kind of legitimacy deficit, a ‘rule-content’ legitimacy deficit, among so-called unwilling landown-
ers who, because of coercion and/or an increase in the threshold property requirement, feel the need to remove their properties from the GMA. The fourth kind of legitimacy deficit, the ‘legal-legitimacy’ deficit, is linked with all kinds of conflicts of interests in GMAs. This kind of legitimacy deficit is un-reflective in the sense that the GMA’s breach of formal rule is not deliberate and it does, therefore, not have a serious impact on policy and can best be seen as leading to better GMA decision making in the long-term. For this reason the legal-legitimacy deficit is not addressed in Figure 11.1, which illustrates the two serious types of deficit as have been revealed in this thesis.

5. Administrative Contexts and Structural Attributes

Perceptions, organisations, formal and informal rules (institutions), the lack of conflict resolution norms and a number of structural attributes cause and influence conflicts of interest in GMAs. These features complement each other. Administrative contexts (governance systems) and structural attributes also explain why conflicts of interest arise among hunters in some GMAs and not in others.

If any given GMA increases its percentage of so-called non-local hunters this will, with the exception of small game conflicts, increase conflicts of interest in local hunting policy. The increased presence of this kind of hunter also reveals the existence of illegal GMA decisions concerning felling and permit fees because they are more inclined to challenge the exercise of GMA power than local hunters. The challenge of power, if it continues, is often arbitrated by a third party, the County Administrative Board. Because these hunters are involved in suspension, removal of property and association conflicts they do not challenge informal rules to any greater extent. However, it was found that GMA boards are usually wrong when they suspend or deny non-local hunters the right to remove their property. However, and contrary to the general trend, GMA boards’ suspension of non-local hunters are usually formally correct, that is legal. This goes against the general trend in hunting policy, since suspension of hunters is the issue most afflicted by illegal GMA decision making. Thus, it can be concluded that GMA boards treat local and non-local hunters differently when making decisions on suspensions. They would rather use their power arbitrarily against local hunters than non-local hunters. Furthermore, it seems easier for
non-local landowners to remove their properties from the GMA because local village hunters may grow tired of conflict with the concerned landowner. This can be interpreted as a conflict resolution norm. It was also mentioned that it is easier for a landowner to change the usage of his or her property when they no longer depend on it for their livelihood, which is required by law.

When the threshold property requirement is increased by a GMA board some small landowning hunters will protest and attempt to remove their properties from the GMA. Any increase in the threshold property requirement is, however, inconsistent with the explicit intentions of hunting policy, which aspires to increase the number of hunting opportunities in Sweden and satisfy the hunting related preferences of small landowning hunters.

Conflicts of interest concerning small game arise when GMAs become members of moose management areas. This implies that moose management areas are more discriminatory towards small game hunters and, in particular, rent-hunters. It should be remembered that forestry interests were behind the establishment of the moose management area and that these very same interests were adamant to restrict the power and influence of rent-hunters when the GMA was empowered in 1981 (see chapter two). Suspensions of hunters drop off when GMAs become members of moose management areas. This can be explained by the fact that GMAs in moose management areas are larger than their counterparts in the older context of hunting licence areas and that, in general, large GMAs lead to lesser suspensions of hunters. This also implies that even the arbitrary use of GMA power diminishes since it is solely linked with this kind of conflict of interest.

When the number of moose per hunter increases in a GMA, conflicts of interests concerning the suspension of hunters, the issuing of permits and association disputes (which concerns felling as well as permit fees) also increase. In sum, administrative contexts and structural attributes influence a GMA’s exercise of power just as much as the formal and informal rules they use do (see Figure 11.1).

At the beginning of this thesis it was assumed that hunters’ perceptions either converge or diverge with the formal and/or informal exercise of GMA power. Reality has proven itself to be more complex than this, however. Although in-
formal rules govern some hunting policy issues, the arbitrary use of power also
governs one aspect of policy: suspensions. To reiterate, the difference between a
legal-legitimacy deficit, defined as the breach, and the arbitrary use, of formal
rules is that the former is un-reflected and the latter is deliberate. The methodol-
ogy that is applied in this thesis made it possible to, besides detecting the delib-
erate and arbitrary use of the rules, bring attention to the fact that some formal
rules, like the 7 and 29 §§ in the Game Management Association Act, are not
popular either with those governed by them, like unwilling landowners, or legal
institutions, like the County Administrative Court (CAC) and European Court
on Human Rights (ECHR). Furthermore, it also reveals directly and indirectly
the existence of four types of policy legitimacy deficit characteristic of local pol-
icy contexts and allowed the localisation and quantification of these.

Structural attributes, the absence of procedural resolution norms as well the
presence of litigious individuals influence how a GMA exercises its power and,
thus, has an indirect impact on the individual’s perception depending on which
rules are in use.

With regards to Beetham’s legitimation theory, the third criterion (that is the
withdrawal of consent for some aspect of government), referred to in this thesis
as public legitimacy, was not a concern in the investigation, since it is already
fulfilled when defining the topic of the thesis. It is the first and second criteria in
Beetham’s theory, referred to in this thesis as the first and second preconditions
of legitimacy, which is relevant for the study of local policy. These criteria ex-
plain and capture the use of both the formal rules in policy and the informal
rules that often challenge them. If only the formal rules had been investigated
the reason for conflicts between small game and moose hunting interests, and
between both landowning hunters and rent-hunters, and their GMA boards con-
cerning hunting permits, would not have been revealed. The theory can also,
when applied at the level of policy set individuals’ perceptions in relation to the
exercise of an organisation’s power and, thus, be instrumental in revealing the
existence of what I term as formal-rule-content legitimacy deficit. Moreover,
when informal rules did not suffice to explain why local hunters are repeatedly
suspended overt time, the arbitrary use of GMA power was revealed. It would
seem that Beetham’s theory does not make an explicit distinction between the
deliberate and arbitrary breaches of rules, on the one hand, and the unconscious breach of rules, on the other. The suspension of hunters is not typical of other conflicts of interest linked with legal-legitimacy deficit. However, at this juncture it should be evident that Beetham’s theory of legitimation is applicable to the study of the local execution of political power.
Chapter Twelve

Deliberating the Government’s Goals on Hunting

The Swedish government brought change to hunting in 1980 when it empowered the already established GMAs throughout Sweden. The goals that the government set were to increase the number of hunting opportunities, satisfy the preferences of disgruntled small landowning hunters and in order to guarantee the success of these goals, a more effective game management was necessary to guarantee a good stock of game. To what extent have these intentions been realised? This is the topic of this chapter.

1. Goal Attainment

It was revealed by the interviewed board chairmen that the GMA rarely contributes to an increase in hunting opportunities. Based on the statistics from the Hunting’s Conditions inquiry (SOU 1997:91) it has also been concluded that the growth of newly created hunting opportunities has stagnated. This development was predicted by sceptics such as the Land Surveying Agency (Statens Lantmäteriverk), which argued that since GMAs had not previously shown any sign of proliferation they were not good agents for increasing hunting opportunities. Other than recent depopulation trends there are a number of explanations that validate this statement.

The power-influence problem discussed in chapter two has had negative repercussions for local Swedish hunting policy. This problem is characterised by conflicts of interest between landowners and rent-hunters, specifically in con-
nection with small game hunting. The low number of illegal GMA decisions concerning the small game hunting, as well as the hunting permit issue, reveal that the goal to increase hunting opportunities has not yet been fulfilled. This is explained by the tendency of GMAs to apply informal rules when making decisions concerning these issues. In particular, GMAs in moose management areas exercise their power informally when involved in conflicts with small game hunters. In one sense, this corresponds with the EPA’s (Naturvårdsverket) conclusion that GMAs sometimes tend to misuse their power. However, in another sense, the EPA missed one important point that this so-called misuse of GMA power is regarded as legitimate among hunters. That is, it has the consent of a majority of hunters in the GMA. Nevertheless, from the perspective of small game hunters, a majority of which are rent-hunters, could be described as a ‘tyranny of the majority’. However, since third party intervention is possible if rent-hunters appeal what they believe to be an illegal, or immoral, the decision will more likely be revoked or amended by the CAB. From a landowning hunter’s perspective this can perhaps be described as a ‘tyranny of the minority’. Rent-hunters constitute a permanent minority in Sweden’s GMAs. As a collective, this minority has been successful in defending their rights to hunt, unimpeded by the exercise of informal power. Still, third party intervention has only had a slight impact on the exercise of informal GMA power (see Figure 9.4).

The CAB’s intervention has proven to be essential in preventing rent-hunters from being discriminated against by the GMA board, that is, landowner interests. Once again, the dilemma of the CAB’s intervention in the goings-on of the GMA is that the local landowning hunter interests resent having to step aside for one or a few small game hunters even though the decisions are illegal. They have given their consent for board decisions that are later revoked or amended by the CAB, which some rent-hunters might experience as a demeaning action.

One informal rule that has been instrumental in causing conflicts of interest concerning the small game and hunting permit issues in GMAs is the existence of a for-locals-only rule. There is a clear tendency among local village hunters to exclude outside-village-hunters, often rent-hunters, from the annual moose hunt by applying a policy of issuing hunting permits to locals, family and friends only. One plausible reason for the local hunters’ animosity towards rent-hunters
is that local GMAs are informal, or for that matter arbitrary, in their exercise of power and resent the involvement of the CAB in their internal affairs. Therefore, locals do not take kindly to outsiders questioning their authority or local tradition.

Paradoxically, the most important goal set up by the government in 1980 was to increase the hunting opportunities through the re-establishment, empowerment and proliferation of GMAs, a goal which has been one of the main reasons for conflicts between landowning hunters and rent-hunters. Because formal hunting policy is still challenged by informal rules, hunting opportunities are not likely to increase in the near future, and the conflicts of interest this goal gives rise to are likely to continue. Therefore, there is reason to ponder the change in the majority principle in the 7 § of the Game Management Association Acts from 1980 and 2000, since no, or very few, new GMAs are being established, and, thus, no new hunting opportunities are being created in Sweden today, as was predicted by the Land Surveying Agency (Statens Lantmäteriverk) in 1979.

The 1980s governmental goal concerning satisfying the hunting-related preferences of small landowning hunters has, on the other hand, been successful. Despite this success, however, there is one problem that has surfaced recently, which represents another aspect of the ongoing power-influence problem in the GMA. As was mentioned, the threshold-property-requirement varies from GMA to GMA. To reiterate, a hunter must own or rent a given number of hectares before being able to hunt in the GMA. The problem is that landowning hunters with larger or multiple properties can, by increasing the threshold property requirement, exclude landowning hunters with small or few properties. Recall that the County Game Management Consultants Association (Sveriges länsjaktvårdskonsulents förening) predicted that this requirement would lead to the marginalisation of rent-hunters. Even the Association of Local Authorities (Svenska Kommunförbundet) and the Judicial Board for Public Lands and Funds (Kammarkollegiet) foresaw that this requirement would cause conflicts between landowning hunter and rent-hunter interests. The investigation has revealed that a toughening of this requirement explains why a number of disgruntled landowning hunters have applied to remove their properties permanently from the GMA.
Ironically, the goal of increasing hunting opportunities through the empowerment and proliferation of already established GMAs has also had a negative impact on game management in the GMAs. The reason for this is that, the more rent-hunters who hunt in a GMA, the more ineffective game management will become. In other words, rent-hunters and, in particular, small game hunters only hunt for a few weeks each year. Those hunters that live within the GMA’s boundaries are usually older and fewer, and the burden of all-year-round game management easily falls on them.

2. Implications for Hunting

The coercion of unwilling landowners has become legally controversial since Swedish membership in the European Union (EU). This issue has led unwilling landowners in Norrbotten to challenge their respective GMA boards and eventually appeal them to the CAB. This issue is becoming even more controversial with time. Add to this that the European Court on Human Rights (ECHR) ruled in 1999 that coercion, and the subsequent refusal to allow landowners to remove their properties from a hunting association near Bourdeaux, breached articles 1 and 11 in its conventions. Both the unwilling landowners’ property rights as well as exercise of rights were, according to the ECHR, breached by the French state in the case Chassagnou and others v. France. However, the County Administrative Court (Länsrätten) in Norrbotten takes consideration to the articles in the ECHR conventions and repealed half of the CAB’s decisions concerning the issue. Thus, the CAB in its role as the state’s representative in the county applies the formal rules in the Game Management Act when adjudicating GMA decisions, while the County Administrative Court in its role as legal arbitrator applies the formal rules in ECHR’s conventions. This is another aspect of this issue’s controversy.

Many of the reasons for conflicts of interest in the GMA can be traced back to its empowerment. For instance, strong interest groups like the Association for Hunting and Wildlife Management (Svenska Jägareförbundet), the National Board of Farmers (Lantbrukarnas riksförbund), but also the National Board of Forestry (Skogsstyrelsen) defended the rights of the landowning hunters to dominate the GMA because they own property there. Thus, cooperation was im-
paired by the fact that one interest, landowning hunters, had more power and influence than the other, rent-hunters. Therefore, conflicts in the corporativist GMA have been caused by the skewed distribution of power and influence among its interests.

I mentioned in chapter one that the recent Mutual Fishing and Hunting Association inquiry (SOU 2005:116), proposed that new associations should be established to resolve conflicts between the Swedish state, local landowners and the Sami, must be addressed. This inquiry has recommended that a new kind of Mutual Fishing and Hunting Association is to be established along the lines of the GMA. It is correct that the GMA is equipped to cope with every day conflicts between equally powerful interests. However, far from being an arena for cooperation between interests in line with its corporativist intentions, it is apparently not very well equipped to cope with conflicts between dominant and subordinate interests which its statutes give rise to.

Without third party intervention, which is costly, many GMAs would have difficulties in resolving conflicts of interest. Thus, if new Mutual Fishing and Hunting Associations are to be modelled on the GMA, some of its underpinning formal rules ought to be altered to give all three interests the same power and influence. If the power relationship in the new association, like in the GMA, is asymmetrical, conflicts of interest related with the distribution of power and influence will arise. The inquiry’s recommendation to use coercion when establishing this new kind of association is also problematic. The use of the 7 and the 29 §§ of the Game Management Association Act (1980) to coerce, that is force, unwilling landowners into becoming and remaining members of the GMA has now been ruled, after repeated appeals and EU membership, as being legally controversial. Thus, the Mutual Fishing and Hunting inquiry should reconsider the use of coercion and consider other ways of solving conflicts of interest because it has been shown that new formal rules and the empowerment of an association to enforce them neither leads to increased hunting opportunities, a more effective game management nor conflict resolution. This is because norm change is slow, that is, it will definitely take more than two decades to fundamentally change local Swedish hunting policy.
3. Prospects for Legitimate Policy Making in Contemporary Society

Based on the above, policy makers and politicians alike must take consideration to a number of important aspects when setting goals to govern local social activities when implementing a new policy:

An organisation’s administrative context and structural attributes matter. This is, it seems possible to influence an organisation’s exercise of power depending on its size, membership and access to resources. For instance, smaller GMAs have lesser suspensions than larger ones. Call also to mind that GMAs that change administrative context also can be influenced in their exercise of power. For instance, small game hunters are more discriminated by GMAs in moose management areas than in the older hunting licence areas. This has to do with the fact that forestry interests are more involved with moose management areas and are more concerned with forestry management and game management, which they believe is more effective if local landowners are involved and not non-local rent-hunters. Thus, changes in an organisation’s administrative context will influence local policy and, in some cases, may affect minorities negatively.

Informal rules are in use in locally empowered organisations. Membership is important concerning rules-in-use, inasmuch as locals and non-locals have different perceptions of the rules that underpin the exercise of the organisation’s power. Thus, it must be understood that when a policy is implemented, or researched, informal rules must be mapped and compared with the formal rules that govern similar issues to see if they correspond. More often than not, these informal rules are probably often remnants of old policies, which I term ‘ghost policies’, since they are still in use parallel to the new policy. If a political scientist was only to study a policy based on the formal rules that governs the concerned social activity, the conclusions of this study would be inaccurate, because the actual rules-in-use would elude the observer.

Norms change slowly and vary among identical organisations. For instance, after two decades norms still have not changed among a considerable number of GMAs in Norrbotten. This might imply that policy makers and politicians can only in a normative sense attempt to shape policy in contemporary society, since
a collision of norms is unavoidable, like between the for-locals-only norm and the formal rules that allow non-local non-landowning hunters to hunt in the same area.

Organisation that share power and influence unequally tends to cause majority-minority power and influence problems. The corporatist intention of bringing landowning and non-landowning hunters to cooperate within the organisational structure and context of the GMA has not succeeded in the sense that the latter group is more discriminated by boards and tradition than the former. Thus, the lesson is that cooperation enforced by a majority is not always the best solution.

Formal rules can be contentious if they are anchored in ideology. For instance, the use of the 29 § in Game Management Association Act has, because it encroaches on the individual landowner’s property rights, and exercise of rights and liberties, has become increasingly challenged since Swedish membership in the European Union (EU). The Swedish communitarian ideology gives priority to the general interest, while the liberal EU, in line with Mill, priorities the rights of the individual over that of the general interest. Thus, the use of coercion, here defined as forcing unwilling individuals, that is conscripting them into, or preventing them from leaving, the GMA, will be criticised in the future, for example, by the European Court on Human Rights (ECHR).
Endnotes

1 On the Sami people’s aspirations for indigenous people’s status see Ekenberg (2000).
2 On the question of whether or not it can be morally justified to kill animals for food see Wenz (1988, 327). This moral dimension will, however, not be dealt with in this thesis.
3 On the challenges these new ideas pose to democracy theory and practice in Sweden see Lundmark (1998, 182-192).
4 The CAB can also revoke the GMA’s right to hunt if it no longer has a board or if it violates hunting policy’s formal rules (SFS 2000:592, 34§). The CAB can also, if a number of GMAs desire, connect in order to create an even larger GMA. Conversely, it can also split an existing GMA into a number of smaller units (SFS 1980:894, 27 §). This decision must, however have the consent of the concerned landowners (SFS 2000:592, 32§). Concerning the legal process of appeal, a GMA hunter can appeal a board or huntsmen’s meeting decision to the CAB.
5 The GPD is divided into a number of MPDs that usually correspond with the county’s municipal boundaries. Together these encompass a total of 7 864 478 hectares of hunting licence and husbandry areas. Nowadays the municipality of Luleå encompasses the smaller and former municipal of Råneå. However, it is still made up of two MPDs corresponding with both municipals’ boundaries comprising of 101 403 (Luleå) and 202 178 (Råneå) hectares (Norrbotten CAB’s elk hunting statistics 2002). The MPD consists of a shifting number of Hunting Districts (HDs), which have one important attribute: size. Two MPDs in Norrbotten have been selected to illustrate its importance. On the one hand, Piteå MPD, in Norrbotten’s southern coastland, consists of five HDs with a total area of 295 785 hectares. Kiruna MPD, Norrbotten’s as well as Sweden’s northernmost MPD, consists, on the other hand, of three HDs with a total area of 1 502 452 hectare (Norrbotten CAB’s moose hunting statistics 2002). The difference in number of HDs per MPD is negligible, but the difference in their physical size is obvious.
6 The A hunting licence area is considered to be a ‘real’ (egentligt) licence hunting area. If hunting areas cannot fulfil the connectedness principle it is recommended by the EPA that they create smaller B licence areas, which are considered to be ‘special’ (särskilt) areas that should not be smaller than five hectares. Properties with less than five hectares can still register as so-called one calf areas (enkalvområden).
7 The old GMA is called Jaktvårdsområde while the new GMA is after 2000 called Viltvårdsområde. The distinction aims to bring focus on game and not the hunters.
8 It should, however, be noted that the SPCA did not explain how the recommended increase in number of GMAs would actually lead to a corresponding increase in hunting opportunities.
9 Eight state institutions will be dealt with in this section. These are the EPA and CAB, the Agency for Administrative Development (Statskontoret), the National Board of Agriculture (Lantbruksstyrelsen) and the National Board of Forestry (Skogsstyrelsen), the Swedish University of Agricultural Sciences (Sveriges lantbruksuniversitet), the
Land Surveying Agency (Statens Lantmäteriverk) and the National Forestry Enterprise (Domänverket).

Among the special interests that were referred to bodies are four legal institutions. Their views on the establishment of the GMA will be dealt with in this section. They are the National Administrative Court (Kammarrätten), the Judicial Board for Public Lands and Funds (Kammarkollegiet), the Court of Civil and Criminal Appeal for upper Norrland (Hovrätten för övre Norrland) and the office of the Prosecutor-General (Riksåklagaren).

Eight non-governmental organisations were also given the possibility to participate in the political process behind the establishment of the GMA. These are the Association of Hunting and Wildlife Management (Svenska jägareförbundet), the Hunters’ National Association: the Countryside Hunters (Jägarnas riksförbund: Landsbygdsgärga), the Federation of Swedish Farmers (Lantbrukarnas riksförbund), the Federation of Swedish Sami (Svenska Samernas Riksförbund), the Foresters’ Cooperation Committee (Skogsindustriernas samarbetsutskott), the County Game Management Consultants (Sveriges länsjaktvårdskonsulters förening), the Swedish Association of Local Authorities (Kommunförbundet) and the Diocesan Board in Gothenburg’s Diocese (Stiftsnämnden i Göteborgs stift).

A GMA can be established if, and only if, a majority of landowners are in agreement. The majority should consist of at least a 2/3 majority of landowners and these together should own more than at least half of the land in the proposed GMA (SFS 1989:894, 7 §).

The property of every citizen shall be so guaranteed that none may be compelled by expropriation or other such disposition to surrender property to the public institutions or to a private subject, or tolerate restriction by the public institutions of the use of land or buildings, other than where necessary to satisfy pressing public interests. A person who is compelled to surrender property by expropriation or other such disposition shall be guaranteed compensation for his loss. Such compensation shall also be guaranteed to a person whose use of land or buildings is restricted by the public institutions in such a manner that ongoing land use in the affected part of the property is substantially impaired, or injury results which is significant in relation to the value of that part of the property. Compensation shall be determined according to principles laid down in law. There shall be access for all to the natural environment in accordance with the right of public access, notwithstanding the above provisions (RF 2:18).

Note here that five predators, and threatened, species are exempt from licence hunting. These are: bears, wolves, wolverines and different species of eagles and seals. These species can only be hunted in compliance with general and specific preconditions that constitute the protective hunting principle.

The Mink, Common Scooter, Black Cock, Cock of the Wood and Fieldfare were added to the inventory of game animals that could be generally hunted in 1988. The Mink, however, was taken from the inventory of generally hunted game in 2001 (SFS 1988:1175 and SFS 2001:450). The Red Deer and the Pheasant entered the list of game animals that could be hunted generally in 1991 and are hunted yet (SFS 1991:1770 and SFS 2001:440). The Lynx, Elk, Lesser Black-Backed Gull and Pheas-
ant Cock were made exempt from the inventory in 1991 (SFS 1991:1770). Several bird species were, however, added to the inventory in 1995. These were the: Black-Backed Gull, Herring Gull, Common Gull, Crow, Jackdaw and Magpie (SFS 1995:443). The Cormorant and Raven were made exempt from the inventory the same year (SFS 1995:443). Two animal species, the Squirrel and Stoat, and five bird species, the Pintail, Shoveler, Pochard, Common Snipe and Coot, have of late, 2001, been taken from the inventory of generally hunted game (SFS 2001:450).

14 The 33 § stipulates that issues concerning the issuing of hunting permits, in accordance with 32 § of the Reindeer Husbandry Act, are to be evaluated by the authorities. The 32 § stipulates, in sum, that the issuing of permits to hunt above the so-called Cultivation line and on reindeer grazing lands is to be considered only if, and only if, game hunting can be conducted without disturbing the reindeer husbandry and if it is practiced in such a way that it is consistent with game management regulations (1971:437, 32, 33 §§).

15 The following animals and fowl species can be hunted, in accordance with 23 §; wild boars, foxes, racoon dogs, badgers, martens, polecats, minks, stoats, weasels, squirrels, rabbits, moles, field mice, lemmings, rats, forest mice, house mice, goose hawks, sparrow-hawks, crows, rooks, jackdaws, magpies, fieldfares, house sparrows or tree sparrows (SFS 1991:1769, 23 §).

16 Of all the appeals received by the CAB, a total of 48 were either withdrawn or late, or for other reasons could not be treated by legal experts at the CAB and thus considered disqualified.

17 The chief paragraphs (in 33 of 55 cases) concerning the hunting permit issue are the 9, 10, 11, 12 and 13 §§ from the old Hunting Act (1938), which were partially replaced by the 10 and 17 § from the Game Management Association Act (1980). The 10 § in the Game Management Association Act regulated the granting of hunting permits within a GMA. It stipulated that the GMA could refuse to give members permission to issue permits to others on their properties if, firstly, the hunter did not own a property there or, secondly, if it was considered inappropriate with regards to game management or in any other way a problem for other GMA members.

18 Association issues are linked (in 27 of 57 cases) with the 17 and 33 §§ in the former Game Management Association Act from 1980. The first of these paragraphs dictates which properties should constitute the GMA and which statutes should govern it. Paragraph 33 is central in the sense that it embodies the principal of appeal, which bestows each member with the right to appeal decisions made by the GMA. This right varies from interest to interest. This act was replaced by the Game Management Association Act in 2000.

19 The small game hunting issue is linked (in 38 of 42 cases) with two groups of paragraphs originating from two different acts, the 10, 11, 12 and 13 §§ in the old Hunting Act from 1938 and the 1, 12 and 33 §§ in the Game Management Association Act from 1980. The latter Act and group of paragraphs determine, firstly, in the 1 § the right of one or more properties to create a GMA and stipulates, secondly, in the 12 § that the GMA decides the amount of fees to be paid for game. Finally, the 33 § was linked with 17 (of 44) cases of small game hunting issues. It stipulates, in brief, that members can appeal a decision if they felt that it violated their individual rights.
All decisions linked with the issue of suspension of hunter were made in contravention of the 32§ of the Game Management Association Act from 1980.

However, it should be noted that five of the GMAs that had their decisions repealed disputed the County Administrative Court’s (CAC’s) decision to allow landowners to remove their property from GMAs and continued the legal process to the National Administrative Court (NAC). Four of the five CAC decisions that are appealed to the NAC were repealed. The reason for this is that the CAC judge in these particular cases applied EC law, while the NAC judges applied Swedish law. Swedish law it would seem has precedence over EC law in the NAC concerning the removal of property issue.

"Däremot så finns det alltid en och annan markägare som bräkar och vi har en som är anledning till att vi ligger så högt på överklagningslistan. Och det ska upp nu igen, han har ju så att säga först försökt att få till egenjakt, men misslyckades och nu försöker han fridlysa sin mark och det kommer han att lyckas med givetvis för det kan man inte neka nån av ideella skäl" (resp. 15).

"Sen är det regel att det är samma människa som överklagar besluten. Jag skulle hävda att sedan bildandet har det varit samma fyra personer som har stått för alla överklaganden" (resp. 14).

"När det kommer ett beslut så har majoriteten vunnit så är det beslutet accepterat. Vi måste ha ett Viltvårdsområde, det är så illa tvunget för att besluten ska stå" (resp. 14).

"Vi har kommit överens med gubben att vi inte kommer att jaga småvilt på hans mark och han har accepterat” (resp. 5).

"Jag vet inte de är egenmäktiga. Man får inte styr på de inte. Bland annat händer det att de skjuter älg utan att ha någon licens: tjuvjakt! Det är klart att de andra jägarna blir förbannade och Länsstyrelsen är nollställd! Det är svårt att få ut polisen också! De har kommit ut hörrudu" (resp. 13).

"Man kan få en annan typ av bestraffning på nåt vis. Alltså om det här nu upprepas av en speciell person om vi säger så, som ofta gör såna misstag. Att skjuta fel till exempel. Då måste det bli ordning. Men man bör ha en lugnare bestraffning, man bör inte sparka ut de direkt (resp. 1).

"Gästjägare måste under älgjakten tala om var de jagar. De behöver ingen guide, men de måste absolut tala om när och var de ska jaga … Vi vill för säkerhetens skull veta var personen är. Det är väldigt viktigt" (resp. 3)

"Vi har fritt fram till älgstarten och när älgjakten pågår måste alltid småviltjägare kontakta jaktledare och vi avdela ett område åt de också. De får minst ett tusen hektar (resp. 5).

"Risken är att småviltjägare för stå tillbaka för älgjägarna lite grann. Så har det nog varit … Det är lite grann av säkerhetsskäl det här alltså att man vill blanda ihop … eller har småviltjägare i skogen när man jagar älg alltså” (resp. 9).

"Jag tror att det är ett för litet område för att ta in gästjägare“ (resp. 2).

"Själva älgjaken vet du är riktad till markägarna” (resp. 6).

"Det var vi själva som tog initiativet till bildandet. Vi ville få bättre samjakt” (resp. 13).

"Det har minskats, halverats. Vi har varit över 80 stycken året innan vi ombilda jaktvårdsområdet. Åldersstrukturen idag är ju för gammal. Faktiskt har det kommit med en del yngre jägare … vi har även fått med sju kvinnor i jaktlaget" (resp. 12).

"Det har minskat nu en aning … Det är ingen som är bofast eller bor kvar i byn … Att få yngre människor i ett jaktlag är nästan omöjligt. De har tappat intresse för jakten" (resp. 3).

"Det är nog vissa personer som är mer aktiva än andra. Det är så att de som bor på området och är pensionärer, de har mer tid och möjlighet. En nackdel med att ha mycket utbor som jägare är just det att viltvärden blir lidande” (resp. 16).

"Tyvärr blir det så att det är några stycken det faller på. Det är inte de stora markägarna utan det är de här trottoarbönderna som är engagerad. De är halta och lyttar många av de, tyvärr. Vi vill därför ha in ungdomar som orkar ha farten uppe. Många av de större markägarna de jagar inte; de som både ha djur och skog" (resp. 18).

"Björntilldelningen är fel. Om Du tar i hela Norrbotten där Du får skjuta femton stycken. Då skjuter de alla kring fjällen och sånt där och vi i skogslandet har inte en chans att skjuta nån björn” (resp. 4).

"Den långa älgjaktten kan vara en orsak till att många tappar intresse” (resp. 9).

"Vi vill ha makten själv att bestämma. Det är Länsstyrelsen som har gjort att stridigheterna fortsätter. De har ju läst våra protokoll och våra beslut, men de får inte upphäva de! Jäktstämman är suverän att besluta” (resp. 13).

Recall that the number of hunters in each GMA was not available in the Norrbotten CAB archive in Luleå or Jokkmokk. However, it was concluded that the number of theoretical hunters can be estimated by dividing the GMA's size with its threshold property requirement.
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Norrbottens CAB (legal division) decision dnr. 270-985-91
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Norrbottens CAB (legal division) decision dnr. 27-9404-99
Norrbottens CAB (legal division) decision dnr. 27-9517-99
Norrbottens CAC decision nr. 972-97
NAC (in Sundsvall) decision nr. 3389-1997

Newspaper Articles
Interviews with GMA Chairmen

Appendix I
The County of Norrbotten
Appendix 2

Interview questionnaire

1. How did you become interested in hunting?
2. How long have you hunted in your present GMA?
3. Have you always hunted in the same GMA?
4. What kind of game do you hunt in the GMA?
5. How often do you hunt annually in the GMA?
6. Do you live close to, or far from, your GMA?
7. How long have you been a member and/or chairman of the GMA?
8. To the best of your knowledge when was the GMA established?
9. Can you remember why your association decided to become a GMA?
10. To the best of your knowledge how many members does the GMA have?
11. Have, in your opinion, the number of hunters in the GMA increased or decreased?
12. Have game management measures been improved since the GMA was established?
13. To what extent does the GMA consist of a mix of small and large property owners – what group is in the majority?
14. Are any of the GMAs landowners dissatisfied with the number of moose they are allowed to hunt?
15. Can you remember if any of the GMA’s landowners were coerced to join?
16. Have any of the GMA’s landowners wanted to prevent hunting on his/her land?
17. Which norm underpins the distribution of meat among the GMA’s members?

18. Does it ever happen that members of the GMA apply to rent hunting permits to someone who is not a member? How do you go about issuing hunting permits to rent-hunters and guest-hunters?

19. Is the GMA open for other hunters than it’s own members?

20. How is the relationship between the GMA’s landowners and rent-hunters?

21. How many of the GMA’s members hunt small game?

22. Do the same GMA members that hunt moose also hunt small game?

23. How do moose hunters and small game hunters cooperate?

24. Is it, in principle, right or wrong to suspend a hunter from hunting?

25. How is a hunters suspended? (What rule do you have to violate to get suspended?)

26. How would you best describe the atmosphere (mood) among members of the GMA?

27. Generally speaking, what are GMA members most satisfied with and what are they most dissatisfied with regarding hunting?

28. Have conflicts arisen in the history of the GMA?

29. Based on your personal experience why do you think conflicts start?

30. How have these conflicts been resolved?

31. As GMA chairman, is there anybody or anywhere, you can turn to get advice on what to do when conflicts pop up?

32. Has the GMA or any of its members or rent-hunters come into other local interests?

33. Would you like to see any changes in how the GMA is run, and/or of its tasks?

34. Do you have any further comments or information that you would like to share on hunting related issues in the GMA?

35. What is/was your profession?

36. What age are you?
Appendix 3

Decision Database Variable List

1. GMA boards
2. Cases involving decision and cases involving no decisions
3. Dnr of CAB-decisions concerning appeals
4. Sex of appealer
5. Year of appeal
6. Game preservation district/County
7. Moose preservation district/Municipal
8. Moose preservation district/Municipal
9. Moose preservation district (kommun) size
10. Moose preservation area and A-licence area size
11. Moose management area size
12. Number of A-licence and moose management areas in moose in MPD
13. Number of GMAs in moose preservation district 2002
14. Hunting districts
15. Number of moose allocated (or according to a management plan)
16. Number of moose felled in hunting district 2002
17. Hunting district area size
18. Hunting district hunting licence area size
19. Hunting district moose management area size
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Number of licence areas in hunting district</td>
</tr>
<tr>
<td>21.</td>
<td>Number of GMAs in hunting district</td>
</tr>
<tr>
<td>22.</td>
<td>Moose hunting district/GMA</td>
</tr>
<tr>
<td>23.</td>
<td>Size of GMA</td>
</tr>
<tr>
<td>24.</td>
<td>Number of hectares necessary to acquire moose hunting permit</td>
</tr>
<tr>
<td>25.</td>
<td>Number of hectares necessary to acquire small game hunting permit</td>
</tr>
<tr>
<td>26.</td>
<td>Type of hunting area</td>
</tr>
<tr>
<td>27.</td>
<td>Status of GMA 2002</td>
</tr>
<tr>
<td>28.</td>
<td>Number of moose allocated to GMA 2002</td>
</tr>
<tr>
<td>29.</td>
<td>Number of moose downed by GMA 2002</td>
</tr>
<tr>
<td>30.</td>
<td>Issues linked with appealed GMA decisions</td>
</tr>
<tr>
<td>31.</td>
<td>Dnr of CAB-decisions concerning appeals</td>
</tr>
<tr>
<td>32.</td>
<td>Appellant groups</td>
</tr>
<tr>
<td>33.</td>
<td>CAB adjudication</td>
</tr>
<tr>
<td>34.</td>
<td>Actual law and paragraph</td>
</tr>
<tr>
<td>35.</td>
<td>Interesting notes</td>
</tr>
<tr>
<td>36.</td>
<td>Court to which CAB decision is appealed</td>
</tr>
<tr>
<td>37.</td>
<td>Appellant/CAB decisions</td>
</tr>
<tr>
<td>38.</td>
<td>CAC adjudication</td>
</tr>
<tr>
<td>39.</td>
<td>Year of judicial outcome</td>
</tr>
<tr>
<td>40.</td>
<td>Number of case</td>
</tr>
<tr>
<td>41.</td>
<td>Appellant/CAC's decision</td>
</tr>
<tr>
<td>42.</td>
<td>NAC adjudication</td>
</tr>
<tr>
<td>43.</td>
<td>Year of outcome</td>
</tr>
<tr>
<td>44.</td>
<td>Case number</td>
</tr>
<tr>
<td>45.</td>
<td>SAC adjudication</td>
</tr>
<tr>
<td>46.</td>
<td>Year of outcome</td>
</tr>
<tr>
<td>47.</td>
<td>Case number</td>
</tr>
<tr>
<td>48.</td>
<td>No appellant</td>
</tr>
<tr>
<td>49.</td>
<td>Male appellant</td>
</tr>
<tr>
<td>50.</td>
<td>Female appellant</td>
</tr>
</tbody>
</table>
51. Male and female appellant
52. GMA
53. Hunting licence area
54. Moose management area
55. Appeals linked with the small game hunting issue
56. Appeals linked with the suspension issue
57. Appeals linked with the hunting rights issue
58. Appeals linked with the removal of property issue
59. Appeals linked with the association issue
60. Appeals linked with other issues
61. Rent-hunter appellant
62. Landowning hunter appellant
63. Landowner (non-hunter) appellant
64. Legal GMA board decision
65. Illegal GMA board decision
66. Disqualified appeal
67. County Administrative Court
68. National Administrative Court
69. Supreme Administrative Court
70. Rent-hunter appeals CAB decision
71. Landowning hunter appeals CAB decision
72. GMA appeals CAB decision
73. CAB appeals its own decision
74. Legal CAB decision
75. Illegal CAB decision
76. Appeal of CAB decision disqualified
77. Rent-hunter appeals CAC decision
78. Landowning hunter appeals CAC decision
79. GMA appeals CAC decision
80. Legal CAC decision
81. Illegal CAC decision
82. Appeal of CAC decision disqualified
83. Legal NAC decision
84. Illegal NAC decision
85. Appeal of NAC decisions disqualified
86. Appellants' perception of GMA board decision
87. Appellants present address
88. Appellant perceives GMA board decision as illegal
89. Appellant perceives GMA board decision as unjust/discriminatory
90. Appellant perceives GMA board decisions as coercive
91. Appellant perceives GMA board decisions as a collective unjust
92. Appellant perceives GMA board decision as unsatisfactory
93. GMA’s perception (not valid)
94. Appellant lives in the village
95. Appellant lives outside of village within municipal
96. Appellant lives outside of the municipal within the county
97. Appellant lives outside of the county
98. No address (but GMA address)
99. Perceptions linked with the different cases
100. Addresses linked with the different cases
101. Dnr of CAB-decisions concerning appeals
102: Hunting issues linked with the different cases
103: FILsumskäl >= 1 (FILTER))
104: Hunting area type after 1991
105: Year of appeal
106: Appellant perceptions
107: Hunting licence areas after 1991
108. Moose management areas after 1991
GMA Database Variable List

1. Game management association.
2. Municipal/moose preservation district
3. Hunting district within municipal
4. Number of moose allocated by the CAB to the hunting district
5. Number of moose felled by all the GMAs in the hunting district
6. Game management area size in hectares sq.
7. Property threshold requirement moose
8. Property threshold requirement small game
9. Type of hunting area (hunting licence or moose management area)
10. Status of GMA, i.e. active or dissolved.
11. Number of moose allocated by the CAB to the GMA
12. Number of moose downed by the GMA
13. No appellant of GMA board decision
14. No appellant of GMA board decision
15. Male appellant
16. Female appellant
17. Both male and female appellant
18. GMA board requiring a decision from the CAB on a particular issue
19. Hunting licence area
20. Moose management area
21. Appealed GMA board decision linked with the small game hunting
22. Appealed GMA board decisions linked with the suspension issue
23. Appealed GMA board decision linked with the hunting right issue
24. Appealed GMA board decision linked with the removal of property issue
25. Appealed GMA board decision linked with the association issue
26. Appealed GMA board decision linked with other issues
27. Rent-hunter appealed GMA board decision
28. Landowner appealed GMA board decision
29: Non-hunting landowner appealed GMA board decision
30. GMA board decision deemed legal by CAB
31. GMA board decision deemed illegal by CAB
32. Appeal of GMA board decision disqualified by CAB
33. CAB decision appealed to County Administrative Court of Appeals
34. CAC decision appealed to National Administrative Court of Appeals
35. NAC decision appealed to Supreme Administrative Court of Appeals
36. Rent hunter appealed CAB decision
37. Landowning hunter appealed CAB decision
38. GMA board appealed CAB decision
39. CAB required CAC decision
40. CAB decision deemed legal by CAC
41. CAB decision deemed illegal by CAC
42. Appeal of CAB decision disqualified by CAC
43. Rent hunter appealed CAC decision
44. Landowning hunter appealed CAC decision
45. GMA board appealed CAC decision
46. CAC decision deemed legal by NAC
47. CAC decision deemed illegal by NAC
48. Appeal of CAC decision disqualified by NAC
49. NAC decision deemed legal by SAC
50. NAC decision deemed illegal by SAC
51. Appeal of NAC decision disqualified by SAC
52. Appellant perceives the GMA decision as illegal
53. Appellant perceives the GMA decision as unfair
54. Appellant perceives the GMA decision as coercive
55. Appellant perceives the GMA decision as an injustice
56. Appellant perceives the GMA decision as unsatisfactory
57. GMA board wishes a decision to be treated by the CAB
58. Appellant lives in the village/within the GMA
59. Appellant lives outside of the village/within the municipal
60. Appellant lives outside of the municipal/within the county
61. Appellant lives outside of the county/within the country
62. No appellant address/GMA address
63. Theoretical number of moose hunters in GMA
64. Theoretical number of small game hunters in GMA
65. Number of moose per hunter in the GMA
66. Total number of hunting issues linked with appeals of GMA decisions
67. Total number of addresses linked with appeals of GMA decisions
68. Total number of moose per GMA hunter in the county
69. Size of County’s hunting area in hectares
70. Number of appealed board decisions per GMA
71. Size of Municipal’s/MPD’s hunting area in hectares
72. Total number of GMAs in municipal/moose preservation district

Year Database Variable List

1. Year of appeal.
2. The GMA decision was appealed by someone other than a hunter.
3. The appellant hunter is a male
4. The appellant hunter is a female
5. More than one appellant hunter (and of both sexes) appeal GMA
6. A GMA board appeals its own decision (often to gain legal clarity in an issue)
7. Small game issue
8. Suspension issue
9. Hunting permit issue
10. Removal of property issue
11. Association issue
12. Other issues
13. Rent-hunter
14. Landowning hunter
15. GMA board decision appealed by unwilling landowner
16. Legal
17. Illegal
18. Disqualified
19. CAB decision appealed to CAC
20. CAC decision appealed to NAC
21. NAC decision appealed to SAC
22. CAB decision appealed by rent-hunter
23. CAB decision appealed by landowning hunter
24. CAB decision appealed by CAB
26. Appealed CAB decision deemed legal by CAC
27. Appealed CAB decision deemed illegal by CAC
28. Appealed CAB decision disqualified by CAC
29. CAC decision appealed by rent-hunter
30. CAC decision appealed by property owner
31. CAC decision appealed by CAB
32. Appealed CAC decision deemed legal by NAC
33. Appealed CAC decision deemed illegal by NAC
34. Appealed CAC decision disqualified by NAC
35. Appealed NAC decision deemed legal by SAC
36. Appealed NAC decision deemed illegal by SAC
37. Appealed NAC decision disqualified by SAC
38. Illegal
39. Unfair
40. Coercive
41. Collective injustice (unjust)
Interview Database Variable List

1. Appealed and non-appealed GMAs.
2. Name and number of GMA chairmen belong to.
3. Respondents code.
4. Origin of chairman’s interest for hunting.
5. The time the chairman has hunted in GMA.
6. Where the chairman hunts.
7. Type of game hunted in the GMA.
8. Frequency of chairman’s annual hunting opportunities.
9. Chairman’s proximity to GMA.
10. Length of chairman’s membership in GMA.
11. Reason for GMA’s establishment.
12. Approximated number of members in GMA.
13. Chairman’s view on hunting opportunity increase.
15. Share of small landowning hunters in GMA.
16. Satisfaction with CAB’s and GMA’s allocation and distribution of moose.
17. Coercion of unwilling landowners in the GMA.
18. Removal of properties from the GMA.
19. Norms governing distribution of meat among the GMA members.
20. Norms governing the issuing of hunting permits to guest hunters.
21. The relationship between landowning hunters and rent-hunters.
22. Number of small game hunters in GMA.
23. GMA members that hunt moose and small game.
24. Norms governing cooperation between the GMA’s moose hunters and small game hunters.
25. Chairman’s view on suspension of hunters in GMA.
26. Norms governing suspension of hunters in the GMA.
27. Chairman’s view on the mood in the GMA.
28. Generally level of satisfaction among GMA members.
29. Conflicts of interest in the history of the GMA.
30. Reason for conflicts of interest in GMAs.
31. Norms governing conflict resolution in GMAs.
32. Who the GMA chairman turns to for advice.
33. Conflicts of interest with interests outside GMA.
34. Changes the Chairman would like to see in the GMA.
35. GMA chairman’s profession.
36. Age of GMA chairman.