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**NORWAY**  
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## I. Constitution, government, and administration of Norway

### 1. Constitutional System

#### 1.1 General description and key data of the constitutional system

The Kingdom of Norway covers 324 000 sq. km land area excluding 63 000 sq. km belonging to the Arctic archipelago of Jan Mayen and Svalbard (Spitzbergen). Totally 4 700 000 (2007) inhabitants populate the area of the country.

Three basic principles are integrated in the constitution of this state:

(1) The *Principle of Sovereignty of the People* underlines that the people of a nation are entitled to govern themselves. People’s will should, through the election of representatives, determine the action of the governing power as these representatives in governing power should govern on behalf of the people. The electoral system is based on the principle of direct election, proportional representation and voting by secret ballot. This ballot is a vote for a list of representatives from a political party. The names on the party list are candidates representing the particular party within one constituency. There are 19 Counties under the municipal division, subsequently named County Municipalities, which constitute these constituencies. Candidates on the party lists have been chosen on the nomination conventions of each party. Elections for the Parliament (Stortinget) of totally 169 seats or

elected members take place every fourth year. Of the total number of seats 150 constituency representatives are elected while another group of 19 representatives are distributed equally after the election according to number of votes. One political party must have at least 4 per cent of the votes in order to obtain representatives of the first kind. Outside the general election year there is no opportunity to call for a new election or to dissolve the assembly of the Parliament.

The Principle of Sovereignty is the leading principle behind the particular rights of the Saami people to participate in matters concerning their own language, culture and social life. In 1987 the Saami Parliament was established according to the Saami Parliament Act. This law extended the civil rights of Saami population to take part in public decisions regarding the customary rights and interests of this group of Norwegian citizens. The Saami Parliament replaced the former Norwegian Saami Board. It consists of Saami elected representatives politically nominated from the Saami population according to the registered Saami electorate for the whole country. However, the constituencies of this electorate are delineated differently from the constituencies of the national parliament, due to the number of Saami inhabitants, their systems of local rights and the division of Saami languages.

There are in total 13 constituencies, of which 6 in Finnmark County and 3 in Troms County. The border of the South-Saami Constituency includes two counties (North- and South-Trøndelag) and municipalities from two other counties, Nordland and Hedmark. The rest of Nordland County comprise 2 constituencies and the main part of the South-Norwegian land area another one. There should be 3 representatives from each constituency. In addition 4 representatives from the 4 constituencies having gained the largest number of votes are distributed to the total number of 43 seats after the election.

The right to vote for the Saami Parliament has everybody who has the right to vote for municipal elections and is registered in the Saami electorate of the actual constituency. Election for the parliament takes place every fourth year on the same day as the ordinary election for the National Parliament. The free right to organize political parties guarantees the Saami population to establish their own political parties. Should there be more than one list of electives within a constituency to the Saami Parliament the number of representatives are calculated according to the amount of votes for each list.

(2) The *Principle of the Separation of Powers* distinguishes between three categories of powers, which in terms of government should be acting independently of each other in order to keep checks and balances:

- The legislative power together with powers in matters concerning financing and planning of the State activities belong to the Parliament.
- The executive power is under the rule of the Government, or initially of the King. A parliamentary system is practiced. In principle a majority of seats in the Parliament decides who will be in a position to establish a new Government. In reality it means that a sitting Government can continue to rule as long as it is not formally opposed by a majority of seats in the Parliament.
- The judicial power is a part of the government system and belongs to the courts.

(3) The *Principle of Human Rights* comprises the rights of freedom of speech, freedom of worship, freedom of assembly and the rule of law. Since the Saami language is recognized as equal to Norwegian, the Saami population has the right to express themselves in their local language and should have duly answers in their own language, whether in legislative, executive or judicial matters.

## **1.2 History of the constitutional system**

Due to constitutional conservatism no major formal revision of the Constitution has taken place since the enactment in 1814. However there have been amendments and some articles are changed. Besides, changing of political practices and the enactment of other laws and regulations have contributed to the practical understanding of the Constitution in the government of the nation. The most far reaching changes occurred during the union period with Sweden between 1814 and 1905. At least three categories of changes should be mentioned:

Parliamentalism saw its breakthrough in 1884. Since then a parliamentary system is practiced although not formalized in the constitution. The outgrowth started with the political struggle of the emerging middle class and landowners against the government of officials and representatives of the King. At the end of 1860s the political opposition (in main liberals of various economic occupations and farmers) had achieved majority in the Parliament, and acted with greater unity than before. Although the conflict to some extents was rooted in struggle for power in the society, the whole constitutional discussion was limited to the right of the King's cabinet ministers representing the executive power to participate in the proceedings of the Parliament. Should the opposing representatives in the Parliament succeed in their demands, the constitutional consequences would be of two kinds. First, the principle of separation of the Parliament's legislative power and the King's executive power, as originally understood in 1814, had to be abandoned. Second, there would be a need for limiting the King's executive power, as he no longer could be free to choose his advisers.

The conclusion was that the cabinet government by the King's officials was ended and replaced by ministers who were real politicians. A new constitutional principle had emerged. Furthermore the conflict led to a new political order. Both the Liberal Party and the Conservative Party, the first modern political parties in Norway, were founded in 1884.

Another characteristic of the constitutional changes is connected to the development of political rights and human rights. The rights to participate in politics have gradually been extended from an electorate narrowed by individual specifications relating to economy and sex, to an electorate that is only limited by age for the holders' of Norwegian citizenship, or for foreigners of due age, the right to vote. Men were given the general right to vote in 1898, women in 1913. In 1814 the freedom of worship did not include groups like Jews and Jesuits who were not allowed to enter Norway. For the former group the ban was revoked in the early 1850s, for the latter in 1956. Still the Constitution defines the State's official Religion, which is Evangelical Lutheran. Understood as a general right to express individual interests, the right to speech has gradually been extending, and as a consequence, the right to have access to relevant and valid information.

The municipal system of local and regional government has traditionally represented a counterpart to the state system when it comes to the production of local and regional infrastructure and public services. In terms of political power and organization for the management of public resources, the municipal system of government is also a decentralizing counterweight to state government. In reality it means that the democracy of the nation has to be realized both through a parliamentary system at central government tier and a municipal system of self-determination at local and regional tiers. Whether local or regional government, and accordingly the Municipality or County Municipality respectively, is mentioned in the Constitution. From its first years there were political interests to democratize the local government system and replace the government of officials with politically elected representatives. This movement was obviously a consequence of an improved educational system and of the enlightening ideas that awakened the political consciousness of the population in general. In 1837 the adoption of the Aldermen's Acts introduced the elective origin of the modern Norwegian municipality; the principle of local self-government based on elected councils and statutory committees. In addition, this local tier reform gave strong arguments for the democratization that later on should take place at the central state tier and hence the introduction of the parliamentary system.

### **1.3 Main specifics of the constitutional system**

#### *The Parliament*

A recent revision of the Constitution has changed the two-chamber organization of the Parliament, the Odelsting and the Lagting. These changes will be working from Oct. 1st. 2009. Until then the existing order originating from 1814 will be continuing. When a Parliament first convenes following an election, it elects one quarter of the representatives to serve as members of the Lagting. The remaining three quarters of the representatives become members of the Odelsting. Each of the elected representatives serves on one of the 12 permanent committees. In addition there is an enlarged committee on foreign affairs. Most of the matters presented to the Parliament and the Odelsting for plenary discussions are deliberated and prepared by these standing committees. Together with the party groups, the permanent committees are the most important arena in which the real decisions on current matters are being made. One important criterion for addressing particular tasks to one or several specific committees is that this or these committee(s) deals(-) with matters originating in the ministry of the same or similar name as the committee(s) of the Parliament. For instance Environmental protection and regional planning can thematically be submitted to the standing committee on Energy and the Environment, referring to the Ministry of Oil and Energy and the Ministry of Environment respectively. Local government administration, regional development, housing, building and construction will in most cases belong to the standing committee on Local Government referring to the Ministry of Local Government and Regional Development, while transportation should be under the standing committee on Transport and Communication referring to Ministry of Transport. Two or even more committees can be responsible for preparing one particular matter. Thematically there will regularly be some discretion behind the submitting of tasks to the different committees.

The responsibilities of the Parliament in matters of legislation, state budgeting and governmental supervising decide more or less its internal working procedures:

(1) A *legislative procedure* starts when the Government introduces a bill formalized as a proposition to the Odelsting. This proposition is the product of an exhaustive preparatory process that normally begins with the appointment of an expert committee who prepares a report including a proposal on the legal subject. It ends with targeted hearings and final approval by the King in Government Council Meeting, or shorter King in Council. After receiving the proposition the Odelsting submits it to the appropriate standing committee(s). The committee considers the proposition and prepares requirements and justifications in the form of a recommendation addressed for the Odelsting debate. If the Odelsting accepts the recommendation, eventually with amendments, an Odelsting resolution is prepared for

deliberation in the Lagting. If approved, the resolution is again sent to the King in Government Council Meeting, which has to sanction the adopted resolution before it becomes valid law. There are several variants of this more or less idealized procedure depending on the character of the matter. The conclusions of the expert committee and the outcomes of the discussions in the standing committee (s), in the Odelsting and in the Lagting are important factors in this regard. When the recent revisions are coming into force in 2009 the handling of legal matters within the Parliament will be changed. New law proposals should then be directly introduced to the Parliament, either by members of the Parliament or by the Government through the minister in charge.

(2) The *fiscal budget procedure* starts after the Parliament convenes in the autumn when the Minister of Finance on behalf of the Government appears to present the budget proposition in his Budget Statement for the coming year. This proposal for the Fiscal Budget allocates resources to activities within all sectors of the State system, including state sectoral planning. Before submission to the Parliament the budget proposal has undergone an extensive preparation in which all governmental entities and administrations of this system have been involved. The Government's budget proposal receives the official approval in the King in Government Council Meeting, whereupon it is submitted to the Parliament as Proposition No. 1. In the Parliament, the Working Procedures Committee, which comprises the Presidium, the chairmen of standing committees and the party group leaders, is responsible for assigning the various budget chapters to the appropriate standing committees. This committee sets also the deadlines for the completion and return of the budget recommendations by the standing committees. The standing committee on Finance and Economic Affairs coordinate the fiscal budget proceedings and presents a recommendation concerning the National and Fiscal Budgets, with a proposed resolution on budget limits for an appropriation in accordance with the spending program laid down by the Parliament. This resolution on the budget's limits is binding for the subsequent considerations of the budget. A plenary budget debate in the Parliament is concluded by a vote on the proposals submitted in the recommendations. The amounts for all the separate spending programs are fixed collectively in a single resolution. When the standing committees later on make their recommendations concerning spending programs allocated to them, they can only make reallocations within the decided budget limits. These final budget recommendations of the standing committees should be considered by the Parliament at latest by Mid-December. The Parliament's power in fiscal matters includes the authority to place funds at the disposal of the Government and even order such expenditures. In general the representatives of the Parliament have fairly wide opportunities to order expenditures and initiate items for the Fiscal Budget.

(3) Finally, the Parliament has the *mandate to supervise* the Government and the public administration. Some of the duties originating from this mandate are mentioned in the Constitution, like the authorities to examine the Records of the Government Council Meetings, to review treaties concluded with foreign powers and to audit state accounts. Others are not formalized in the Constitution but follow more or less as a consequence of the political accountability of the Government to the Parliament, and the necessity to inform and communicate through mass media, particularly in relation to the Parliament's control over public administration. Parliamentary debates, questions and interpellations regarding executive matters are public accessible arrangements that give the Parliament opportunities to review and evaluate Government policies. A particular kind of control is exercised through the Ombudsman who is an official appointed by the Parliament. The duty of the Ombudsman's office is to ensure that individuals do not suffer injustice at the hands of the public administration whether the central or decentralized state, or within the municipal division. Annually the Ombudsman gives account to the Parliament.

The mandate of the Saami Parliament comprises matters of interests for the Saami population. It is up to this parliament to define its matters of interests. Such matters of interests provided, the Saami Parliament is entitled to raise questions, undertake investigations, and give its opinion and present proposals to public authorities as well as private organizations. Authority to administer budget items connecting to Saami purposes in the Annual Fiscal Budget of the State is delegated to the Saami Parliament. The Government decides rules and regulations for the financial management of the Saami Parliament.

#### *The Government*

The establishing of a new Government will either take place after an electoral defeat or after a majority vote of no-confidence in the Parliament. Most commonly the Prime Minister of the defeated or no-confidence Government will be in a position to consider the political situation and propose his or her candidate of succession. Alternatively, the King or the President of the Parliament can undertake considerations for a candidate to set up a new Government. The leader of the party who is able to achieve support from the biggest number of seats, majority or not, to the program for a new government will normally be the accepted candidate for the prime minister position, and can, if he or she accepts, start appointing ministers to the Government. In addition to the Prime Minister, the Norwegian Government should consist at minimum of 7 ministers. At least 50 per cent of the Government members should be members of the State Evangelical Lutheran Church.

After WWII the number of ministers in the Government, and as consequence the number of ministries, has gradually increased. In the Government, the politically appointed positions consist of the ministers, secretaries appointed for each ministry and advisers to the ministers. Currently there are 19 ministers, including the prime minister, and 17 ministries in the existing Government. Responsibilities for planning and building according to the Planning and Building Act are divided between the Ministry of Environment and the Ministry of Local Government and Regional Development. The fields of pollution, natural protection, cultural heritage and planning belong to the former ministry, while housing, regional development and building permitting belong to the latter. Public works belong to the Ministry of Government Administration and Reform.

Officials within each Ministry are responsible for the preparation of matters for decisions in the Government. Their political constituencies decide proposals for discussions or decisions. Meetings for organizing decision-making of the Government are of two kinds:

Originating from practical needs, the members of the Government meet regularly twice a week to discuss prioritized political issues. As in any collegial meeting of the Government, these Government Conferences are coordinated by the Prime Minister's Office and led by the Prime Minister. The constitutionally important meeting however is the King in Government Council Meeting.

Although decisions taken in Government Conferences are political binding for the members of the Government, they are not valid as formal conclusions. The mandate of the Government for making conclusions in a particular matter is either executed within each Ministry in the hands of the Minister or within the King in Government Council Meeting. It means that the discussions in the Government Conferences have to be completed through final conclusions in the Ministries or through the collegiums of ministers in the King in Government Council Meetings. The Parliament is the sole legislative body, but the Government is empowered to issue subordinate legislation. According to the Planning and Building Act both ministries in charge are entitled to issue subordinate rules and regulations as supplementary legislation to this Act.

The Government addresses the Parliament through three different kinds of bills: propositions to the Odelsting in legislative matters, propositions to the Parliament when asking for a non-legislative decision and finally reports or white papers for discussions.

Norway is a monarchy where a king or queen is the formal ruler of the state. This ruler is exempted political power. In main the responsibilities of the monarch are of symbolic, ceremonial and representative character. The regular executive duties are limited to the proclamation of a new Government that takes place in a particular council, the declaration of the annual opening of the Parliament and finally to the presiding of the King in Government Council Meetings.

#### *The Courts*

The judicial authorities are organized in the Supreme Court, Courts of Appeal and District Courts or City Recorder Offices. Some special courts like the Land Court and the Labor Court exist. All courts are territorially delineated to a fixed area of jurisdiction. There is no Constitution Court or Administrative Court in Norway.

### **1.4 Fundamental principles of the political and the administrative system**

#### *The central state*

The central state administration comprises officials in the role as secretaries in the Parliament and in the Government. Additionally the external state officials are employed in directorates and inspectorates.

The administration of the Parliament is organized in one constitutional office under the secretary general and in four separate departments: the General Service Department, the Administrative Affairs Department, the Information and Documentation Department and the International Department. In the Government the officials are divided between the actual Ministries and their preparation of matters for the Government that takes place under the formal leadership of the respective ministers.

Ministerial officials will only to some extents cover the Government's need for professional expertise. Directorates of different kinds are therefore an inseparable part of the central state administration. In addition to responsibilities concerning competence and advisory, the directorates are also mandated with authority related to monitoring, control, regulation, licensing and, within some particular fields, to the allocation of resources. There is no directorate responsible for planning and building. To the degree central state authorities will need external competence within these fields, they have to ask universities, applied research institutes or consultancies for support. In matters of authority they have to rely either on the decentralized state authority, the County Governor, for monitoring, control and to some extents licensing, eventually on the county municipalities or the municipalities for other executive duties and regulations.

The inspectorates are in main mandated with authority to monitor and control the rule of public laws and standards. Due to their role as inspectorates, they have an advisory role towards the ministries. As for the directorates, their advice is not political binding for the minister whose final decision will be based on political discretion. Directorates and inspectorates are ruled according to particular regulations, which decide their mandates, organization and order of decision. Their budgets are decided in the Parliament as a part of the Fiscal Budget and the respective ministries will have the authority for giving more detailed recommendation for the allocating of resources and spending.

#### *The decentralized (regional) state*

Except for the courts, the decentralized state is divided between two kinds of territorial or regional units, the State County and a partition that might be named Regionalized state sectors. The latter consist of several sectors under the rule of different ministries, each representing a decentralized state authority but without any unifying territorial jurisdiction.

Norway consists of 18 State Counties; each under the rule of a County Governor who represents the authority of the State within the county to the degree no other public authority will be responsible. The position as County Governor is based on personal application and appointment by the Government (in the King in Government Council Meeting). There is no time limit of the working period. The County Governor, responsible for regional activities overlapping the authority of several ministries, is under rule of the Government. This authority represents the central state at regional level in situations where directorates, inspectorates and, in certain aspects, state sectoral authorities are involved. Beside the authority of legal control in different matters, the County Governor has the mandate to monitor and coordinate regional and local activities towards national policies relating to pollution and natural resources, regional and local planning. That applies for state, county municipal and municipal activities. Moreover, the County Governor monitors other municipal activities of which the control of municipal fiscal budgeting and accounting is of particular importance.

It follows from these mandates that the County Governor is in a key position for coordinating between state planning policies and municipal planning. Accordingly, the County Governor should support the County Municipality in organizing cooperation with state sectoral authorities in county planning processes. Furthermore, disputes resolution towards planning on local level is one particular duty, either in terms of mediating or handling of complaints.

Lastly, the County Governor has also a certain advisory role, mainly in legal planning matters towards the State sectors, the County Municipality and the Municipality.

The Regionalized state sectors are mandated for their activities within jurisdictions covering several state counties, like the Public Health Regions, whose main responsibility is the running of public hospitals, and the Road Authority Regions responsible for planning and management of state roads. These units are organized as public corporations with a separate board and director general. Besides such territorial constructs, some of the directorates and inspectorates as other State organized activities operate decentralized under regional and even local offices. Their territorial divisions are usually different from the previous ones, although their territorial delineation normally will follow state county borders.

#### *The municipal division*

The municipal division is divided into two political-territorial levels. The Primary Municipality, usually named the Municipality, is the local, i.e. lowest public administrative tier. All together there are 431 municipalities whose territories cover the Norwegian main land with coastal islands in continuity. On an average a Norwegian municipality hosts 10 766 inhabitants, cf. Table 1.

Table 1. *Population in Norwegian municipalities by range.*

Characteristics	Population range						Total
	< 2 500	2 500-9 999	10 000-19 999	20 000-49 999	50 000-100 000	100 000<	
Population	200 106	1 022 885	812 988	963 603	480 370	1 160 267	4 640 219
Number of municipalities	131	197	57	33	8	5	431

Source: SSB, 2006.

The County Municipality represents the regional municipal tier, averagely populated by 244 222 inhabitants, cf. Table 2. Totally there are 19 county municipalities whose territories are in congruence with the 19 election constituencies. 17 county municipalities are identical with 17 out of the total 18 state counties. Two county municipalities, comprising the capital of Oslo and the main surrounding metropolitan area Akershus respectively, constitute one state county.

Table 2. *Population in Norwegian county municipalities by range.*

Characteristics	Population range				Total
	<100 000	100 000- 199 999	200 000- 400 000	400 000<	
Population	72 937	1 193 185	1 881 950	1 492 147	4 640 219
Number of county municipalities	1	8	7	3	19

Source: SSB, 2006.

Municipal elections, both for the local municipalities and the county municipalities, take place every fourth year. In Norway there will then be an election every second year, shifting between municipal elections and national state elections for the Parliament. In the municipalities, whether Municipality or County Municipality, the Municipal or County Council correspondingly represent the highest political authority.

In Finnmark, the County Council is given a special mandate concerning the customary rights and interests of the Saami population. This county is the core area for traditional Saami activities related to the use of land and water and most of the land area is in public ownership. In this regard, the county council will have to strike a balance between the interests of the Saami population and other interests, and at the same time safeguard the interests of this population in relation to their customary rights for the utilization of natural resources.

It is up to the municipalities themselves to decide whether the government should be organized in an aldermen's system or a parliamentary system. Under an aldermen's system the Mayor is the coordinating leader of the Council and the Body of Aldermen as well. In the latter system the Executive Council, as in parallel to the State Government, consists of councilors (ministers) who are leaders of the different municipal sectors under the coordinating leadership of a Municipal Executive Councilor.

During the latest years the parliamentary system has gained ground in the biggest municipalities as well as in counties. A substantial proportion of municipal politics is exerted through different committees. Law mandates some of these committees, like the Standing Committee for Planning Matters, responsible for local planning and permitting in the Municipality. This applies regardless of political and administrative organization.

Additionally, municipalities can establish committees as a majority of the politicians finds it suitable. A management office under the leadership of a chief municipal administrator heads the municipal administration. In a parliamentary system the coordinating and leading role of the chief administrator is normally in the hands of the Commissioner of Finance. Officials working in the different municipal sectors are usually serving as secretaries for all the political units, whether of County Municipality or the Municipality. The municipal division's freedom to organize and structure their authority also applies in planning and building matters. The Municipality can delegate the authority and responsibilities of the Municipal Council, except when explicitly stated as for its role in the issuing of (legal) articles of association, in the acting as municipal planning authority, in the handling and considering of statutory plans, in matters of expropriation and in stipulating fees.

Although the Municipality is an executive construct, it is given certain legislative authorities, especially in matters of planning and permitting. A municipality can adopt articles of association for the whole or a part of the municipal area. Such bylaws can modify provisions of the Planning and Building Act, add to or exempt from these provisions, or make them more restrictive, unless otherwise provided. However, the authority to issue articles of association is limited to specific sections and formulations. For instance the provisions of this Act concerning expropriation and compensation can not be departed from to the detriment of a landowner or a holder of rights. The Municipal Council adopts such articles. Amendments or repeal of articles of association shall be completed in the same way.

Furthermore, the Municipality has on specified legal conditions and after application, the authority to grant dispensations permanent or temporary from provisions in the Planning and Building Act, by-laws or regulations, when there are special reasons for doing so. For all the statutory local plans, the land use part of the municipal master plan, the zoning plan and the building development plan, this authority to exempt is assigned to the Standing Committee for Planning Matters.

The Municipality is the main executor of public welfare policies as municipalities are responsible for the production of community services such as education, first order health care, social services and to some extents public cultural services. Furthermore, it is responsible for the provision of local infrastructure as streets and roads, water and sewer lines as the linked treatment facilities, although the Municipality does not need to be the formal owner neither of infrastructure nor of other kinds of facilities. In addition, the Municipality holds the local planning authority mandated for initiating, preparing and the adopting of local plans as well as building permitting.

The municipalities have the authority to tax the inhabitants' income, and the Municipality can levy property tax within the municipal borders as well. Within certain limits, this authority to tax includes the freedom to decide over the tax load. Historically, the property tax has been very low and is still of minor fiscal importance. Besides, municipalities are entitled to use fees for the covering of costs concerning water, sewer and waste services. A central government tax allocating system is practiced in order to avoid that the local tax base will affect the municipalities' capacities to provide public services to acceptable standards and as equal as possible throughout the country. Each municipality is entitled to dispose certain amounts of money according to calculated needs based on criteria set in advance. If levied taxes should deviate substantially from these calculated amounts money will be transferred.

In the Norwegian model of a welfare state, the municipal division is regarded as the main immediate provider of public services. Provider in this regard implies that the municipalities or county municipalities have met requirements through three traditionally roles: as the authority that safeguards the production of local and regional services according to rules and regulations, as the actual producers of these services and as owner of the facilities for the production of services under the municipal division authority. This more or less vertically integrated model for the provision of public services is still prevailing. However, the two latter roles are changing. To larger extents than earlier municipalities arrange their responsibilities for the production of services in separately organized entities and-or invite tenders according to bid procedures from private companies for the operations of services.

### **1.5 Division and interlinkage of the political and the administrative system**

The division of powers, the legislative, the executive and the judicial, generally determines the divisions and interlinkages of the political-administrative system. A constituting principle of the state government is therefore that divisions and interlinkages should not lead to corruption of these powers, neither through political nor administrative channels. Decision-making processes are regulated by rules and regulations as the conclusions of courts' are based on interpretation of positive law and consolidated judicial practice.

In municipal government the division between legislative and executive power is not that easy to follow strictly. The reason behind is that the municipalities to some extents are empowered with the authority to adopt articles of association and legally binding plans, which in itself is a lawmaking activity. At the same time, their main activities are of executive character for the realization of policies and plans in addition to the implementation of building projects. The highest local authority for adopting legally binding plans and for

deciding in substantial matters is as an example the same body, the Municipal Council at local tier.

The Parliament decides the division of labor between the different territorial jurisdictions: the Central Governments, the County Governor, the County Municipality and the Municipality. But between these entities there are also certain possibilities for adjustments of responsibilities and duties based on ad-hoc initiatives. The main legal basis for local government is the Municipal Act. In legal requirements regarding authority, organization and responsibilities all municipalities are equal whether they are small or big, rural or urban. In principle the municipal self-determination gives rich opportunities for initiatives and rooms for actions. However this freedom to act is limited by state imposed duties and financial constraints.

In state and municipal government, whether regional or local, the public handling of matters initiated by individuals or organizations are in main administratively led. Conflicts rooted in public law between authorities and one initiator can normally not be brought to the court system before handling of the matter is ended at the highest prescribed tier of government. Another constituting principle is that the body that took the decision should not undertake the handling of appeals or complaints against this public decision. However, public bodies mandated for handling of complaints can be operating under the same authority umbrella. For instance, in municipal planning complaints against an administrative decision can be handled by the Standing Committee for Planning Matters as complaints against the conclusion of this committee can go to the Municipal Council.

The division of authority and duties between the County Municipality and the Municipality is basically working on functional principles, not on a hierarchy of tiers. The County Municipality is in main responsible for the provision of higher order public services than the Municipality, like for instance higher education, transportation and county municipal transport infrastructure as regional roads. Still in terms of responsibilities, the duties of the County Municipality are currently rather limited compared to those of the Municipality. When it comes to mandates for land use or structural planning the authority structure does not follow a hierarchy of tiers. The County Municipality represents the regional planning power. However, it does not automatically hold the power to overrule local municipal planning contradicting the county plan or county planning policies, neither to coordinate two or more unwilling municipalities if their individual plans should work against each other. In addition a superior plan in the Norwegian planning system does not automatically overrule subordinate plans. This equalizing of authority between the two municipal orders in planning matters is

partly rooted in the political discussion on the division of authorities and duties between the two municipal levels, partly in the principle of municipal autonomy in which the Municipality is understood as the primary one. If the County Municipality wants to interfere with local planning against the will of local municipalities it has to raise formal objections against the local plans.

Individual interests to be represented in decisions under the public realm are in principle realized indirectly through the elections and participation of elected representatives. This applies for both divisions of government. However, this principle of indirect democracy has been challenged by arguments for the extension of rights to participate directly, particularly at local level and in detailed planning. In consequence, possibilities for public involvement should, as the central level policy goes, be enhanced and will include individuals as well as organizations.

A particular mechanism for expressing the will of the people concerned is established for the Saami Parliament. Any public authority should give the Saami Parliament the opportunity to express its opinion in all matters within the responsibility of this parliament before final decision is taken.

Information is a key factor in government of a working democracy, whether directly or indirectly. The principle of public accessible information means that decisions taken by state or municipal government should be made available upon requests. The legal possibilities for withdrawing documents from the access of the public are limited. State government and municipal division authorities should keep post case records (electronic or analogue) over sending and receiving of public matters. These records are public and available upon requests by anybody.

Also the court system is based on the principle of public accessible information. With few exceptions are the court meetings open for the public and the press. Court conclusions (sentences, judgments and decisions) are public documents.

## **2. Political System**

### **2.1 General description, history, and key data of the political system**

The political system is divided between the (central) state division and the municipal division, cf. Table 3. Elected politicians for serving the interests of the nation are representatives in the Parliament. It is not necessary that appointed politicians in the Government should have some background from a chair of the Parliament. There are no formal requirements of this kind. Anyhow, experience as representative in the Parliament will normally enhance the ministers' or the ministerial secretaries' capacity to judge whether policies of a Government will gather support in the Parliament or not. Ministerial secretaries and advisers are normally aspiring politicians or professionals with membership in the ruling party (-ies). Politicians elected for regional and local government belong to the municipal division.

Politicians elected or appointed for the government of the state are only found at the central government tier. To some extent it might be said that the political connections between the central government and the regions have been maintained through the tradition of appointing existing or former politicians from the Parliament or the Government to a position as County Governor. In the opposite direction, politicians in central government seats will more often than not have certain experiences from local politics. Recruitment of politicians from county municipal seats to the Parliament or positions in the Government is not that usual.

### **2.2 Levels and specific aspects of the political system**

The County Governor reports directly to the Government. Appointment of members to boards of the Regional state sectors is in principle not based on political membership. This kind of sectoral rule is of fairly new date. Formerly only the central state tier and the local tier were under the rule of directly elected councils. Direct election to the county municipal councils was recognized in 1976. Until then the political assembly of the County Municipality consisted of directly elected mayors from the municipalities within the borders of the County Municipality. Local municipalities or county municipalities cooperating across borders can voluntarily establish political bodies for coordinating in planning matters or other kinds of tasks. Within certain mandates such bodies can work for longer periods on more or less permanent basis.

Table 3: *Levels and specific aspects of the political system.*

Level \ Aspect	Organ(s)	Authority/ function	Tasks
National level	<ul style="list-style-type: none"> <li>Parliament (Stortinget)</li> <li>Government (Regjeringen)</li> </ul>	<ul style="list-style-type: none"> <li>Legislative power together with powers concerning financing and planning of the State</li> <li>Executive power</li> </ul>	<ul style="list-style-type: none"> <li>Legislative procedures, fiscal budgeting and planning procedures, supervising procedures and duties</li> <li>Realization of policies according to working programs through Government Conferences and in the King in Government Council Meetings</li> </ul>
Regional level	<ul style="list-style-type: none"> <li>County Council (Fylkestinget)</li> </ul>	<ul style="list-style-type: none"> <li>County (regional) municipal government</li> </ul>	<ul style="list-style-type: none"> <li>Planning for the provision of regional municipal services, regional land use planning, and realization of policies concerning regional development</li> </ul>
Local level	<ul style="list-style-type: none"> <li>Municipal Council (Kommunestyret)</li> </ul>	<ul style="list-style-type: none"> <li>Local municipal government</li> </ul>	<ul style="list-style-type: none"> <li>Planning for the provision of local municipal services, rural and urban land use planning, permit-ting and realization of local policies</li> </ul>

In total close to 240 politicians are in elected and appointed positions at central government level. In the county municipalities around 790 politicians are directly elected as representatives for the different parties. The similar number for the municipalities is 13 800.

### **2.3 Further information on the political system (e.g. interlinkages between levels, agencies etc.)**

Interlinkages between the different political tiers are characterized by the political relationships between the state and the municipal systems, and hence the division of labor related to duties and responsibilities between the two categories of government.

First of all, the power of the municipal division, whether the County or the Municipality, is subordinate to the State. County municipalities and municipalities are managers of power derived by the central state power. As such the Parliament will any time have the formal power to reorganize or withdraw it. This supremacy of the authority of the state becomes evident in situations when the Government requires that the municipalities should be obliged

to realize state policies. Laws, regulations, guidelines, control mechanisms and inspectorates are important instruments in this regard.

Secondly, the relationship between the two divisions of government is also influenced by a more pragmatic understanding of the needs for cooperation or a kind of “partnership”. To some extents the partition of authority and responsibilities between these two systems is therefore based on functional dependencies. The central government is in charge of the authority to decide the overall policies for the nation and allocate resources for their realization. The municipalities on their hand should be the acting executors. However, this division of authority and responsibilities is far from clear. On the contrary, the relationship is rather intertwined. One consequence is the need for practical coordination over the tiers, and in some situations, for reporting and auditing in order to make sure that the municipalities have been able to follow up policies and requirements set by the State.

Finally, the municipalities are also in an autonomous position of the State. Because municipalities have the mandate to initiate activities on their own and decide over ends and means in this regard, their activities cannot be strictly linked to state activities initiated in advance. This autonomy gives the municipalities opportunities to influence state policies and state budgets. Impacts of municipal initiatives initiated independently and perhaps contrary to state policies are usually just recognized as the normal state-municipal relationship. In some situations they might be investigated and reported through research. If there should be more serious conflicts or discrepancies, which is really rare, it might be a case for the inspectorates, eventually the courts.

The territorial division of Norway relating to government, and the political organization as a part of it, is under consideration of central state authorities. Since there is no clear cut opinion on the division of labor between the existing tiers or on how many political tiers there should be, it is too early or even impossible to indicate alternative territorial divisions for the future political and administrative organization of the country.

### **3. Administrative System**

#### **3.1 General description, history, and key data of the administrative system**

In decentralized State administration the various entities are under direct or indirect instructions of the Government represented by ministries or alternatively by directorates or inspectorates. The principal core of the territorial division is the county, today represented by the State County, cf. Table 4. Any decentralized state sector considered, the territorial

division would be an addition of counties, or eventually contain a reference to this county division through an addition or subtraction of smaller primary entities (municipalities). Most of these entities are operating towards inhabitants or individual organizational units within their areas of jurisdiction.

The county division of the administrative system is, in opposite to the local one, quite old. Certain elements of this division were established under Norwegian Kings in the late Middle Age, and later on, reorganized and consolidated as a workable administrative partitioning of the country during the Danish-Norwegian Kingdom. After the independency in 1814, this system of administrative-territorial organisations was modernized, but still as pure administratively led authorities; exempted directories ruled by elected or appointed political assemblies for the respective jurisdiction areas.

The local division of the administrative system is of another origin, rooted in the Aldermen's Act of 1837 and the subsequent municipal organisation. Formerly, there was a difference between rural and urban municipalities originally based on grading of authority and state privileges. The municipal reform in 1961 abolished this distinction and merged municipalities close to the existing number. Currently, both the county and local municipal administration is in principle professional secretaries to bodies consisting of elected politicians. Apart from administration there are professionals working with the provision of public services at local and regional levels under the rule of directly elected bodies. However, they are not included in the realm of municipal administration in this context. Like the state administration they only include officials of entities linked to municipal government.

Table 4: *Levels and specific aspects of the administrative system.*

Aspect Level	Institution(s)	Authority/ function	Tasks
National level	<ul style="list-style-type: none"> <li>• Officials in the Parliament and the Government</li> <li>• Directorates</li> <li>• Inspectorates</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative support to elected representatives</li> <li>• Authority based on professional expertise</li> <li>• Authority relating to rule of public law and standards</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation of matters for handling in committees and plenary sessions of the Parliament, within ministries and the Government</li> <li>• Concluding power in matters according to mandate and provision of professional expertise to the Government</li> <li>• Concluding power in mandated matters, monitoring and controlling</li> </ul>
Regional levels	<ul style="list-style-type: none"> <li>• County Governors</li> <li>• Branches of state directorates and inspectorates</li> <li>• County Municipalities</li> </ul>	<ul style="list-style-type: none"> <li>• Decentralized state authority</li> <li>• Decentralized state authority as for central government directorates and inspectorates</li> <li>• Administrative support to politicians in council and committees. Delegated power for concluding in mandated matters</li> </ul>	<ul style="list-style-type: none"> <li>• Concluding authority, authority for handling of appeals, plans' approval and control</li> <li>• Decentralized concluding power in mandated matters as for central government directorates, inspectorates, state infrastructure, etc.</li> <li>• Preparation and handling of matters for political decisions, concluding of matters based on delegation</li> </ul>
Local level	<ul style="list-style-type: none"> <li>• Local Municipalities</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative support to politicians in council and committees. Delegated power for concluding in mandated matters</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation and handling of matters for political decisions, concluding of matters based on delegation</li> </ul>

The central state administration employs around 4000 employees comprising the Parliament and Governmental ministries. The number of employees in external state administration, in the County Governors' offices, directorates and inspectorate are far more extensive in total. In the County Governors' offices close to 2 400 officials are employed, while more than 16 100 persons work full or part time in directorates and inspectorates. In municipal government administration around 5200 persons are occupied in county municipal

administration, while above 58 900 persons work full or part time in the local municipal administration. The municipal division employees in service provision relating to education, health, social services and culture are not included.

### **3.2 Further information on the administrative system (e.g. interlinkages between levels, institutions, etc.)**

Within the administrative systems, whether the state or the municipal division, laws, regulations, guidelines and decrees set the administrative order of the public affairs. The Administration Act and the Public Information Act are basic instruments for the regulation of relationships between different bodies and their duties towards the public. For the civil service of the state the State Official Act strikes a balance of rights and duties for individual employees.

Besides such legal mechanisms, the connections between state and municipal administration are influenced by financial interlinkages. State financial arrangements are supposed to have extensive consequences on the relationship between the two governmental systems. The impact of the state system is in principle of two kinds: either through rules and regulations for the transfer of money from the state to municipalities, or through political earmarking of municipal revenues affecting regional and particularly local prioritization of tasks. The impact of the State on municipal finances and hence the standard of municipal service provision implies that the municipal economy becomes a very important issue in the discussion of municipal territorial divisions and the Municipality's role as a service provider in the Norwegian welfare state as well.

Since there are extensive cooperation between the state and the municipal divisions of government, particularly in public service provision and planning, meetings are regularly organized for exchanging information, and for allocating resources, duties and responsibilities. Officials normally represent the central government in such meetings. There is no formalized system for how and when such cooperative meetings should be organized. But certain procedures exist for systematic reporting from the municipalities to superior levels. For instance, in planning information meetings between municipalities and the County Governor and/or the County Municipality are arranged quite regularly. In situations when the municipalities are acting on their own as more or less autonomous entities, the connection between the two forms of government is weaker. Knowledge about how the municipalities are working under the umbrella of municipal autonomy is in main from understandable reasons dependent on municipalities' willingness and capacities to inform.

Certain exceptions occur in situations when such initiatives lead to violation of laws and of individual rights. In such situations information will normally disseminate through the appeal or court system.