



**Lydia Heikkilä**

# Reindeer Talk - Sámi Reindeer Herding and Nature Management

Academic Dissertation to be publicly defended under permission  
of the Faculty of Social Sciences at the University of Lapland in  
the lecture hall 2 on Saturday 16th of December at 12

University of Lapland  
Faculty of Social Sciences

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Distributor: Lapland University Press  
P.O. Box 8123  
FI-96101 Rovaniemi

tel. + 358 16 341 2924, fax + 358 16 341 2933  
[publications@ulapland.fi](mailto:publications@ulapland.fi)  
[www.ulapland.fi/publications](http://www.ulapland.fi/publications)

Paperback  
ISBN 952-484-057-X  
ISSN 0788-7604

PDF  
ISBN 978-952-484-120-7  
ISSN 1796-6310  
[www.ulapland.fi/unipub](http://www.ulapland.fi/unipub)

## Abstract

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Reindeer talk – Sámi reindeer herding and nature management

Rovaniemi: University of Lapland 2006, 386 pp., Acta Universitatis Lapponiensis 110

Dissertation: University of Lapland

ISSN: 0788-7604

ISBN: 952-484-057-X

This study characterizes the central problematique between reindeer herding and modern nature management. The objects of study are the Wilderness Area Planning Projects in North Western Lapland (Finland). They are examined as cases of implementing nature management in practice adapting the global ideas of environmentalism and national objectives and interests. As a contrast surface are used corresponding cases of nature management in Western Finnmark (Norway).

I inspect how the proposed institutional arrangements and argumentations related to nature management are produced and legitimized, and how reindeer herding is taken into consideration. In particular, I search for traces of environmentalism in the ways of constructing nature management. Environmentalism is understood as a kind of epistemological break in the principled ways of conceiving and arranging governance of nature. Related to it, I inspect how the new practices of nature management reframe the local ways of organizing use of nature, and how it is received in the local community. I approach the matter expressly from the perspective of reindeer herding, and inspect how the role and space of reindeer herding as a traditional land use form is affected. In particular, I am concerned about the relationship between the particular way of constructing nature management and the conflicts that pertain to implementing management.

In theoretical terms, on the foci are the discourses and institutional practices through which nature is made manageable and managed. I depart from a functional perspective, where discourses and practices are seen mutually intertwined. The discourses are produced in the course of an actual negotiation process, and along with it have material consequences and influences. I explore the main contents of the argumentations of the two parties and seek to find out the most important argumentation principles and contextual understanding that they draw from. The target is to provide new understanding to the current management situation, and perspectives for bringing together the divergent views in practical management issues. Second target is to illuminate which aspects of the naturalized ways of thinking and organizing the institutional practices the talking back of reindeer herders' addresses and how.

In connection with it, especially three factors are brought into focus; the particular adaptation of the concept of diversified use of nature in wilderness areas, the numerous side-negotiations that are run parallel with the official negotiation agenda and partly undermine the balance of power of the negotiations, and the authority questions at large. Reindeer herders refer to the immemorial usage rights and raise a question of the principles of common use

and enhancing productivity of nature. As the dominating principled objectives of nature management they have contributed to promoting new uses of nature and increased average usage level. Moreover the argumentation of reindeer herders reminds that power and responsibility are inseparably intertwined and should be returned in more substantial form to immediate users.

Key words: Sámi, Reindeer Herding, Nature management, Environmentalism, Naturalized way of thinking, Dominant discourse, Talking back, Apparatus

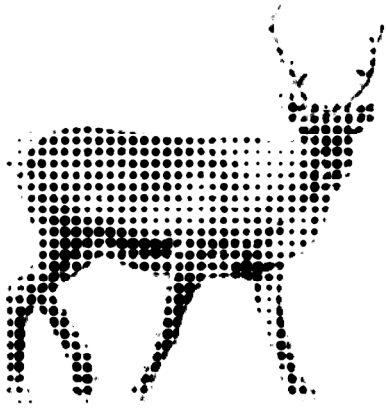
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## PREFACE

Writing the PhD-thesis is a long and colorful project. This thesis is no exception. During the long process, the research subject has gone through several substantial changes and reorientations before achieving its current form. From the beginning I was interested in the dynamics of the encounter of the reindeer herding Sámi community and the Finnish society. My research interest was directed especially at the interplay between the naturalized institutional and discursive practices of the dominant society and the Sámi ways of thought and conduct. The interest was based on everyday observation of my living surroundings in a reindeer herding Sámi community. The initial focus was on the multiple impacts of the institutional practices of the welfare state on the facilities of practicing reindeer herding. However, participation in different research projects related to the problematic between reindeer herding and land use management shifted the final focus of interest to these questions.

To begin, I am grateful to Professor Ludger Müller-Wille (McGill University, Montreal, Canada) who, as the Director of the Arctic Centre (University of Lapland) in late 1998, approved my application in the Canadian research project, “Sustainable Development in the North – Conditions for Food Security.” My PhD studies began initially as a part of the project, which was financed by the Social Sciences and Humanities Research Council of Canada (SSHRHC). Participation in this international project proved to be very fruitful, as I was able to establish valuable contacts with the circumpolar research community and familiarized myself with the most urgent questions related to the Circumpolar North.

The primary contextual understanding concerning the research question derives from my experiences in participating in the Wilderness Area Planning Projects in Enontekiö. During 1995–1998 I was employed for several periods in Metsähallitus Wilderness Area Management Section, serving as an external expert. In 1999, I had another opportunity to go in detail into the related questions while I was employed in the Natural Resource Planning Project of Metsähallitus, District of Northern Lapland. I

am grateful to the administrative authorities of Metsähallitus, especially Pertti Veijola, Liisa Kajala, and Teppo Loikkanen for offering me this opportunity, which facilitated an active communication of the divergent viewpoints. This founding experience has contributed significantly to my understanding of the situation and in defining the research question.

In 2001, I joined the international research project, “Quality of Life and Management of Living Resources: The challenges of Modernity for Reindeer Management – Integration and Sustainable Development in Europe’s Subarctic and Boreal Regions (RENMAN).” The project was financed by EU, and lasted altogether for three years. During the project, I familiarized myself more closely with the research questions, collected the research material, and conducted the primary analyses. At the same time, the scope of study was enlarged significantly when comparison with the case of reindeer herding in Inner Finnmark was attached in the research task. Additionally, the research question was refocused to include the traditional knowledge of reindeer herders. At this stage, I was assured of the fact that the questions related to Sámi and reindeer herding are typically transnational. Not only is the historical background common, but also the main problematique today is similar. This fact should be paid more attention in the central conflicts in handling nature management. I am extremely thankful to Professor Trond Thuen (University of Tromsø, Norway) for being my supervisor and informing me of the fundamentals of these questions. I also thank the working companions in the RENMAN project for advice and alternative views. The field trip to Pöyrisjärvi with Trond Thuen, Hugh Beach, and Yulian Konstantinov was an especially memorable experience.

To all appearances, governing the use of nature through central authorities and national objectives is a relatively novel phenomenon in the region. It is evident that many traditional and informal customs have retained their place in organizing local land use management. Because of this fact, the case forms an interesting counterpoint to the hegemonic discourse and institutional practice of nature management and, therefore, is an interesting object of study. Having lived as a part of the reindeer

herding Sámi society, I have had the opportunity to learn to know and understand the central viewpoints and reasoning behind the argumentation of the Sámi reindeer herders. Looking from the particular borderline position, my interest is directed especially at the inter-cultural communication between people with different viewpoints. Instead of being the research objects, Sámi reindeer herders are regarded as active agents in the negotiation project concerning the arrangement of their actual living conditions. At the same time, the research focus points back essentially at the majority society and at “our” naturalized practices.

From the beginning I was associated as a PhD-student at the University of Lapland, Department of Social Studies. The PhD seminars offered a wonderful opportunity to learn to articulate a wide variety of issues and to enlarge the views. The distant seminar meetings at Ivalo, Saariselkä, and Pallastunturi, provided to be especially unforgettable experiences and opportunities for engaging in deep-conversations. In particular, the great mental support of the new discipline of Skoeboology, which was established on Kiilopää, was an inexhaustible source of inspiration and energy. Most of the prominent skoeboologists, such as Aini Linjakumpu, Seija Tuulentie and Leena Suopajarvi, have already defended their thesis and attained established positions in the academic community. A few others, like Erkki Pääkkönen and Antti Kettunen, will follow me soon.

Ever since the Food Security project I have shared a close working companionship with Anni-Siiri Länsman (Oulu University). Both of us were living and conducting the studies in the periphery, sharing similar experiences, views and sensations of the life situation, and supporting one another in many ways. I remember always our deep self-reflective discussions at 4 a.m. in Montreal, while we were suffering from the jetlag. The PhD project quite evidently offers an opportunity to grow as humans, too. While writing the thesis we also write about ourselves. Thank you for being part of the process. Also I owe a particularly warm thank to my dearest colleague Maritta Stoor (University of Jyväskylä); our explosive first meeting grew rapidly into a close friendship with mutual respect and support. During the long telephone conversations regarding our respective research

subjects – which, despite our different orientations, carry many similarities – she illustrated the details of the negotiation concept from the perspective of the communication studies. It helped me greatly in finding my way in discourse research.

During the last stage of my doctoral work, I was accepted in the Arctic Graduate School of the Arctic Centre and was associated again more closely to the University of Lapland, Department of Social Studies. Prof. Asko Suikkanen and Prof. Suvi Ronkainen became my supervisors. It is thanks to their tireless guidance that the final shape of the research thesis has come about. As a result of a laborious working process, we succeeded in arranging the complex and multifaceted research problematique into a manageable form. At this stage I also received wise comments from Prof. Jukka Mäkelä. I thank you all very much for your patience and greatly appreciate your expertise. It surely was a learning process. Also I thank Birgitta Åhmann (University of Uppsala), who was appointed as my supervisor by the Arctic Graduate School. Her tranquil and supportive manner and competence in natural scientific questions proved to be invaluable. I look back wistfully on our versatile supervising meetings at the Arctic Centre café with coffee and cake.

Conducting research work is a good example of modern “*précariat*” (the persistent precarious economic situation of the people, with temporary jobs and short-term assignments). In addition to the funding mentioned above, this research was also financed by the Ministry of Agriculture in Finland (Porotalouden ja luontaiselinkeinojen tutkimusvarat), the Cultural Foundation of Lapland (Lapin kulttuurirahasto), the University of Lapland, and the Arctic Graduate School. In addition, Sámi Instituhtta / Nordisk Samisk Institutt (Guovdageaidnu, Norway) has financed a part of my research work and provided contacts and co-operation in Sámi questions.

Living in the periphery, access to knowledge becomes a key issue. I am grateful to the staff of Enontekiö library for their unrelenting efforts in obtaining books from distant libraries. Similarly, I thank the employees at the Library at the University of Tromsø, Sámi Allaskuvla, and the administrative authorities in

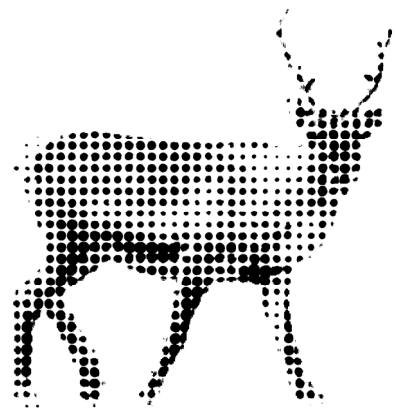
reindeer herding, land use, and nature management, especially in the Provincial Govt. Office of Finnmark Environmental Dpt. for providing me with research material. Also, I thank Dr. Joan Kluwe for providing me literature from overseas. In addition, I owe thanks to Kristiina Vuopala (Metsähallitus) for explaining in a clear-headed manner all the organizational twists and turns of Metsähallitus and to Heikki Hyvärinen (Sámediggi) for patiently clearing me the juridical fundamentals. If there are mistakes in these questions, it is solely because I have not come across to ask right questions. Furthermore, I thank the appointed pre-evaluators Dr. Ilmo Massa (University of Helsinki) and Dr. Ari A. Lehtinen (University of Joensuu) for their critical and constructive comments on the manuscript. The text has definitely improved thanks to the comments. Concerning language corrections I owe a huge thanks to Dr. Eileen Johnson, who tirelessly and with great expertise edited the text. I wish I could have given you decent working hours and routines. I also thank Richard Foley (University of Lapland) for consulting the language problems during the earlier stage. Writing in a foreign language surely increases manifold all the challenges. I also thank Ritva Lahtinen for doing the layout, Niina Huuskonen for the cover illustration, and the University Press for working with a short timetable.

Finally, I owe a warm thank to the closest people around me. As I stated in the previous, it has been indeed a long and winding road. I thank my parents, family and friends for supporting me in each and every turn. My sons barely know time before I began work toward a Ph.D. I am sure that they are happy about the fact that the computer is finally vacated, and I have time to look for a decent job. I am sorry for the fact that my father could not live on to see this happy day when the work is at last completed.

I dedicate this book for my late father.

Vuontisjärvi 13<sup>th</sup> of November 2006, when the Arctic Night is falling

Lydia Heikkilä



## 1 INTRODUCTION

This research is directed to the Wilderness Area Planning Projects in Enontekiö, Northwestern Lapland (Finland). Wilderness planning in Finland started in early 1990s shortly after the Wilderness Act was passed. Based on this act, 12 wilderness areas were established, 10 of which were situated in the District of Northern Lapland. As a result, vast ranges of nature (land in natural state) were brought under an integrated system of direction and control. The purpose of wilderness planning was to draw well-grounded management plans for each wilderness area. From the beginning, the aim was to adjust the prescribed goals of the Wilderness Act to the targets of nature protection and to the prevalent land use needs. Metsähallitus (Forest and Park Service in Finland) was given the responsible administrative authority to draft such plans. For this purpose the Natural Heritage Service of Metsähallitus started a Wilderness Area Plan, the dominant period of which lasted from the mid 1990s till early 2000s. A majority of the plans were completed by the end of 2004 although even now, some plans have yet to be validated by the Ministry of Environment.

The subject of this dissertation concerns enhancing governance related to natural environments and use of nature. The focus is on two designated wilderness areas – The Wilderness Areas of Pöyrisjärvi and Käsivarsi – that are predominantly situated above the tree line consisting of tundra nature and strips of boreal forests. The intention is to examine these Wilderness Area Planning Projects as cases of emerging *nature management* and of the substantial changes that it entails in governing use of nature. This topic is important because social scientists need to understand how the new principles and institutional practices of nature management are constituted, and how they are received in the local community. More precisely, I am concerned about the relationship between the particular way of constructing nature management and the conflicts that pertain to implementing the management.

In this case, I approach the matter expressly from the perspective of reindeer herding, and inspect how the role and

space of reindeer herding as a traditional land use form is affected locally. The intention is to investigate from the perspective of Sámi reindeer herding how the ways of producing and legitimating nature management are in contradiction with their views and whether they contribute to sustaining confrontations between reindeer herders and the administrative authorities. The goal of this study is, therefore, to illuminate and open how current nature management practices appear from the angle of Sámi reindeer herding and the viewpoint of the related ways of thinking.

What is specifically novel in the Wilderness Area Plan is that it formed a relatively integrated composite in which fundamentals of nature management were, for the first time, discussed publicly on a wider scale and explicitly defined. In comparison, the former administrative practice was typically less complex and visible, performing mainly statutory office duties that were minor. During the 1990s the numbers of duties and obligations directed at nature increased tremendously. International conventions concerning environment and nature protection set high standards for national nature management. The reorganized regional and local bodies for nature management were made responsible for adjusting the international requirements to the national targets. In association with the Wilderness Area Plan, Metsähallitus decided to introduce an extensive participatory approach. This planning method allowed a wide range of participants with divergent views and interests to participate actively in planning. Numerous hearing procedures were arranged for public presentation and discussion of the diverse claims. As a result, a relatively large collection of material is available that documents the proceedings and opinions of key stakeholders. This material forms the empirical research material of this study.

As a result, it can be said that nature has, in a new way, become an object of management through which complex matters are defined and handled. The wilderness area planning projects can be read as an example of the implementation of the new ideas of nature management. It is also realized in national park and nature reserve management and, to a certain extent, influences the management of natural environment under municipal land use



planning. The question fundamentally concerns organizing the relations between nature and human beings, and inter-human relations. In this sense, it is vitally connected with arranging the life of communities and their functioning. On one hand, the planning projects involve producing institutional administrative practices for nature management including establishing the authority and consolidating the position of the governing bodies, agreeing on the norms, and settling the overall principles of conduct. On the other hand, the projects involve negotiating and producing certain ways of understanding the involved matters and the world at large. It implies production and exchange of knowledge in support of decision-making and for legitimating the decisions

The central pursuits of nature management are obviously closely related to the wide-ranging global and national transformation processes in which the major challenges and responsibilities in land use, natural resource management, and nature conservation are being reorganized. I am referring to the rise and establishment of the environmentalist concern, with its associated frame of thought, discourses, and institutional practices. This has been going on in the Western societies since the end of 1980s. The evolving global ideas and conceptions of environmental management have quite obviously instigated and shaped reorganizing institutional practices for managing nature.

In association with the divergent nature management projects, conflicted set-ups and confrontations are commonplace. These confrontations are signs of some discordance in conceiving matters. Some of the discordances appear to be deep-rooted, and give rise to recurring confrontations. Communications among these agents regarding the central questions often reveal substantially divided opinions. The views tend to get repeatedly conflicted, and these agents often take diametrically opposite positions. In the local Northern communities, nature (land) is evidently a significant issue. It is one of the most important resources for economic activity, subsistence, and livelihood, as well as a vital material foundation of culture and identity. In short, nature constructs and frames importantly people's everyday life. The numerous local disputes, controversies, and conflicts

related to nature management today tell about the urgency of the issue. It is apparent that many decisions in nature management significantly affect the customary ways of locally organizing use of nature. They have manifold influences on land use opportunities and challenge some of the traditional ways of thinking. Moreover, questions of nature management have the capacity to become articulated on to the local disputes between different population groups and aggravate the existing tensions.

From the perspective of the Sámi reindeer herders, the questions related to use of nature have a special weight. Free-grazing reindeer herding is a land-extensive livelihood and therefore vitally dependent on land. Land use decisions have often significant effects or bearings especially on the preconditions of reindeer herding. On the other hand, reindeer herders claim to hold customary land use rights that are based on immemorial usage. Therefore, they possess a special status in all land use negotiations compared to other land users. Moreover, because reindeer herding is one of the vital material and symbolic foundations of Sámi culture, and its status is reinforced by the Constitution of Finland. The question of Indigenous Rights is thereby closely intertwined into the matter.

I investigate the wilderness area planning projects as cases of nature management. I examine what is involved in the recurring disputes in managing tundra nature, and why a confrontation seems to take place repeatedly between reindeer herders and management authorities. In association with it, I intend to open up the argumentation of the administrative authorities, and seek to explore through which discursive and institutional practices nature management is produced and legitimated. Correspondingly, I inspect how the general principles of nature management are constructed and how reindeer herding is taken into account. Furthermore, I investigate how the reindeer herders formulate their response to the management argumentations, in which aspects their views deviate from the views of the administrative authorities, and on which points they question. Besides opening up the central argumentation principles, the intention is focus on the contextual connections of the argumentations. I seek to make visible the contextual under-

standing on which the argumentations rely and through it make the arguments of the two parties more understandable. In order to deepen and enlarge the picture, I contrast the main points against other cases of nature management including national park management and management of non-protected areas of tundra natural environment. I take three cases of nature management in Western Finnmark in Norway, and use them as a contrast for the purpose.

The general target is to provide new perspectives on the current management problems and bring together the divergent views. An additional aim is to discuss some of the wider, theoretically important questions related to the environmental issues. Nature management is essentially connected with the emergence of environmentalism and the institutional practices of environmental management. In association with it, I will also debate which aspects of environmentalism do the views of the reindeer herders bring into question, and how. To a certain degree, this will contribute to the wider need for self-reflexivity of the modern society.

## 2 RESEARCH PROBLEM, THEORETICAL BASES AND METHODOLOGICAL CHOICES

### 2.1 The research problem and theoretical bases

This study is an attempt to characterize the central problematique between reindeer herding and modern nature management. To all appearances, reindeer herding has become a curiously conflicted issue when a new kind of governance is implemented in Northern natural environments. It has turned out that in the wilderness area planning projects, a similar situation has arisen. While the extensive participatory planning projects succeed in handling and settling several divergent, even contrasting, viewpoints the confrontations between the views of administrative authorities and reindeer herders tend to remain repeatedly without a mutually satisfying solution. At the end, the disputes are often settled in High Administrative Court. For instance, in connection with the Pöyrisjärvi Wilderness Area Planning Project, such an appeal was made by Sámediggi (Sámi Parliament) as the official representative of Sámi and reindeer herding. After having personally taken part in these local nature management projects, I have been assured of the urgency to find out what this persistent confrontation situation is about.

I aim to investigate and illuminate some of the main features and underlying factors of the recurring confrontation situations between the views of the administrative authorities and reindeer herders. The idea is to inspect more closely how the proposed institutional practices and arguments related to wilderness area management are constructed and legitimated, and how reindeer herding is taken into consideration. I will look into the matter specifically *from the perspective of reindeer herders* and try to find out *how nature management appears from their viewpoint, and which aspects and ways of producing nature management are in contradiction with their views*. In association with it I try to detect whether there are obvious connections between the ways of constructing nature management and the repeatedly occurring confrontations in practical nature management situations.

I inspect the above mentioned research problem in the context of the wilderness area planning projects in Enontekiö, Northwestern Finland. It is a case of adapting nature management in practice within the framework of national environmental policy-making and principles. Related to this, I look especially at how the new practices of nature management reframe organizing uses of nature, and how such practices are received by Sámi reindeer herders as a particular case of a local population. In this respect the situation is an example of the encounter between modern and traditional local customs, ways of thinking and organizing use of nature with included conceptions of subject positions and power relations. In particular, I search whether the global environmentalist principles and ways of thought are discernible in the ways of constructing nature management nationally. In connection with this study, I understand environmentalism as a kind of epistemological break in the principled ways of conceiving of and arranging governance of nature. As a contrast surface for this investigation, I use corresponding cases of arranging nature management in the immediate vicinity, in Western Finnmark, Norway. The idea is to find national specifics in adapting global nature management principles in practice, detect some alternative strategies in accomplishing the task and in the reactions of reindeer herders.

The investigation intends to illuminate the question setting first and foremost from the angle of Sámi reindeer herders. It is an angle which, in public communication, often remains obscure or one-sided, and therefore should be better analyzed. I analyze two wilderness area planning projects from the conflict perspective. The intention is to open and illuminate how nature management (legislation, institutional systems and practices) appears from this perspective. Additionally, I will attempt to depict and make more understandable why certain questions related to reindeer herding become conflicted when the logic and rationale of reindeer herders and nature management authorities come face to face.

The main foci are the *discursive* and *institutional practices* through which nature is made governable and governed. I depart from a functional perspective, where discourses and practices are seen as mutually intertwined. The discourses are produced in the

course of an actual negotiation process, and along with it have material consequences and influences. Consequently, the nature management negotiations, conducted as a part of the wilderness area planning projects, both organize the material life world of the people, and contribute to integral ways of understanding it.

### *Nature management*

‘Nature management’ is the central concept of this study. It was not easy to find an appropriate term. Terms carry typically contextual loads and connotations. They refer to the concrete cases to which they have previously been applied. In this sense, they represent and suggest certain culturally specific ways of signifying reality. It is particularly difficult to choose the right term when one is dealing with many languages, cultures, and contexts, as is the case with this study. In addition to the wilderness area planning projects in the Northwestern Lapland (Finland), this study also includes corresponding cases of nature management in Western Finnmark in Norway. Furthermore, I use the English language and literature in this study, and am inevitably bound to the implied cultural conventions and contextual meanings that result.

I use ‘nature management’ as the paramount concept that covers the variety of discursive and institutional practices and efforts related to enhancing governance of nature. More precisely, I use this term to refer to the ways of producing and legitimating governance systems and order for directing and controlling use of nature in the specified localities. The type of nature that this study refers to in particular is often described as ‘land in natural state’, ‘natural environments’ or ‘wilderness-like areas’. Typically, these kinds of areas are simultaneously objects of statutory conservation measures and restricted exploitation of natural resources. Strict nature reserves and natural environments of predominant economic interest are defined beyond the scope of this research. In other words, this is a focused study on adjusting mixed use in wilderness-like areas. In Northern Lapland (Finland) they are defined as Wilderness Areas. In Finnmark (Norway)

wilderness legislation does not exist as such, and the focus is on national parks and ‘outfields’<sup>1</sup>.

In this particular case, nature management relates to *land use management*, *natural resource management*, and *nature conservation*, carrying features of all these functions. In a wide sense, nature management can be regarded as execution of *environmental policy*. In brief and simple terms, environmental management can be understood as divergent administrative and political measures aiming at controlling and handling environmental problems. Protection of natural environments (e.g. wildlife conservation, wilderness preservation) is one of the central objectives of environmental management. Enhancing governance of divergent environments is the central tool in fulfilling this aim. Haila & Lähde (2004) speak of *nature and environmental management practices*<sup>2</sup> as parts of environmental policy, marking the difference between ‘nature’ and ‘environment’.

I speak of nature management as a distinct form of executing and producing nature and environmental policy. It is obvious that behind the investigated phenomenon underlie important questions of policy-making. However, these aspects are basically not addressed within the focused scope of this study.<sup>3</sup> In practice, nature management entails arranging the relations between users/nature/state of nature within the framework of the interests and obligations subjected to it in the form of international conventions and national laws, orders, conventions and agreements. It entails construction of categories, such as “wilderness area” or “national park,” and definition of qualities. In addition, it includes establishing administrative institutions and institutional practices, setting objectives, and drawing strategic plans for adjusting together the various needs and interests. Besides institutional practices, it involves essentially discursive practices, whereby shared knowledge of nature management is produced.

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<sup>1</sup> ‘Outfields’ is the English translation for the Norwegian word *utmark*, which literary means non-cultivated land. See a closer definition of the term in Section 4.3.3.

<sup>2</sup> In Finnish, *luonnon- ja ympäristönhoidon käytännöt*

<sup>3</sup> E.g. Kaisa Raitio’s investigation (2000, 2003) is focused on the policy-making behind the confrontations of reindeer herding and nature management.

Talking about the corresponding concepts in different languages, in Finnish the term *luonnon käytön hallinta* literally means “management of the use of nature.” In practice, such a lengthy concept is impractical. However, it is primarily in this meaning that I use the term nature management. The Finnish expression evades the related semantic problem, which rises from ‘nature management’, i.e. whether ‘nature’ can be managed or governed, as such. It turns the attention instead to managing the various uses of nature. In actual fact, the term *management* cannot be very well translated into Finnish with one word. In the context of nature, the term management is often substituted by the dual expression ‘hoito ja käyttö’ (literally ‘care and usage’). For instance, wilderness management plan is in Finnish *erämaa-alueen hoito- ja käyttösuunnitelma*.

In Norwegian, the corresponding term to nature management is *naturforvaltning*. However, the term refers to one particular administrative sector in the overall field of directing and regulating use of nature. More precisely *naturforvaltning* is the name for a sector of environmental administration that consists of different controlling and regulating duties predominantly related to “nature conservation.” Drawing the management plans for the protected areas such as national parks and nature reserves belongs to this category. Further on, administration of natural environments other than the protected areas is called *utmarkforvaltning*, which literally means “management of ‘outfields’ i.e., non-cultivated land.”

This study deals with areas where Sámi culture and language are vital. The fact that nature management is a novel institutional practice is demonstrated especially in Sámi language. There are plenty of “neo-words” in Sámi designed for administrative purposes, the position of which is only gradually being conventionalized in everyday use of language. Moreover, the corresponding terminology in North Sámi (Davvi) seems to follow the institutional administrative practice and concepts in the two states reflecting the difference in national practice described above. Terms like *biráshálddašepmi*, which is analogous to environmental management, or *luondduhálddašepmi*, which is analogous to nature management, are used. Moreover, the term



*luonddugáhtten* is often used as a synonym for nature conservation. Otherwise, it is beyond the scope of this study to perform a detailed semantic analysis of the traditional Sámi ways of relating to use of nature and the relevant signifiers. Additional information on this subject can be found, for instance, in the works of Helander (2001), Oskal & Sara (2001), Länsman (2004), and Schanche (2002).

In the United States, terms like “wilderness management,” “range management,” and “forest management” are publicly validated concepts. They refer to certain institutionalized practices in land use management. Wilderness management and range management are concepts closely related to my case. I will discuss the ideological background of “wilderness management” shortly in the context of this study, because it has certain connection points to the situation in other countries as well. However, I do not use any of these terms as such because I want to retain a distance to the taken for granted conceptual understanding that they represent.

I use the somewhat clumsy and non-established concept, “nature management” (equivalent to “management of nature”) as the central concept in this study. It is intended to be a relatively neutral, general term that would allow investigating the formation of the particular administrative practices and ways of talking and thinking about the related phenomena. The wilderness area planning project represents a case of nature management that is directed to a particularly designated area. There are alternative ways of categorizing and managing nature. As an example, I contrast management of wilderness areas with management of national parks and non-protected natural environments, such as ‘outfields’ in Finnmark (Norway). Following Foucault’s approach<sup>4</sup>, I do not take the statutory-defined wilderness areas as the self-evident object of study. Instead, I study how the manageable object emerges, i.e. is constructed through certain discourses and institutional practices. Correspondingly, the wilderness-planning project marks the arrival and adaptation of management ideology in governing use of nature. The intention is

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<sup>4</sup> Foucault 1990

to try and get beyond the naturalized ways of thinking involved, and be able to address the historical and cultural constructedness of the phenomenon.

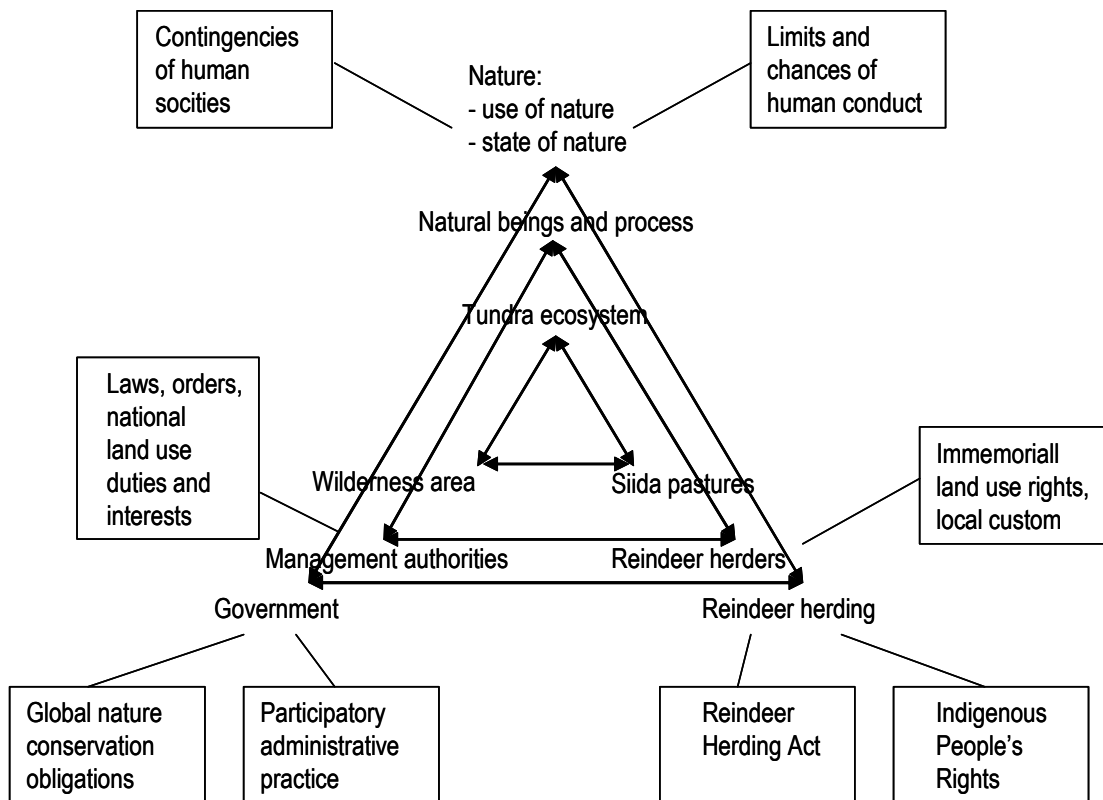
More concretely, the administrative practices that are analyzed in this study belong to the field of wilderness area management in the District of Northern Lapland in Finland. My immediate objects of study are the two Wilderness Areas of Pöyrisjärvi and Käsivarsi. These are situated along the border Norway, and carry many similar features with each other. The natural conditions, cultural specifics and local usage patterns in these areas resemble those on the other side of the border in Finnmark a great deal. The main characteristic feature is the prominence of Sámi reindeer herding. It is one of the most important traditional means of livelihood and land use forms that has retained a strong local status. Furthermore, discrepancies between the views of management authorities and reindeer herders seem to be similar regardless of some obvious differences in nature management between the two nations. On these grounds, it is reasonable to contrast one case against the other, and to focus specifically on the perspective of Sámi reindeer herders.

Within this phenomenon, the focus is basically on the relationships between 'nature' (use of nature and state of it), governance, and reindeer herding. Nature management can be seen as the function of the mutual relations between these elements. The set-up consists of different dimensions such as actors, spaces, and discourses. (Figure 1.) The administrative authorities, reindeer herders, and 'nature' are the inspected actors in the process. The acts of management authorities are framed and conditioned by prevalent conventions, laws, orders and regulations, administrative practices, and pursued national policy lines. Besides, the international conventions on nature conservation, especially on maintaining the biological diversity, impose orders on the nature management authorities. They are binding on the administrators and other agents, set the norms for the use of nature, and function as justification for the argumentation of the chosen policy lines. In addition to the stipulated administrative duties, there are a number of claims directed at nature by diverse

interest groups. The administrative authorities are responsible for implementing the laws and regulations, and for adjusting the various interests. In modern nature management, where participatory planning method is applied, adjusting takes place in an extensive negotiation procedure such as the wilderness area planning project.

Reindeer herders form a local actor group, which is one of the appointed stakeholders in nature management negotiations. Authorized by the Reindeer Herding Act (848/1990), reindeer herders have particular protected status as land users, which distinguishes them from other local stakeholders. Furthermore, as a traditional means of livelihood, reindeer herding has developed internal systems of nature management, which partly compete with the formal management systems. Finally, Sámi being an indigenous people, the international conventions of Indigenous People's Rights are connected with the case.

According to Haila (2003), Latour (2003), and Connolly (2003), natural beings/creatures and processes are subjects or actors in nature management. They participate actively in shaping the contingencies of human societies, and provide material for the debate about the limits and chances of human conduct. Therefore, according to them, nature is political. Further on, it has given rise to nature and environmental policies as a central part of modern societies.



**Figure 1.** The research set-up: The central actors, spaces and discourses involved in nature management.

Nature management involves and produces particular spaces and conceptions of it. The designated wilderness area is an example of the space constructed by the administrative authorities. Correspondingly, reindeer herders base their arguments on other conceptions of space congruent to their overall worldview. This may not necessarily, in all respects, be synchronous with the authorities' definition, as I will investigate in the course of this study. Nature is a space itself. In natural scientific conception, the specific area in question is categorized as tundra ecosystem. In the figure, the lines that depart from or arrive at the tips of the triangle mark the discourses that are utilized, modified, and produced in argumentation, in the course of management negotiations. What these discourses are, more precisely, is one of the things to be explained in the course of this study.

Altogether, we could say that nature management is a meeting-point for global and national ideas, and interests that frame the administrative conduct with the local reality. Reindeer herding represents in this study a particular case of locality, where

the influences and consequences of the management meet and are materialized in a particular way.

### *Social constructionist perspective*

I set out from the theoretical understanding of social constructionism. According to the classic work of Berger & Luckmann (1968), our conceptions of the world are socially constructed. We acquire “knowledge” and convey our conception of “reality” through concepts that are socially constructed. It means that our knowledge about reality is always mediated. Reality is always presented as a particular kind within the compass of categories, concepts, signification systems, and values that are culturally textured. This does not necessarily imply that the material world would not exist as such, with mechanics of its own, but that we can only communicate about it through concepts that are socially constructed. Representing reality takes place through signifying practices in language.<sup>5</sup> Discourse is a central element in this process. It is understood as a shared way of comprehending and communicating about the world, which is embedded in the language. It enables those who subscribe to it, to interpret bits of information, and put them together into coherent stories or accounts. In this way, each discourse views the world in a particular way, which is not always easily comprehensible to those who subscribe other discourses.<sup>6</sup>

Setting out from this perspective, argumentation between two parties, such as the administrative agents and reindeer herders, can be understood as diverging cultural narratives, drawing from culturally shared assumptions, rationality, values, and customs. In correspondence, management of nature can be understood as cultural communication, as negotiations between culturally specific narratives. Argumentation of the two parties can thus be read as culturally specific ways of making sense of the world and signifying reality.

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<sup>5</sup> Fornäs 1998, Grossberg 1995, Hall 1997, Lehtonen 1996

<sup>6</sup> Dryzek 1997, 8

Stuart Hall (1992) points out that significations are fundamentally social products; they are results of social practices. Social reality figures as a complex field of parallel or mutually competing signification systems, which signify the world, vital processes, and relations in different ways.<sup>7</sup> Things and matters do not have or suggest particular significations, as such. Instead, signification potentials are seized and actively exploited in social interaction processes.

Following this point of departure, I read the argumentation concerning reindeer herding as accounts by which the actors make sense of themselves and the world. The accounts are inextricably tied to their social context. They are based on the prevalent ways of making sense of the world, i.e. significations, which the subject draws from the world at the same time they contribute to formulating how the world will be conceived. In their accounts, subjects must make use of culturally acceptable *discourses*. Discourse is a relatively coherent signification system or horizon that constructs reality in a particular way. Accounts thus maintain, reinforce, and modify generally accepted cultural conceptions and ways of signifying reality.<sup>8</sup>

In correlation, the argumentations of the administrative authorities and reindeer herders are not to be seen as two comprehensive, predefined, unchanging entities. There is apparently considerable heterogeneity within the views, and the views of both parties may also contain certain inconsistencies or internal contradictions. The argumentations are situationally produced, positional views, which take shape in communication and contrast with one another. The inherent varieties and changes will be addressed up to extent that it is possible within the framework of this thesis.

On the whole, discourses are inextricably linked with *production of knowledge*. They are ways of referring to or producing knowledge about a particular topic or practice.<sup>9</sup> This

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<sup>7</sup> Potter & Wetherell 1987, 146–157; Fairclough 1989, 22; Jokinen & Juhila & Suoninen 1993, 24–25; Suoninen 1997, 27

<sup>8</sup> Foucault 1986, 107; Wetherell & Potter 1992, 90; Jokinen & Juhila & Suoninen 1993, 27

<sup>9</sup> Hall 1997, 6

knowledge has influence on social practices. It means that cultural meanings are not only “in the head.” They organize and regulate social practices, influence our conduct and consequently have real, practical effects.<sup>10</sup> In this sense, significations are always historical and material; they are products of historical processes, connected with certain spatially and temporally defined contexts, events and agents, and have urgent material linkages and consequences. Accordingly, nature management procedures are essentially about producing and processing knowledge of reality. In the involved management projects, knowledge of reality is produced and mediated at the same time as administrative principles and means are negotiated.

According to Milton (1992), in social sciences the term ‘discourse’ can be used for two specific meanings: *a process* and *a substance*. Discourse as a process denotes how social reality is constituted by the organization of knowledge in communication.<sup>11</sup> Discourse as a substance, in turn, denotes a field of communication defined by its subject matter or the type or language used, i.e., discourse about the environment or the language used in the context. In practical social scientific use, these features cannot always be separated, but they are simultaneously implied.<sup>12</sup> It is noteworthy that discourses are not expected to be always homogenous, internally consistent, or coherent. It is more like the polyphonic communication of a topic area in which an array of sub-discourses or parallel discourses is activated, depending in each occasion on the social position, mutual relation, and history of the participants. While we often refer to *a field of communication* as a discourse, such a field may also comprise several diverse or competing discourses.<sup>13</sup> In other words, we are talking about *a discursive practice* or *a process*, which is alive, being reinforced, transformed, and re-articulated in everyday communication practice.

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<sup>10</sup> Hall 1997, 3, Lehtonen 1996, 52

<sup>11</sup> Milton 1993

<sup>12</sup> Milton 1993, 8

<sup>13</sup> Milton 1993, 8; (italics added)

## *Discourse research*

In terms of theoretical background, I identify my research with *discourse research*. Often, a parallel name *discourse analysis* is used. Discourse research is usually described as a relatively flexible theoretical framework, which allows divergent emphasis and methodological adaptations, depending on the topic, type of data, as well as on scientific orientation, academic discipline, traditions, and theoretical commitments.<sup>14</sup> According to Wood and Kroger (2000), discourse research is a perspective on social life that contains both methodological and conceptual elements. It involves ways of thinking about discourse (theoretical and meta-theoretical elements) and ways of treating discourse as data (methodological elements). Discourse research is, according to them, not simply an alternative to conventional methodologies; it is an alternative to the perspectives in which those methodologies are embedded. Referring to Potter & Wetherell (1987), they define discourse research as “a related collection of approaches to discourse, approaches that entail not only practical data collection and analysis, but also a set of meta-theoretical and theoretical assumptions, along with a body of research claims and studies. It is a perspective on the nature of language and its relationship to the central issues of social sciences.”<sup>15</sup>

Discourse research facilitates many different orientations varying from semantic analyses of significations to investigations of functional aspects of discursive practices and their impact and effects. What combines the different schools and traditions in discourse research is that discourses are understood as *social practice* or *social action*. It is presumed that language use constructs reality, signification processes are contextually bound, parallel signification systems exist, and that use of language has many functions.<sup>16</sup> However, the general stance in relation to the material world and reality varies. In connection with it, discourse research is often divided into *radical* and *moderate*, depending on how the relation between language and material world is defined.

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<sup>14</sup> Jokinen & Juhila & Suoninen 1993, 17; Wetherell 2001, 380

<sup>15</sup> Wood & Kroger 2000, 3

<sup>16</sup> Potter & Wetherell 1989, 4; Jokinen & Juhila & Suoninen 1993, 17–18



According to radical social constructionism, there is no access beyond language. Language is the primary object of study. According to the moderate approach, the material world is recognized in the absence of linguistic processing, but our knowledge of it is essentially mediated through language and communication.<sup>17</sup>

I identify myself with the moderate conception of social constructionism and discourse research. I follow the lines of Fornäs (1998) Grossberg (1995) Hall (1997) Lehtonen (1996), who have asserted that representations are corporeal in the sense that they have material interests and actual material consequences. They take place in actual, historical contexts, and apply and adapt culturally specific signification systems confirming, transforming, or challenging them. In other words, discourses are not presented in isolation of the flow and historical continuation of social events and social relations.<sup>18</sup> In Foucault's (1989) words, it is not denied that things can have a real, material existence in the world (outside of discourse). He argues that "nothing has any meaning, as such, outside of discourse".<sup>19</sup>

In Social Sciences and Cultural Studies, social constructionism is a well-established theoretical perspective. The notion that knowledge and communication are culturally constructed and based on culturally specific signification systems does not have very much information value, as such. However, in the context of nature and environmental management, the situation is different. Environmental management is elementarily founded on a conception of the world that is constructed on ecological knowledge. Natural scientific knowledge relies typically on a realist perspective, according to which knowledge reflects reality rather than constructs it. Correspondingly, in the aim is universal knowledge. The fact that scientific knowledge is also culturally embedded and qualified within specific premises is not relevant in the theoretical perspectives of natural sciences.

Dryzek (1997) points out the significance of language in particular for dealing with environmental matters. According to

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<sup>17</sup> Lehtonen 1996, 14

<sup>18</sup> Foucault 1989, 4

<sup>19</sup> Foucault 1989, 32; Hall 1997, 6

him, the way we construct, interpret, discuss, and analyze environmental problems has all kinds of consequences.<sup>20</sup> Discourses are important as they have impact on the policies of governments or intergovernmental bodies, and on the institutional structures. They not only affect institutions, but also can be embodied in them by constituting the informal understanding that provides the context for social interaction.<sup>21</sup> In this respect policy-making is not just a matter of finding acceptable solutions for preconceived problems, but of defining phenomena into manageable problems. Further on, Hajer (1995) notes that the developments in environmental politics are critically dependent on the specific social construction of the environmental problems. In this process, the institutional context co-determines what can be said meaningfully.<sup>22</sup>

### *'The Apparatus'*

I depart from Foucault's approach to discourse research, where attention is paid to discourse as a socially shared signification system. By discourse, Foucault means a group of statements which provide a language for talking about – a way of representing the knowledge about – a particular topic at a particular historical moment. In this sense, discourse is about production of knowledge through language. According to Foucault, all social practices have a discursive aspect in the sense that they entail meaning, and meanings shape and influence what we do.<sup>23</sup> His interest was in the discursive formations, by which he means a describable regularity (an order, correlations, positions and functioning, transformations) between objects, type of statement, concepts, or thematic choices.<sup>24</sup> More specifically he focused the attention on the *complex relations* of the components of the discursive formations, and on their *strategic effects*.

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<sup>20</sup> Dryzek 1997, 9

<sup>21</sup> Dryzek 1997, 19

<sup>22</sup> Hajer 1995, 2

<sup>23</sup> Hall 1992, 291

<sup>24</sup> Foucault 1989, 38

His focus was on *the interaction of discourse and practice*. Besides analyzing the presented accounts or discourses, his research consisted of studying the comprehensive relations and interplay between the discourses and social practice.<sup>25</sup> In his approach, he attempted to overcome the traditional distinction between what one says (language) and what one does (action).<sup>26</sup> According to him, discourse and practice are neither opposite, nor directly causative, but live in manifold relations. In consequence there are: 1) discourses that elaborate the practice 2) discourses that direct or oblige the practice, and 3) discourses that are ideological.<sup>27</sup> Foucault was concerned about the ways in which things and phenomena are signified and regulated through discourses and institutional practices in certain cultural formations within specific historical contexts. He was interested in finding out the relationship between non-discursive societal force mechanisms and discursive human and social sciences. His aim was at investigating how a certain societal phenomenon is formulated into a knowable and manageable problem.

Foucault was, first of all, interested in the relationship between power, knowledge and discourse. He studied the rules and practices that produce meaningful statements, and regulate discourse. According to him, discourse constructs the topic. It defines and produces the object of our knowledge, and governs the way that the topic can be meaningfully talked about and reasoned about. It also influences how ideas are put into practice and used to control the conduct of others. Discourses ‘rule in’ certain ways of talking about a topic, defining acceptable and intelligible way to talk, write, or conduct oneself; and at the same time it ‘rules out’, limits and restricts other ways of talking, of conducting oneself in relation to the topic or constructing knowledge about it.<sup>28</sup> In other words, what we think we ‘know’ in a particular period about an object has bearing on how we regulate, control and operate the societal life. He took as an example the historical formation of punishment. According to

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<sup>25</sup> Foucault 1980, 194–195

<sup>26</sup> Hall 1997, 44

<sup>27</sup> Foucault 1986, 76

<sup>28</sup> Hall 1997, 44

him, studying punishment requires examining how the combination of discourse and practice has produced a certain conception of crime and the criminal, and how the conceptions have been put into practice in certain historically specific prison regimes.<sup>29</sup>

Foucault situated the investigations within the framework of *epistemological breaks*, by which he meant disruptions in the continuity of knowledge, science and truth.<sup>30</sup> He examined the *genealogies* of the complex interrelations between power and knowledge in producing societal norms and control. In *Birth of a Clinic* (1973), *Discipline and Punish* (1977), and *History of Sexuality* (1990) he conducted studies of the formation of social order concerning the control of madness, sexuality, and crime. His focus was not on ‘institutions’, ‘theories’ or ‘ideology’, but on practices, with the aim of grasping the conditions which make these acceptable at a given moment. To analyze ‘regimes of practices’ means to analyze programs of conduct, which have both prescriptive effects regarding what is to be done and codifying effects regarding what is to be known.<sup>31</sup>

Foucault used the term “*apparatus*” (dispositif) for describing the relations between the various elements that contribute to the formation of social order and institutional systems. He launched the concept in his work *Power/Knowledge* (1980). The concept belongs to the latter part of his production, and partly complements, partly transforms his earlier concept of episteme and discursive formations as the central analytical concepts. By the term, ‘apparatus’ he means “a heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions and their relations.” According to him, apparatus itself is the system of relations that can be established between the previously mentioned elements. What he aims to identify in the concept is

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<sup>29</sup> Foucault 1977, 38

<sup>30</sup> The underlying concept *epistémé* refers to discursive practices – regularities of ways of speaking – which knowledge and sciences are rooted on (Foucault 1989; Helén 1994, 272).

<sup>31</sup> Foucault 1990, 48

the nature of the connection that can exist between the heterogeneous elements. Thus, a particular discourse can figure at one time as the program of an institution, and at another time it can function as a means of justifying or masking a practice that, itself, remains silent. Or a discourse can figure as a secondary re-interpretation of this practice, opening for it a new field of rationality.<sup>32</sup> Apparatus is articulated onto power for which it serves as a means and expression, and it produces an imaginary, historically debatable object.

According to Foucault, the objective is to analyze production of a certain form of knowledge regarding the object, not in terms of repression or law, but *in terms of power*. By power he does not mean ‘Power’ as a group of institutions and mechanisms that ensure the subservience of the citizens of a given state, or a mode of subjugation which has the form of the rule, or a general system of domination by one group over other. In his approach the sovereignty of state, the form of the law, or the overall unity of domination are only the terminal form that the power takes. He stated that power should be understood as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization, and as a process which, through ceaseless struggle and confrontations, transforms, strengthens, or reverses them.<sup>33</sup>

Foucault’s conception of power deviates from the conventional conception where power is regarded as radiating in a single direction and coming from a special source (usually from top down). On the contrary, for Foucault, power circulates. It is never monopolized in one centre, but is deployed and exercised through a net-like organization.<sup>34</sup> We are all caught up in its circulation, as power relations permeate all levels of social life. Furthermore, he clarifies that power is not only negative, repressing, or controlling, but it is also productive in the sense that it traverses and produces things.<sup>35</sup> Connected with this, Foucault’s focus is not on the grand, overall strategies of power,

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<sup>32</sup> Foucault 1980, 195–196

<sup>33</sup> Foucault 1980, 98

<sup>34</sup> Foucault 1980, 119

<sup>35</sup> Foucault 1980, 96

but on the many localized circuits, tactics, mechanisms, and effects through which power circulates.<sup>36</sup>

Subject is another matter, which is central in Foucault's approach to discourse research. According to him, subjects are produced within the discourses. All discourses have the quality of constructing subject-positions from which they alone make sense.<sup>37</sup> In other words, subjects may produce particular texts, but they are operating within the limits of *episteme, the discursive formation, the regime of truth*, of a particular period and culture. In this sense, the subject of discourse cannot be outside discourse, because it must be subjected to discourse.

Starting from this understanding, I study how the argumentation of management authorities and reindeer herders constructs the principles and practices of nature management. Nature management, with wilderness area planning project as a case, represents the emerging system of environmental governance on the local level. It is a means of directing and controlling use of nature in this particular moment and occasion. It is also a means of producing and processing knowledge concerning related subjects. Accordingly, nature management is evolved through interplay between discourses and institutional practices.

I use apparatus as the analytical tool for identifying the important elements of this process and their mutual relations. With the concept of apparatus, I aim to detect and point out the mutual connection and relation of the discourses and institutional practices for directing, regulating and controlling use of nature and state of nature. Moreover, nature management is inextricably linked with larger processes of enhancing environmental governance in our time. It is important to consider it against the construction of environmentalist ideology, discourse, and practice of environmental management, i.e., the apparatus of environmentalism.

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<sup>36</sup> Hall 1997, 49

<sup>37</sup> Foucault 1982, 208 and 212

### *Hegemonic discourse, talking back and silence*

In discourse research, one of the inherent starting points is the existence of parallel signification systems. Central discourses can also be mutually competing. An often-used expression is “a struggle for signifying reality.”<sup>38</sup> At times, certain signification systems acquire a more powerful foothold in relation to others. Consequently, certain signification systems dominate. Power aspects pertain to all communication events, as Foucault pointed out. According to him, power is characteristically productive. It is inextricably enmeshed within social practices. Power does not refer to any group of institutions or mechanisms that ensure subservience, or a mode of subjugation, or a general system of domination exerted by one group over another. Power is the name of a complex strategic situation in a particular society at a particular historical moment.<sup>39</sup>

Dominant discourses with ideological contents can turn into *hegemonic discourses*. The term hegemony comes from Gramsci (1979). Actually, it is a term of Greek origin meaning the dominance of one group over another with or without threat of force. In the post-modern uses of the term, it refers to diverse social groups struggling in many different ways, including ideologically, winning the consent of other groups and achieving a kind of ascendancy in both thought and practicing over them. It is never permanent, and is not reducible to economic interests or to a simple class model of society. Foucault used also the concept of hegemony, but with a somewhat different meaning. He believed power to be inseparable from knowledge. He argued that, not only is knowledge always a form of power, but power is implicated in the question of whether and under what circumstances knowledge is to be applied or not.<sup>40</sup> Following Foucault, it is not actually a question of hegemonic power, but the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization. These

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<sup>38</sup> Hall 1997, Lehtonen 1996

<sup>39</sup> Foucault 1990, 92–93

<sup>40</sup> Foucault 1977, 85

force relations, however, can sometimes have hegemonic effects.<sup>41</sup>

According to Foucault, knowledge, power, and truth get intertwined when a discourse attains a hegemonic position. With truth, he refers to what is socially shared within a certain signification system. Later on, he was interested in finding out how certain knowledge systems attain the status of truth on certain occasions, i.e. become naturalized, culturally self-evident knowledge claims. In other words, he was interested in understanding how such claims form the basis of taken-for-granted assumptions in our society, and become, in this sense, largely *beyond negotiation*.

Hegemonic discourses have the power to appear as the *naturalized ways of thinking, speaking, and acting*. Correspondingly, users of other discourses have to relate their discourses to the conceptual framework of the hegemonic discourse with its conceptual system and values, and make use of these for defining their own position. In particular, hegemonic discourses have an important role in constituting and sustaining cultural self-evidences and institutional ways of speaking. In this way, they participate in sustaining confrontations or practices that may sustain problems. However, according to Foucault, where there is power, there is always resistance. This resistance is never in an exterior position in relation to power. And as with power, there is no single locus of refusal but rather, a plurality of resistances, which, by definition, can only exist in the strategic field of power relations.<sup>42</sup>

According to Jokinen & Huttunen & Kulmala (2004), everyday institutional practices have the capacity to produce centers and margins. It entails producing conceptions of who we are and who “the others” are. It takes place through differentiation in relation to others, constructing identities, and conceptions of the position of each part with included rights and duties. Institutional discourses produce hegemonic understanding. They are typically founded on and enhance a spirit of shared interests (“us”-category), and a common identity. Also, it frequently uses

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<sup>41</sup> Foucault 1990, 92

<sup>42</sup> Foucault 1990, 95



particular stylistic means, where differences are hidden, or at least, not explicitly recognized.

The term “*talking back*” refers, according to the definition by Jokinen & Huttunen & Kulmala, to a way of talking through which the actors aim at questioning, especially such hegemonic determinations and definitions that are directed against themselves. Usually such actors are people who are in some way defined into a marginalized position in society. Moreover these actors find the definitions unjust, biased or defaming in some way. Talking back aims at undermining the established ways of categorizing matters, denying them, or transforming them. Characteristically, it is always a reaction to something, containing both the response and the criticism to it.<sup>43</sup>

In nature management projects, the management authorities are regulated, instructed, and supervised by legislation, and the superior official levels. They represent the landowner quarter, who have responsibility for planning. Their discourse is, therefore, in a dominant position in relation to other participants of the planning negotiations. Like Dryzek (1997) has remarked, it is obvious that the expansion, in both volume and range, of public administration as a result of the environmentalist turn has not necessarily entailed a simultaneous shift of powers into the involved spheres.

The views of Sámi reindeer herders (of the chosen reindeer herding districts) represent a particular perspective to nature management, which functions to certain extent as a counter-example to the qualified management practice and discourse. The argumentations of Sámi reindeer herders function as talking back to the dominant discourses and the prevailing administrative practices. Through their argumentation, it is possible, within the given context to portray some of the self evident assumptions, starting points, and conducts inherent to the adaptation of nature management, and to investigate the underlying hegemonic features of environmentalism, in this case.

According to Juhila (2004), talking back can be direct or indirect, or a non-verbal activity. Silence is one type of counter

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<sup>43</sup> Jokinen & Huttunen & Kulmala 2004, 11–12

talk. Silence has different aspects: 1) the voice of people defined in margins is not heard in the society 2) people defined in the margins experience difficulty in finding words 3) silence, in itself, is a type of counter talk, refusing to engage in social interaction in situations in which a person or group of people is subjected to inferior position. According to Juhila, counter talk is always a “second move.” It is a response to some earlier discourse or ways of talking and directed against it. As a rule, talking back is directed at the culturally validated naturalized categories, which the hegemonic discourse reproduces or confirms. Cultural knowledge is typically stored in categories. Counter talk thus offers alternative categories and ways of signifying reality.

Christensen, Hockey, & James (2001) also deal with silence in social interaction. They make a distinction between ‘cultural silence’ and ‘silence of marginality that is produced by cultural ways of talking and acting.’<sup>44</sup> They talk about silence as a form of indirect communication that has a special function in the community. In connection with it, they define different kinds of silences: 1) silence about that of which there is no need to speak, the taken-for-granted, 2) silence about that which is known but should not be spoken of, and 3) the silence of that which it is barely conceivable to articulate in language. Overall, in the farming community that these researchers investigated, silence functioned as a way of managing the unwelcome and yet, inevitable emergence of difference, and other potential threats to the continuity of farming, which might undermine the core of what constitutes ‘the farming way of life’.

Polanyi (1974) introduced the concept ‘*tacit knowledge*’, by which he referred to those aspects of knowledge that are hard to verbalize, and cannot easily be codified. More precisely, he talked of *a process of tacit knowing*, but the concept has been later assumed into general use in the meaning of *a form of knowledge that is apparently wholly or partly inexplicable*. In this sense, tacit knowledge consists of habits and culture that we do not recognize in ourselves or cannot express easily. In organizational studies, it

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<sup>44</sup> Christensen & Hockey & James 2001, 69–79

is usually used in opposition to *explicit knowledge*.<sup>45</sup> What is important regarding tacit knowledge – regardless how we explicitly define it – is the fact that it is not available as text. Every communication typically contains aspects of tacit knowledge. But in some situations, the significance of such aspects becomes more crucial to successful communication. We might say that modern nature management planning projects, as examples of new discursive praxis related to the everyday living circumstances of local people, might contain such features. In such situations, local people as a rule are not accustomed to formulating explicit argumentations regarding their immediate needs, beliefs and values, which remain therefore often as the tacit knowledge or understanding.

Silence – actually muteness or inability to form argumentations – in the midst of hegemonic discourses and naturalized ways of speaking, and organizing institutional practices concerns in some way many population groups in the modern society. Difficulty in producing argumentation that deviates significantly from the predefined premises of the negotiated agenda and its contextual commitments is obvious, especially in connection with different kinds of participatory planning projects. This has special significance for indigenous communities because they have often retained partly different, parallel signification systems that are founded on a substantially different contextual understanding. Several of the articles in the congress publication, ‘Discourses and Silences’ (2005), deal with those special forms of silences

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<sup>45</sup> According to definition, *explicit knowledge* can be articulated into formal language, including grammatical statements (words, numbers), mathematical expressions, specifications, manuals, etc. It can also be easily transmitted to others. *Tacit knowledge* is typically personal knowledge embedded in individual experience and involves intangible factors, such as personal beliefs, perspective and value system. It contains subjective insights, intuitions, and hunches, and is hard- but not impossible – to articulate.) Tacit knowledge is often divided into *technical* and *cognitive* dimensions, where technical tacit knowledge encompasses the kind of informal and skills often captured in the term know-how, and cognitive tacit knowledge consists of beliefs, perceptions, ideals, values, emotions and mental models so ingrained in us that we take them for granted (<http://www.nwlink.com/~donclark/Knowledge/Knowledge.html>) According to other researchers, both tacit and explicit aspects are present in every cognition and communication process and cannot therefore be fully separated. (Dretske 1991, 116; Chomsky 1986, 263–273).

that occur in institutional communication between majority population and indigenous peoples.<sup>46</sup>

Similarly, the text material of this study concerns, besides the presence of talk, partly the absence of it. Beside the official and public talk, some form of silence seems to be present in the negotiations. On one hand, it refers to that talk and argumentation which is left beyond the official statement documents. On the other hand, it refers to culturally specific communication habits of talking and being silent. In addition, it deals with authority issues – in particular, whether the authority of management and other stakeholders is recognized, and how participation in the negotiation process takes place. Silence seems to have an important role in this social interaction. Therefore it is important, to the extent that it is possible within the framework of this thesis, also to deal with the background talk behind the public presentations, which can appear as silence in the negotiation context.

## **2.2 Defined research questions and the comprehensive research design**

In a wider theoretical perspective, the research problem is closely connected with Foucauldian thinking concerning the encounter of a specific governance system (and administrative practices) that is based on certain discursive practices and local Sámi reindeer herding in nature management. As indicated previously, the aim is to illuminate and analyze main problematique that arises or is connected with participatory planning projects for wilderness areas in Enontekiö, North-Western Lapland (Finland). I interpret it as a case of implementing the national nature management principles related to these specific areas. Before making the analysis I will portray the main currents and global frame of thought on which the principles of nature management are based and the ways of producing nature management in Finland. The special focus is on the perspective of reindeer herding, which

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<sup>46</sup> Cant & Goodall & Inns 2005

represents a significantly important and particular aspect of locality. I intend to illustrate, organize and analyze the main contributing factors and convolutions that are related to the phenomenon, and find out *whether there are obvious connections between the ways of constructing nature management and the repeatedly occurring confrontations in practical nature management situations.*

I will tackle the subject with a set of more closely defined research questions. The intention is to divide the research problem into more easily operable sections. In association with the research setting, I look for answers to the following specially defined questions:

*1) How are the general principles for nature management articulated and adapted in the two cases of wilderness area management? How are the role and space of reindeer herding considered?*

*2) What are the conflict areas as seen by the reindeer herders'? In what way does their argumentation comment or question the management plans?*

The applied perspective is that of confrontations. At the same time, it is obvious that confrontation is only one aspect of the communication between reindeer herders and nature management authorities. Naturally, the chosen perspective could be defined differently, putting more emphasis on internal heterogeneity or mutual compatibility of the respective views. However, based on my experience in nature management situations, confrontations between these views are recurring and persistent. A clear recognition of the distinct views with a consequent analysis of the causes of the discrepancies may actually benefit efforts toward increased mutual understanding and the creation of an enlarged negotiation space.<sup>47</sup>

The investigation is directed primarily at the practical adaptation situation. However, it involves inevitably also investigation of the central nature management principles regarding to how they frame and define nature management

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<sup>47</sup> Elbow 2000, Haila & Jokinen 2001, 20

practices. I use the term, “*Reindeer talk*,” to refer to the argumentation of the administrative authorities and reindeer herders concerning reindeer herding. Strictly speaking, there are two kinds of talk going on: the administrative authorities’ *talk about reindeer herding*, and the reindeer herders’ *talk of reindeer herding*. In environmental negotiations, these argumentations address not only each other’s viewpoints, but also the viewpoints of a number of other stakeholders of the planning processes. Out of practical reasons, this study focuses only on the two parties.

The object of study are the national ways of implementing nature management in Northern Lapland (Finland). In order to be able to see and point out the cultural constructedness and inherent naturalizations, I will project it against the corresponding situation in Western Finnmark (Norway). I look for similarities and differences in the ways nature management is put into practice in tundra natural environments. The intention is to apply corresponding cases of nature management in Finnmark as a reflection surface with the purpose of better highlighting the features of the hegemonic discourse and practice in Finland, and not to perform a comparison between the two models.

I examine argumentation of the management authorities and reindeer herders as negotiations for producing social order<sup>48</sup> in relation to reindeer herding and nature management. In question is the social interaction between institutional authorities and a centrally located stakeholder group within a newly established

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<sup>48</sup> Social order is a central concept in sociology. For example Marx (1845; O’Malley 1994), Durkheim (1912), Parsons (1937, 1951), and Habermas (1984) have proposed different explanations for what a social order consists of, and what its basis is. In general level, the concept refers to sets of linked social structures, social institutions and social practices, which conserve, maintain and enforce “normal” ways of relating and behaving. Social order is generally defined as a relatively stable system of institutions, pattern of interaction and customs, capable of continually reproducing at least those conditions essential for its own existence. The concept thus refers to all those facets of society, which remain relatively constant over time. These conditions could include property, exchange and power relations, but also cultural forms, communication relations and ideological systems of values.

At the same time, social orders are characteristically relatively flexible entities. The main function of social order could be defined as maintaining the coherence and performance of a system. Social orders are perpetually changing; eroding, intensifying, overlapping with other orders, and segregating. In this sense, social change can be seen as a natural part of social order.

institutional setting. Wilderness area planning project represents a new practice of coordinated management effort applying an extensive participatory method. Along with the process, use of nature gets incorporated closely into modern environmental steering systems.

Strauss (1978) pointed out that all social orders are basically negotiated. Actually, the main task of the modern administrative institutions is, in one way or another, to negotiate and maintain social order. In this case, there is an additional reason for the concept of negotiation. By introducing the participatory planning method in wilderness planning Metsähallitus took a decisive step toward administrative practices that are based on concrete negotiations: hearings, common meetings open for discussion etc. Negotiations between stakeholders have been made public events. Negotiations are given a special status in pursuit of *coordinated resource management*.<sup>49</sup> For instance, according to The Guidebook for Participatory Approach to Natural Resource Management, published by Metsähallitus, collaboration between stakeholders is the prerequisite of joint problem solving. This is the declared management policy.<sup>50</sup> The goal of participation is claimed to be “constructive collaboration and a widely acceptable end result, which can be justified from different perspectives”.<sup>51</sup>

*Negotiation* is a much-used theoretical concept in Communication and Cultural Studies<sup>52</sup>. All in all, negotiation seems to provide a flexible approach for examining various social phenomena, facilitating a process-oriented perspective to social relations and phenomena, and taking the actors as active shapers of their own destinies. I refer with the term negotiation to “negotiations for signifying reality.” This means that I am not interested only in concrete events and argumentation in situations in which nature management is discussed and “bargained.” The

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<sup>49</sup> Coordinated Resource Management (CRM) is a widely used term in natural resource management in the United States. It means a stakeholder consensus decision-making process. <http://www.rangelands.org/29.11.2005>

<sup>50</sup> Loikkanen & Simojoki & Wallenius 1999

<sup>51</sup> Loikkanen & Simojoki & Wallenius 1999, 14

<sup>52</sup> Intensive dialogue with Maritta Stoor has greatly contributed to my comprehension of the concept of negotiation in Communication Studies, and to the way I am applying it in this study. (See Stoor 2002)

interests of the study reach beyond this; I examine how the presented argumentations construct the situation, what are the principal arguments and justifications, and on which contextual understanding do the arguments rely. According to social constructionism, language constructs and arranges how we observe reality, take our bearing, and position ourselves in relation to other actors. The theoretical perspective means also that argumentations are regarded as particular representations of reality which interact with other representations. Argumentations can be seen as negotiations of knowledge and interpretations concerning reality, which have practical results to the ways in which things get defined and organized in the material world. In this meaning, we can say that argumentations participate in producing social order.

Looking from this perspective, we could say that the participatory planning processes in management of nature have opened new arenas for articulation, and for defining and handling issues related to land use. At the same time, it has opened arenas for negotiating about signifying reality and, in this sense, producing and rearranging the existing social order. In many cases, it has not been previously possible to address these matters to the full extent. More specifically, the negotiations pertain to constructing social reality in the sense that they influence how things and matters are conceived, which points are defined as problems, and how and within which principles and premises they are proposed to be solved.

I apply the concept of *apparatus* as an analytical concept for demonstrating the intertwinement of ideology, discourse, knowledge, and practice in environmental management. The focus is primarily on the intertwinement of environmentalist discourse and practice of environmental management, and on the role of ecological knowledge in constructing the phenomenon. Environmentalism frames the construction of nature management, serving both as source of programming directions and the main interpretative resource. In this way, the question is concerned essentially with making visible the culturally specific self-evident assumptions and naturalized facts on which practical nature management rests. Seen from opposite angle, the question also



concerns potential factors that fetter heterogeneity of views in nature management.

According to Sachs (1992), cultural knowledge is stored in *categories*.<sup>53</sup> Categories are ways of naming things and matters and signifying them. With the help of categories, people conceive and face reality. Categories also produce and maintain social order.<sup>54</sup> Culture is understood as “shared meanings,” where language is the privileged medium through which we “make sense” of things, and in which meaning is produced, exchanged or shared. Consequently discourses are ways of producing (referring to or constructing) knowledge about a particular topic or practice.<sup>55</sup>

Furthermore, *contexts* are not understood as the determinable background of an account or negotiation context. Instead, contexts are understood as actively constructed in the course of the negotiation. They are appealed to and actively exploited by the speakers when signifying reality and making sense of the world. Argumentations are typically contextual speech. They rise from a particular contextual understanding and reproduce, reinforce or modify it.<sup>56</sup> Contexts are not necessarily altogether universally shared. Different contextual understanding are, in actual fact, one of the frequently negotiated subjects. Therefore it is important to study argumentations against their contextual framework and investigate what kinds of dialogues are carried out during the negotiations in regard to “understanding the world” in a wider sense.

According to *radical contextualism*,<sup>57</sup> speech – understood as text – is fundamentally contextual. Contextuality is its salient property. Contexts are not “background” in the sense of a static collection of values and ideas. They have active influence on choice of conventions that the author has at her/his disposal and on the ways in which the reader encounters the text. According to Lehtonen (1996), it is fruitful to think of contexts as variable and

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<sup>53</sup> Sachs 1992, 40

<sup>54</sup> Douglas 2000, 1–32

<sup>55</sup> Hall 1997

<sup>56</sup> Lehtonen 1996, 160

<sup>57</sup> Lehtonen 1996, 165

specific cultural resources that help readers make sense of texts. Contexts have an important role in making the texts understood. Texts are based on a certain contextual understanding and, at the same time, they reproduce, reinforce, or modify it. Correspondingly, I will read the mentioned argumentations first and foremost as contextual texts that utilize and produce cultural significations. The intention is to highlight which cultural conventions and ways of thinking they are constructed on and to make these visible.

Altogether, this study consists of three integral parts: *a literature study, an empirical analysis, and a discussion*. These parts are closely intertwined, but also involve some partially independent questions. Resembling action research studies – although not fully identifying with them – the empirical and theoretical parts of this study are closely associated, but remain partly separate. The primary reason for creating a structure that leaves the two levels clearly discernible is that I wanted to retain close contact with the concrete circumstances of my research field while ensuring that research results would have reference to the practical questions involved. At the same time, I sought to connect the questions with a wider theoretical frame of reference and actual scientific themes.

In order to understand properly the argumentation of respective parties, it is important to make visible the contextual foundation on which they are grounded. According to my experience in the management negotiations, the argumentations appear typically in a decontextualized form. Yet, contextual information is often crucially important both for comprehension of arguments and their legitimacy. In regard to this point and to the fact that nature management is a novel practice, I find it important to devote a great proportion of this study on constructing the contexts. Therefore, I will begin by constructing a picture of the fundamental features of reindeer herding and its status in modern society. To this end, I will conduct a literature study based on existing material, and draw an outline of the main historical developments of reindeer herding. Attention will also be devoted to the establishment of the institutional forms of land use management as a part of enhancing local governance in

Northern Lapland (Finland) in confluence and in contrast with Western Finnmark (Norway). I will also outline the formation of the official reindeer herding management by the emerging two nation-states. These facts constitute the great structural context of reindeer talk, and form the bases of the arguments and contextual tacit understanding especially of reindeer herders. Furthermore, they constitute the basis of subject positions in the negotiations.

In association with the global ideological and discursive development, I make a characterization of the main constituents of environmentalism, which is the major ideology and institutional practice that influences and frames nature management. Seen from the defined research perspective, I will investigate the main outlines of *the apparatus of environmentalism*. As was stated earlier, the term covers the before-mentioned elements in addition to an array of other dimensions. I will, however, focus on exploring how the ideology of environmentalism, environmentalist discourse, knowledge production, and incorporated institutional practice of environment management have contributed to the formation of environmental governance as a global frame of thought and guiding principle with reference to nature management. The idea is to formulate a conversational frame to serve the empirical study. I will return to these points again in the last part of the study.

A special reference is made to the framework of ‘wilderness management,’ which has served as an ideational exemplar and has, to a significant degree, directed the emerging normative model of actual practices for nature management throughout the Western world and beyond. ‘Wilderness management’ is distinctly a North American conception that has evolved over the time in association with the overall societal development of the continent. According to Haila (2003), the concept of wilderness is particularly important, and it has become one of the symbols of protecting nature in our time.<sup>58</sup>

Overall, this investigation involves several levels and spatial and temporal dimensions. Environmentalism is typically a global ideology and apprehension of the world. At the same time, it

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<sup>58</sup> Haila 2003, 174–175

involves national and local dimensions and linkages. The overarching principles and the founding tenets are typically constructed and validated through international conventions. At the same time, responsibility for implementation is unquestionably delegated to national governments and their administrative institutions and practices. The entailed obligations are received and processed in different ways in different countries into institutional administrative practices fusing together national socioeconomic duties and objectives. At the end, the administrative practices involve and influence in one way or another life world of the people at the local level.

I will then move to the empirical investigation and continue with a more detailed and spatially located investigation of the argumentation concerning reindeer herding. The aim is to open the major argumentation principles and to articulate their contextual links and conditions. In the empirical investigation, I examine the ways by which Metsähallitus, as the representative of state's landowner interest, formulates the management principles and objectives, and takes reindeer herding into consideration. I will investigate both the directive documents and the operative documents of nature management. I will also investigate the reindeer herders' responses to the proposed management initiatives. I understand this case as an example of a situation in which an institution creates speech events. It is accountable for producing text, which has material consequences for the ways in which the relation of nature and human action is perceived, how the prominent concerns are constituted, how the subject positions are defined, and how the central management responsibilities and premises are formulated. In other words, it is an example of an institution producing textual reality and creating practices. Argumentation concerning reindeer herding is essentially framed and defined by the institutional requirements that have effected established modern environmental management. It frames the nature of the encounter, and co-determines how the environmental problems are constructed, and what can be said meaningfully<sup>59</sup>. At the same time, it has also impact on and formulates the

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<sup>59</sup> See Hajer 1995

physical framework, where reindeer herding acts. This in turn has bearings on the life-world of the reindeer herders and on those aspects they experience as acute problems.

As stated above, the empirical investigation of reindeer talk and its contextual anchoring is not the entire point of this study. In addition, it is my endeavor to widen the scope and situate the question within a larger theoretical context. I intend to enlarge the scope of research, and provide interpretations and discussion of the empirical results in relation to the theoretical research context. I will reflect upon how the argumentations construct the situation and the main controversies. Related to it, I will discuss whether it is possible to say, based on the research results, why a confrontation repeatedly arises between reindeer herding and nature management authorities, and which features appear to sustain such confrontations from the perspective of reindeer herders.

Finally, in the last chapter, I will transfer the discussion to another level and present some interpretations concerning how the argumentations of the reindeer herders comment upon the dominant management discourse and the ideological commitments behind it. Environmentalism is typically a global set of ideas and attached institutional practice that has become a convergent instrument for policy-making, as well as a source of political mobilization on its own right. Environmentalism can be conceived of both as a political movement and as a powerful hegemonic discourse, a distinct way of signifying reality. According to O’Riordan (1981) at its heart, environmentalism preaches a philosophy of human conduct.<sup>60</sup> It contains elementarily a quest for reforming or re-instituting governance through decentralized planning and management processes and an increased participation and collaboration of the civil society. Localization of decision-making is anticipated to enhance democracy, and to produce more just and equitable outcomes.<sup>61</sup>

Economic development and nature conservation are inseparable elements of the environmentalist discourse, as I will

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<sup>60</sup> O’Riordan 1981, ix

<sup>61</sup> See Fischer 2000, Friedman 1998, Holsten 1998, Agrawal and Ribot 1999, and Lane 2003

point out in this study. In public presentations, all these components are articulated together in the discourse of modernization. Instituting environmental governance is, then, intended to function as a major vehicle for promoting both economic development and nature conservation. Through this, the attention turns back to local societies and to the global-local relations and their linkages. Local communities are the immediate objects of national environmental policy implementation. McNaughten & Urry (1998) point out that there are “multiple spaces of nature.” By this comment, they refer to the encounter between globally formed constructions of nature with local natures in the local context, which often tend to collide. According to these authors, the local, as promoted in national or international environmental policies, may not resonate with and mobilize people’s local concerns and interests. Therefore, according to them, there is often a mismatch between the rational and instrumental spaces of the local in the official policies as compared to the more moral and historically symbolic spaces of the local informing everyday concerns. Moreover, the local concerns are themselves being transformed in one way or other by many global processes. Intervening in the local communities by imposing intensified environmental governance has, therefore, had detrimental impact in many cases.<sup>62</sup> It is in this thematic field and equivalent discussion that I situate my study and intend to participate.

## **2.3 The research material and methods**

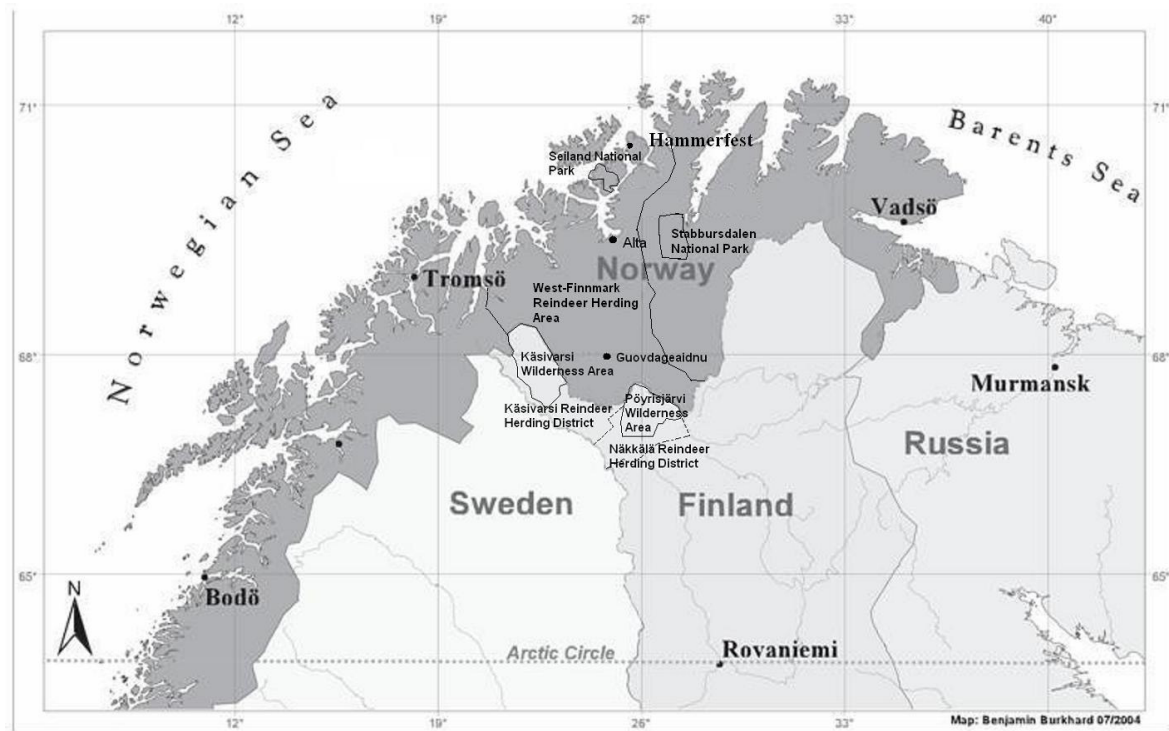
### **2.3.1 Research field**

The research material is produced in the wilderness area planning projects and the institutional practices that direct and set norms on wilderness area management. The immediate spatial objects of study are two statutory defined Wilderness Areas: *Pöyrisjärvi and Käsivarsi Wilderness Areas* in Enontekiö municipality, in North-

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<sup>62</sup> McNaughten & Urry 1998, 272

western Lapland (Finland). The area is situated in the borderline between northern boreal and arctic vegetation zones, mostly characterized by tundra. (Figure 2.)



**Figure 2.** Map of the research area in Northern Lapland (Finland) and Western Finnmark (Norway).

The area involved has certain similarities with the other Wilderness Areas and Protected Areas in Northern Lapland. At the same time, there are certain extraordinary features that make it a special case and base the research set-up of interplay between the hegemonic discourse and talking back. The specific qualities of the natural environment set the frame for governing and using land. The question concerns basically management of tundra natural environment, meaning remote, relatively vast natural ranges that are mainly in the possession of state. Nature conservation and establishing protected areas are the dominant concerns in land use. In addition, these areas are often objects of steadily growing outdoor recreational use and commercial nature tourism. At the same time, the specific climate, and natural and geographical circumstances pose certain restrictions on land use, especially on industrial exploitation of natural resources. For

instance forestry, which is otherwise a prominent means of exploiting nature, is practically excluded because the area is mostly situated above the timberline. Certain potentials for extracting ore and minerals exist but, so far, their significance has been minor in the region.

At the same time, it is the core grazing grounds of Näkkälä and Käsivarsi Reindeer Herding Districts respectively. On one hand, the prevalent reindeer herding pattern in these districts exhibits certain exceptional qualities, which make them special cases in relation to dominant reindeer herding in Finland. Therefore investigation of these districts contributes to diversification of the mainstream Finnish picture of reindeer herding. On the other hand, the involved questions contain also features that have reference to the status of reindeer herding in general in Finnish society and the discursive presentations concerning it. In that way, the research case addresses certain important features related to the natural foundation of reindeer herding in general, and raises issues that should be addressed more extensively on the negotiation agenda for nature management policy in Finland.<sup>63</sup>

The two Wildernesses Areas are situated in the range, where reindeer herders are predominantly Sámi. Both Näkkälä and Käsivarsi Reindeer Herding Districts have also a large number of members who are ethnically Finns. However, according to a long-established tradition, Sámi and Finnish herders either practice herding in separate units, making use of separate grazing grounds, or in an integrated companionship, where the Finnish herders are integrated in the Sámi community through marriage. The two districts are the last ones in Finland where the traditional Sámi herding system based on *reindeer herding siidas* has remained active.<sup>64</sup> (*Reindeer herding*) *siida* (in Finnish, *tokkakunta*) is a

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<sup>63</sup> Although the Association of Reindeer Herding Districts has publicly recognized that natural pastures form the core nutritional resource for reindeer all over, it has made relatively little effort for watching this goal.

<sup>64</sup> There exist naturally many more Sámi Reindeer Herding Districts in Northern Lapland, where different forms of Sámi reindeer herding are applied including some kind of *siida* system. However, Käsivarsi and Näkkälä are the only Sámi Reindeer Herding Districts, where the work is organized fully around *siida* system, and no wage labor system is used.



Sámi word for the traditional herding unit. In comparison to the hunting *siida*, reindeer herding *siida* (from now on called simply *siida*) is a relatively flexible kinship based community, which includes both the active herdsman and their households and families. *Siida* refers to definite customary lands and land rights based on immemorial usage.<sup>65</sup> The actual number and size of the *siidas* vary depending on the situation. In both Pöyrisjärvi and Käsivarsi Wilderness Areas during the time of investigation, there were 2–3 *siidas*, comprising approximately 5–15 families each. (It should be noted that this is the number of families involved directly in *daily reindeer herding work*. Total number of *reindeer owners*, and people integrated in reindeer herding, is naturally increased many times over.)

In this area, reindeer are predominantly *free grazing*. One of the *siidas* does not utilize farming or supplementary feeding at all, while in the others extra fodder is given in occasional periods, mostly in emergencies. In other reindeer herding districts in Finland, typically a more modern system of common herding by the herding district and corresponding wage labor system are used. In Näkkälä and Käsivarsi districts, the *siidas* normally organize daily herding practices independently (within the agreed norms of the reindeer herding district). It means that no wage labor system exists as such, but the income of herding families comes directly from meat production, accompanied activities, and subsidies. Correspondingly, the *siida* – not the herding district – is the responsible unit of organizing daily work in practice and

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<sup>65</sup> The term *siida* refers to the traditional land management units of the Sámi society. *Siidas* were established during the preceding hunting period and continued with some transformations during reindeer herding period. E.g. Tanner (1929) has investigated the composition and functioning of Skolt Sámi *siidas*. *Siidas* were autonomous land management units that were recognized by the Swedish crown, and were an integral part of the juridical practice. It is a debated issue how late in history *siida*'s has been operational. According to Korpijaakko-Labba (2000), in Finland the transformation of land taxation system in 1925 overlooked the still functioning *siida* system. In connection with Sámi reindeer herding, *siida* (in Finnish, *tokkakunta*) continues to be the operational work unit. Reindeer herding *siidas* are adaptations of the hunting *siidas*, but according to legal scholars (Strøm Bull 2001 and Pedersen 2001) are holders of usage rights based on immemorial use. In the current proposal for renewed Reindeer Management Act in Norway (NOU 2001: 35), it is proposed that reindeer herding *siidas* are returned as legal management units in reindeer herding.

carrying the responsibility in land use. Prescribed by the Reindeer Herding Act, however, the reindeer herding district has the legitimate authority and representative role of reindeer herding in public. Existence of a dual system characterizes reindeer herding in this area.

The question concerns fundamentally retaining/maintaining certain “*traditional features*” in herding pattern and in relation to responsibility and authority in land use. Naturally, reindeer herding is not a historical relic. Therefore, talk of “*traditional*” should not entail creation of an idealized archetype or reification of certain age-old systems and practices, as one often encounters in public speech. Herding patterns and herders’ lifestyles in these siidas, like elsewhere, have gone through significant changes as a part of the wider overall modernization processes. For instance, motorized vehicles and other technical equipment are actively used for moving in nature. Because of the specific natural circumstances and herding patterns, snow scooters and ATV’s are probably even more extensively used in these districts than in the densely forested southern part of the reindeer herding area. Moreover, herding families live in modern houses for most of the year, fully integrated into the cash economy and consumer society.

I am using the term “traditional” in reference to Sámi reindeer herding with the understanding that the traditions in question are actively updated ways and systems that change and vary spatially and temporally. It means, among other things, that some “pre-modern” features coexist with “modern” ways, and that modern ways are actively adapted or integrated with the habitual ways. Eidheim (1997) speaks of a continuous *conventionalization process* that is going on when traditional knowledge and new knowledge are worked out and integrated. According to him, this conventionalization can thus be perceived as an unrecognized meta-aspect of daily life’s concrete practices.<sup>66</sup> Correspondingly, current reindeer herding practices can be approached as kinds of temporally and spatially defined compromises or contracts between traditional and new, at the

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<sup>66</sup> Eidheim 1997, 52–53

same time, as they are parts of ongoing conventionalization negotiations. In practice, the question of traditional aspects predominantly concerns features in reindeer herding that are linked to old or immemorial usage forms and forms of organizing herding work, which were abandoned or not included in the dominant way of organizing reindeer herding in the Finnish society.

In connection of this study, I use the concept “Sámi reindeer herding” referring specifically to “*tundra Sámi reindeer herding*” or “*migrating Sámi reindeer herding*,”<sup>67</sup> with the intention of fixing attention and highlighting certain diversity. In Finland, the dominant picture of reindeer herding, propagated by the Association of Reindeer Herding Districts (Paliskuntain yhdistys) and Ministry of Agriculture is, in this respect, one-sided and partly deficient. It is largely based on generalizations of certain features that are mostly prevalent in the southern part of the reindeer herding area and among Finnish reindeer herders. It does not recognize well enough the differences. From the perspective of Sámi reindeer herding, in which circumstances and ways may differ considerably from the mainstream practice, this picture appears partially biased. The representatives of Sámi Reindeer Herding Districts, Sámediggi (Sámi Parliament) and Sámi Reindeer Herders’ Association have repeatedly paid attention to this fact.

So far, I have not come across any constructive analysis of the elementary differences between Sámi and Finnish reindeer herding ways – including the variations in time and space respectively. Nor it is possible within the framework of this thesis to delve deeper into this question. The most obvious differences between Sámi tundra reindeer herding and mainstream Finnish reindeer herding, from this study’s perspective, are connected to the status of reindeer herding as the primary source of income, the special cultural connectedness to Sámi culture/ life, particular herding patterns, and ways of organizing herding work. Also, it is obvious that Sámi reindeer herders themselves mark the difference clearly in their arguments. Marking the difference

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<sup>67</sup> In Finnish, paimentolaisporonhoito or tunturisaamelainen poronhoito; in Sámi, badjedilli or siidadoallu; in Norwegian fjellreindrift or flyttsamereindrift

appears to be a part of their experienced everyday living practice, and an important cornerstone in constructing reality and formulating the urgent claims. It is obvious that, it is part of the identity building of the Sámi. However, it should not be reduced to an instrument of political campaign only, although this is another noteworthy aspect.

On the *national* scale, Sámi tundra reindeer herding represents a minority perspective. In terms of numerical values, in Finland<sup>68</sup> the majority of reindeer owners are ethnically Finns who live in the middle or southernmost part of the Reindeer Herding Area (Appendix 1. Map of the Reindeer Herding Districts in Finland). The majority of them practice reindeer herding as a secondary occupation, with their primary occupation falling under farming industry. In terms of the total number of reindeer, however, the majority of reindeer are situated in the northernmost part of the Reindeer Herding Area. The scale and status of reindeer herding for household economy is clearly emphasized in the North. During the 1980s and early 1990s, the Association of Reindeer Herding Districts has actively propagated methods of supplementary feeding, vaccination, calf-slaughter etc, which became the cornerstones of the national reindeer herding policy. Despite the recommended and subsidized policy, reindeer herders in the two Districts of Näkkälä and Käsivarsi have only in a limited form followed these regulations. Some *siidas* have not followed them at all, but have continued practicing traditional ways of herding, relying fully on natural pastures, refusing vaccinations, and making other independent husbandry decisions.

While Sámi (tundra) reindeer herding in Finland represents an extraordinary case, in Finnmark, and in Norway at large, it is not such an extraordinary case. With few exceptions, reindeer herding is the declared monopoly of the Sámi. Further on, the majority of reindeer herders in western Finnmark practice reindeer herding a large part of the year in *siidas*. In a Norwegian context, many of the before-mentioned points are, therefore, mainly irrelevant. What we encounter is a different national

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<sup>68</sup> Kemppainen & Nieminen & Rekilä 1997, 41

adaptation of the status of reindeer herding in the society and in the national economy, plus a different way of organizing use of nature. Therefore, it forms a useful contrast point to the situation in Northern Lapland, in Finland.

The reference area in question is generally called Finnmarksvidda, which denotes the geographical concept of upper-mountain plains/tundra. In Norway, there is not a Wilderness Act as such. Compared to Finland, the land use planning processes are therefore much more complex involving the administrative agencies of Forest and Park Service in Norway (Statskog), and municipal and regional administration. The Norwegian side of the field consists of following cases of nature management: 1) management of outfields (in Norwegian utmark); 2) the municipal land-use planning of Alta Municipality, an area that is categorized mostly into LNF-areas, which denotes agricultural use, natural appearance, and open-air recreation; and 3) management of national parks of Seiland and Stabbursdal (including minor protected areas) by the Provincial Government (in Norwegian, Fylkesmann miljøavdelning).

The major difference between the reindeer herding practice in Northern Lapland and Finnmark is that in Finnmark the pattern of long migrations has been retained. As a rule, the siidas move together with their reindeer between their seasonal pastures in inner parts of Finnmark and the coastal line or islands of the Arctic Sea. The research field involves the seasonal pastures of following Reindeer Herding Districts (in Norwegian, reindbeitedistrikts / in Sámi, orohat): 23 Seainnus-Návvgastat/, 24 A Oarje-Sievju/Seiland Vest, 24 B Nuorta-Sievju/Seiland Øst, 26 Lákkonjára, 27 Joahkonjára, 40 Orda, 41 Beaskádas belonging to West-Finnmark Reindeer Herding Area (Vest-Finnmark reinbeiteområde) and 16A Skáiddeduottar siida, Márrenjárga siida, Skuohtanjárga siida, 16C Láhtin siida, Vuorji siida, Njeaidan siida from the East Finnmark Reindeer Herding Area (Øst-Finnmark Reinbeiteområde). (Appendix 2. Map of the Reindeer Herding Districts in Norway). Out of these districts, the first seven share the Common Winter Pasture of Reindeer Herding District number 30–31. It is geographically situated diametrically opposite the national border facing Pöyrisjärvi Wilderness Area.

### 2.3.2 Research material

The research material consists of public textual documents and institutional administrative practices related to nature management. The textual documents can be divided into *operative and directive documents* for nature management, and of *hearing statements* to the proposed management plans. In addition, I use existing literature concerning historical formation of reindeer herding management and environmental governance for constructing the contexts of the argumentations.

The primary *operative documents* consist of the two *management plans for Pöyrisjärvi and Kilpisjärvi Wilderness Areas* together with the hearing statements from the representative agents of reindeer herding. Altogether, the two management plans consist of 74 and 105 pages respectively. They contain both general objectives and principles, and more detailed directions for land use. These documents have been produced as a result of extensive participatory planning projects. Such an extensive planning procedure was a novel practice in organizing local land use. The planning project for Pöyrisjärvi Wilderness Area<sup>69</sup> and the adjacent nature protection areas of Pöyrisvuoma and Saaravuoma – Kuoskisenvuoma lasted from 1995 until 2001. The procedure involved six public hearing meetings, a number of written hearing documents, negotiations with the Municipal Collaborative Group for Nature Management<sup>70</sup>, and statutory negotiations with Sámediggi. In 22.1.2001 the Ministry of Environment confirmed the plan. It was, in sequence, the third wilderness area management plan in the series of approved plans.<sup>71</sup> Sámediggi (Sámi Parliament) decided to appeal to High Administrative Court on the grounds that it had not validated the final version of the plan, which was against the statutory obligation of Metsähallitus to negotiate with Sámediggi. In addition, a number of detailed complaints concerning single

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<sup>69</sup> Pöyrisjärven erämaa-alueen ... 2001

<sup>70</sup> In Finnish, Luonnonhoitoalueen kuntakohtainen neuvottelukunta, currently known as Luonnonhoitoalueen kuntakohtainen yhteistyöryhmä

<sup>71</sup> Before it, the Management Plans for Hammastunturi and for Kemihaara Wilderness Areas had been confirmed.

decisions were made. The High Administrative Court approved the appeal and returned the plan back to Natural Heritage Service (in Finnish, Luontopalvelut) in Metsähallitus. At this time, the case is still not settled.

The planning project for Käsivarsi Wilderness Area started in 1997. The procedure resembled largely the previous model except that the number of formal negotiations with the reindeer herding district was increased.<sup>72</sup> The procedure entailed four public hearing meetings, written hearing statements (68 stakeholders, out of which 26 responded), two negotiations with Käsivarsi reindeer herding district, three negotiations with the Municipal Board for Nature Management, one negotiation with the Municipal Board for Fishing Management, and two negotiations with Sámediggi. The plan was sent to Ministry of Environment in 2.11.2000, but at this time has not been confirmed.

In addition to the management plans, the primary material of empirical analysis consists of the official hearing documents of reindeer herding districts and other representative agents of reindeer herding. The textual material of the Reindeer Herding Districts is relatively limited in terms of quantitative data. It consists of typically one- or two-page documents, which focus predominantly on certain practically oriented issues. In addition, I analyze the written statements of the nominated delegates of Sámediggi in the Municipal Collaborative Group of Nature Management<sup>73</sup>, the statements of Sámediggi (which is the statutory representative organ of Sámi and reindeer herding as a Sámi means of livelihood), and the statements of Johti Sápmelazzat ry, (which is a Sámi Association that has actively advocated and worked on the interests of reindeer herding Sámi in the society since 1960s). The Association of Reindeer Herding Districts (in Finnish, Paliskuntain yhdistys) is, in fact, one of the stipulated hearing instances besides the reindeer herding district. During the primary hearing round relating to the two wilderness

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<sup>72</sup> In the Management Plan for Pöyrisjärvi Wilderness Area such negotiations are not listed, although the responsible authorities claim that besides the formal hearing occasions, also several unofficial contacts were taken.

<sup>73</sup> In Finnish, Luonnonhoitoalueen kuntakohtainen neuvottelukunta, currently known as Luonnonhoitoalueen kuntakohtainen yhteistyöryhmä

areas, the Association used a varying strategy.<sup>74</sup> Regarding to Pöyrisjärvi Wilderness Area Management Plan, the Association explicitly transferred the authority on the issue to Näkkälä Reindeer Herding Districts, validating their assessment. Regarding the Käsivarsi Wilderness Area Management Plan, however, the Association gave an independent and partly deviating statement to Käsivarsi Reindeer Herding District. At the final hearing round, the Ministry of Environment has requested statements only from Sámediggi and the Association of Reindeer Herding Districts. The statements of the Association of the Reindeer Herding Districts are read in proportion to this state of affairs.

In order to clear the general objectives of Metsähallitus as the central management institution, which lays the foundation for nature management and frames and conditions the operative management decisions and strategies, I inspect the main argumentations of *the directive documents*. This group of documents consists of plans of action, annual reports, and self-presentations of Metsähallitus. The documents are predominantly from the period of 1997–2002, altogether seven different publications, plus the homepages of Metsähallitus, which is comprised of a total of 250 pages. In addition, there is the Natural Resource Management Plan, which was designed for the District of Northern Lapland in 2000. This management plan was also produced through an extensive planning procedure in 1999–2000 with a wide selection of appointed interest groups. All the above-described material is in Finnish.

Compared to the situation in Northern Lapland, where the research material comes primarily from one administrative instance, i.e. Metsähallitus, in the case of Finnmark corresponding documentary material has to be gathered from different planning authorities. Statskog (Forest and Park Service in Norway) has, up to the present, been responsible for managing outfields (utmark). According to their proclamation, it takes place within the rules and regulation of the municipal land use plans. Jordsalgskontor

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<sup>74</sup> Paliskuntain Yhdistyksen lausunto Pöyrisjärven erämaasuunnitelmaan 12.4.1997, Paliskuntain Yhdistyksen lausunto Käsivarren erämaasuunnitelmaan 4.11.1999



(Land Sales office) is responsible for matters of land sales and rentals – i.e. management of ground (grunnforvaltning). It is supervised by Jordsalgstyre (Land Sales Board), which is a representative body of local means of livelihood and interest groups. Additionally, Fjellstyre (Mountain Board) supervises Staskog's activity and decision-making concerning management of recreational use, hunting and fishing. In connection with it, I will inspect the strategic plans and public proclamations of Statskog and the minutes of Land Sales Board for the argumentation concerning operative decisions. Furthermore, I will inspect the general directive documents such as laws, regulations, programs, and strategy plans that oblige national planning. Concerning land use management on LNF-areas, I will inspect the documentary text produced in Alta Municipality Land Use Planning Project. Alta Municipality Land Use Plan for 2002–2014 was approved in 2001. Planning process involved an extensive hearing procedure with public hearings, written statements, and complaints for the Ministry of Environment. In connection with it, I will investigate argumentation in the documentary text of the involved authorities.

Extensive participatory planning practice arrived in the management of national parks in 1990s. The process has proceeded differently in different national parks. As a result, the situation between the involved national parks varies. Stabbursdalen National Park was established in 1970. In 1989, in connection with enlargement the protected area of Stabbursdalen National Park, the Provincial Government of Finnmark decided to make a management plan, as the number of visitors was expected to increase. The plan was approved in 1990. In the Government Resolution of 1991–1992<sup>75</sup>, it was decided that three new national parks would be established in Finnmark. Seiland National Park is one of the three. The documentary material concerns the establishing process, not the proper management plan, which is due in the next phase. The Provincial Government of Finnmark Department for Environmental Management (Fylkesmannen i Finnmark, Miljøvernvedelningen), which is the responsible

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<sup>75</sup> St.meld. nr. 62 (1991–1992)

authority, has produced the documentary text under the supervision of Directorate Nature Management (Direktorat for Naturforvaltningen). The hearing statements of reindeer herding are given by the Area Board of Reindeer Herding Management (in Norwegian, *områdestyre* / in Sámi, *Guovllustivra*) and by the involved Reindeer Herding Districts (in Norwegian, *Reinbeitedistrikt* / in Sámi, *Orohat*). In addition, an extensive Environmental Impact Analysis was produced by an external expert. All the above mentioned material is in Norwegian, but also partially available or originally written in Sámi. The size of the documents ranges between 35-page management plans to one-page statements.

In order to explain how management of nature has been organized institutionally in Northern Lapland and in Western Finnmark, I will make an investigation based on various kinds of official documents in the form of laws, regulations, directives and definitions of administrative institutional structures and practices. Moreover, for constructing the context of argumentation I make two literature studies. The first concerns the establishment of reindeer herding and local land use management. The literature consists of numerous studies, research works, and publications from established researchers of law, history and Sámi studies. The material is selected on the basis of its scientific reputation and relevance to the subject.

Second, I will perform a literature study concerning the general formation of the apparatus of environmental governance and environmentalist ways of thinking that frames the arrangement of modern nature management and wilderness area management practices. At this stage, the investigation is oriented to the broad, global framework and ideological development. This investigation was produced mainly in late 1990s and consists of critical social scientific studies on environmentalism, scientific discussion, and articles representing a critical reflection of the ongoing developments and consequences in local context.

Altogether, this study focuses on the argumentation between management authorities and reindeer herders (including the organizations and associations representing them). Reindeer herding has a unique status in the nature management

negotiations. As a means of livelihood, it possesses a special land use right on state-owned and private land within the defined reindeer herding area. This right is recorded in the Reindeer Herding Act. Quite obviously, there are a number of other actors participating in the management negotiations and producing reindeer talk, thus affecting it in at least a minor way. Through the participatory approach to planning, the actual audience and the total number of participants in environmental negotiations has grown considerably indeed. Participants consist now of a number of other local population groups (besides reindeer herding), the municipal and provincial governments, national and local nature conservation associations, recreational associations, commercial interest groups, etc. Furthermore, important actors regarding reindeer talk are also the academic institutions producing ecological and environmental knowledge. They are responsible for providing the most important interpretative resources for the management purpose. However, within the reach of this research it is not feasible to analyze the entire field of negotiation. I will refer to the arguments of the other stakeholders in case it is necessary.

The same applies also to the role of mass media in environmental negotiations. It is clear that an important part of the negotiation is played in mass media. Within the scope of this study, it is approached only to the extent that the case demands. Other researchers have focused on the topic, though. For example, Raitio (2000) and Kyllönen & Raitio (2004) have performed studies of the environmental conflicts in Inari, Northeastern part of Lapland and of the role of media in the struggle. Moreover, Bård A. Berg (2001), for example, has investigated how reindeer herding is presented in Norwegian media today. I have chosen these outlines and projections because, as far as I can see, the perspective of reindeer herders has so far been inadequately studied.

### ***2.3.3 Research methods: Research of argumentations***

As explained earlier, this study is situated in the theoretical framework of discourse research, which involves certain ways of

thinking about theoretical and meta-theoretical elements, as well as methodological elements. Because discourse research is a wide theoretical perspective allowing many different orientations, practical methodological choices, and partially overlapping use of concepts, it has become a habitual custom that the particular methodical application is explicated each time by the individual user. In discourse research, some adaptations of rhetoric analysis, argumentation analysis, or rhetorical instruments are often exploited. All these methods are related to the use of language in social interaction, but from different viewpoint and level. While discourse research often focuses on the use of language associated with production of cultural significations, in rhetoric or argumentation analysis, the attention is predominantly directed at the formation of arguments (persuasive claims and affirmations), and at the relations between the speaker and the audience. In other words the object is the more formal research on use of language.<sup>76</sup>

The starting point in rhetoric (analysis)<sup>77</sup> – as in discourse research in general – is that reality is interpretive. In other words, the object of study is argumentation, not “the real nature of matters”, which according to Billig (1987) is not accessible. Consequently, in rhetoric mutually opposite views may both be the rational/reasonable.<sup>78</sup> Rhetoric is present in every use of language. It is the basic quality of communication and use of language.<sup>79</sup> In principle, rhetoric consists of acts/process of

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<sup>76</sup> see e.g. Perelmann 1996, Kaakkuri-Knuuttila 2000, Summa 1996

<sup>77</sup> According to Perelman (1996), *New Rhetoric*, as a type of argumentation theory, has renewed some habitual tenets of rhetoric. Back in history in 1500s, rhetoric was, according to him, reduced to stylistics and to study of decorative figures of speech. In 1950s *New Rhetoric* returned to the Aristotelian conceptions. In correspondence, the term rhetoric refers to dialectic reasoning, in distinction from analytical reasoning and logic, which are used in mathematics. Whereas analytic reasoning aims at universal truth, dialectic reasoning aims at general acceptance.

<sup>78</sup> Billig, 1987, 24

<sup>79</sup> In Perelman’s (1996) and Toulmin’s (1958) methodological approach, focus is primarily on argumentation and its techniques as a conscious means of influence. They examine the methods of persuasion in communication. In other theoretical approaches, the focus is instead at the wider significance of rhetoric phenomena as a part of human interaction. According to Burke (1969), all human interaction is fundamentally about symbolical use of language. He aims at a comprehensive understanding of human interaction. In his focus is non-harmonious human interaction. According to him, rhetoric is related to disputes

persuasion and convincing audience of the competence of one's argument, which is or might be disputed. The associated aim is to get the audience engage themselves in the argument. Argument is the key object of research. In broad and simple terms, argument consists of *a claim, justifications, and premises*. The main idea is to convince the audience. The purpose is not to verify the conclusions, but to transfer the acceptance of starting data (premises) to the presented claims or conclusions, i.e. the argument.<sup>80</sup> Argumentation aims usually at defending one's position, and weakening or criticizing the counter-position. The object is usually not only rational approval, but on the focus is activity or responsiveness to activity.<sup>81</sup>

In the object of my study are *the discursive practices* through which governance related to nature is produced and legitimated and received. The investigation is directed specifically at *the rhetoric that supports the argumentations* of the definitions and significations between nature management authorities and reindeer herders. Focus is on language as a socially shared signification system, not on language as an end. The viewpoint is specifically at *the effects and impacts* of the ways of argumentation. The documents of wilderness area planning are examined as a case of nature management in relation to the emerging governance institutions and practices. Correspondingly, I examine both the principled definitions of nature management and the argumentations in the concrete management situations, where the administrative practices get concrete forms and subjects, focal themes are defined, new perspectives are articulated and become conflicted.

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and conflict situations. They carry always, at the least, hidden features of partiality and power aspirations. Instead of persuasion act, according to him identification is the key concept in rhetoric analysis. Identification is the term, which enables portraying the relative position of ostensibly distinct matters within the space of human interaction. Rhetoricity is an inevitable process. All kind of group-identification is rhetorical and entails differentiation from others. Burke's main aim is at pointing the rhetoricity of phenomenon, which ordinarily are not perceived rhetorical. By investigating the implicit, often covert, identifications in speech, he aims at revealing the hidden cleavages and dissensions in society.

<sup>80</sup> Perelmann 1996, 28; Jokinen 1999, 126

<sup>81</sup> Perelmann 1996, 29

I investigate the central rhetoric and institutional practices through which wilderness area management is constructed and justified, which optional choices are outlined, and which values, ideologies, and ways of thinking are enhanced. Concerning the texts, the focus is on the characteristics of the use of rhetoric in shaping the political reality of the targeted object and laying out the borders for what is conceived of as possible or impossible within the particular institutional sector. Accordingly, the administrative authorities define the situation, construct the central ideas of activity, and the inherent subject positions including power relations and responsibilities. Signification processes take place within this framework, which is constructed by the administration. Correspondingly the practices of participatory planning are based on certain institutional administrative structures and discourses, which are reproduced, materialized, and partly produced.

I use some of the methods of analysis that the Argumentation Theory and Rhetoric provide. I direct the investigation at *the argumentation principles and ideas*. The objects of investigation are the regularities of ways of speaking (argumentations) on which nature management is constructed and the epistemic commitments that they are rooted in. Accordingly, I open the central ways of constructing argumentation in the investigated texts, and identify the central claims and justifications that construct the arguments. In addition, I search for the premises and preliminary agreements that the argumentations make visible or presume, and the discourses they draw from and validate in order to convince and engage the presumed audience.<sup>82</sup>

At first hand, the method is to examine the described textual material, encode the core rhetoric, identify similarities and continuities in the text, and detect strong, recurring statements. With the focus on the confrontation aspects, I will then classify and analyze the main constituents of the argumentations. I search for the construction of parallel signification systems, focusing on the confronting aspects. The overarching aim is to look, from the perspective of reindeer herders, at how the ways of constructing

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<sup>82</sup> See Summa 1995

the argumentations of administrative authorities are in contradiction with their views, and contribute to sustaining confrontation between the actors in nature management. I approach the matter from this perspective and become committed to it. Correspondingly I analyze the mentioned documents from the conflict perspective, looking answers for why certain questions related to reindeer herding become conflicted when the rationale of Sámi reindeer herders and nature management authorities encounter.

Special attention is paid to the contexts, regarding how they are used as interpretative resources in constructing the argumentation and the inherent premises. I am referring both to openly pronounced viewpoints and the underlying tacit conceptions and ideas that the argumentations are build upon, draw from and reinforce. The intention is to articulate the loosened contexts on to the argumentations for completing the reasoning and the picture of premises. All signification practices are, by the starting point, contextual and contextually bound. However, in this particular case it has a special meaning. Dominant discourse appears regularly non-contextual (i.e. assumes that the context is taken for granted). Talking back is usually expected to explicate its contextual commitments if they are deviating. In this case however it does not happen. Especially because in question is a locally novel administrative practice, it is important to also inspect the discrepancies concerning the contextual understanding and the potential confrontation aspects.

I use literature material for constructing the contextual information that the argumentations exploit. On one hand, this involves the articulation of the context of reindeer herding and land use management. On the other hand, the intention is to find out the integral features that frame the development of the ideas and ideology of environmentalism in global context. I will investigate what are the main characteristics of the enhanced institutional practices and discourses.

Correspondingly, the aim of this study is to investigate the argumentation concerning not only how different matters, state of affairs, and corresponding subject positions are produced and legitimated, but also how they organize inherent power

relations.<sup>83</sup> Related to this, I look for hegemonic features of the argumentations and the discourses that they actively exploit, draw from or seek to validate. Accordingly, I search for recurring themes, strong, ideological statements, and recurring self-evident assumptions or states of affairs that are presented as without alternatives. In particular, I will investigate the points that the talking back of reindeer herders raises in the hegemonic discourse and places under question.

The idea is to utilize the cases of nature management in Western Inner Finnmark as a reflection surface for the situation in Northern Lapland in order to be able to better detect and portray the typical characteristics of the national argumentation and use and production of hegemonic discourses. The intention is not to make a detailed comparison of the nature management situation between these two countries. The founding conditions differ in fundamental ways, and a comparison is not altogether viable. Instead, I intend to generate a productive discussion about specific angles, which might not be attended within the framework of a particular nation-state system.

### ***2.3.4 Researcher's subject position***

In all social constructionist studies, the researcher is in one way or other the subject, and research material is product of her/his handwriting. Besides portraying the social reality through research results, the researcher, at the same time, produces it himself/herself.<sup>84</sup> This means that the researcher's use of language cannot be taken as the plain reporting of facts, but it, too, has to be read reflectively. Moreover, in ethnographic research, collecting source material is typically a process that cannot be fully separated from analysis. It means that observations and interpretations are closely intertwined, and analysis gets interwoven in the recital.<sup>85</sup>

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<sup>83</sup> Jokinen & Juhila & Suoninen 1993, 39

<sup>84</sup> Jokinen & Juhila & Suoninen 1993, 28

<sup>85</sup> Hammersley & Atkinson 1997, Eräsaari 1995, Jokinen & Juhila & Suoninen 1999



My position of living and acting in the field frames the research setting. The contextual understanding and insight that I have gained through my experience in the field have helped me in recognizing certain interesting problem points and has directed my research interest at the conflicted questions. The data are primarily occurred naturally (documentary material) in the sense that they were produced neither in any laboratory situation nor at the instigation of the researcher. However, combining, arranging, classifying, and analyzing are my products. In discourse research, the research result is considered to be the justified interpretation of the researcher. It is also generally accepted that the handwriting of the author is obvious. Counterbalancing this effect, the position and roles of the author are ordinarily exposed and openly reflected. In this place, I will explicate mine.

Two things define my research position; activity and personal experience concerning the investigated phenomenon. I have familiarity both with the local projects of nature management and with the reindeer herding Sámi community. Because of my position, I have been able to actively listen and follow the repeated conversations around me concerning both nature management and concerning the claims of reindeer herding. I have also gained background information on the internal dynamics of the procedures itself, which helps me to understand better the situation and to formulate the research setting.

I have altogether approximately ten years experience as an external expert in Wilderness Area Projects and Natural Resource Management Planning Projects in Enontekiö and the District of Northern Lapland. I have participated in the public hearing meetings and listened to the argumentation of the stakeholders and administrative authorities. As an external expert, I have produced a number of scientific articles for the general report portion of the management plans. I have provided the planners with material concerning 1) the socioeconomic situation of reindeer herding and other traditional means of livelihood,<sup>86</sup> 2) Sámi place names and landscape categories<sup>87</sup>, and 3) the

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<sup>86</sup> Heikkilä 1999a, Heikkilä 2000a, 2000b, 2000c

<sup>87</sup> Heikkilä 1999b

historical background of reindeer herding and Sámi culture<sup>88</sup>. Articles on these topics have served as the general background material for the plan, and are published as an extensive report presenting the characteristic features of the area. These documents covered a variety of subjects such as geology, watercourse, vegetation, fauna, prehistory, history, game, fish, and traditional means of livelihood, outdoor recreational use, and frontier guard. The purpose of these reports is to present and bring together information of the organic and inorganic nature and of current use of nature, and lay foundation for the operative text.<sup>89</sup> The scientific articles were produced separately from the negotiations, although they were sent to public hearing instances before publication.

Being an external expert, my role was mostly to produce background understanding. The only assignment that was directly connected with the Wilderness Area Management Plan was an assessment for the Environmental Impact Analysis (EIA)/Social Impact Analysis (SIA). I produced an assessment of social impacts concerning safeguarding Sámi cultural rights and preserving the material foundation of Sámi culture. The assessment was based on the official statements of Sámediggi, Johti Sápmeleazat Association, and Näkkälä and Käsivarsi Reindeer Herding Districts. The assessment resulted in fruitful discussions between the planning authorities and myself about the signification and realization of the needs of reindeer herding and Sámi culture in nature management. The assessment served as a background material to the final EIA/SIA, which was drawn by the Wilderness Management authorities.

While participating in the Wilderness Area Planning Projects and the Natural Resource Management Planning Project, I had a the opportunity to closely follow the negotiations concerning not only the round of public meetings but also concerning the individual turns and the manifold events occurring in the course of the process between the planners and the participants. The lengthy participation in nature management negotiations gave me an insight into how the argumentation and communication

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<sup>88</sup> Heikkilä 2000a

<sup>89</sup> Kajala (ed.) 1999, Kajala & Loikkanen (eds.) 2000

developed in the long run. Being employed periodically at the Wilderness Planning Section, I also had access to some of the unofficial background discussion and comments by the planners, and between the planners and other administrative staff at Metsähallitus. This helped me to better conceive of the internal strategies, demands, and dynamics within the conglomerate which affected land use planning.

Second, I have lived nearly 20 years as a part of Sámi reindeer herding community, *siida*, and family. In this position, I have been able to listen to the background conversations around me between the members of the *siida*, and across the *siida* borders. Living in surroundings where the Sámi are a minority has also entailed lively conversation across the ethnic and occupational borders, and has given me insight to the local dynamics. The background conversation and contextual knowledge of the circumstances of reindeer herding have helped me to understand what the internal motives and tacit reasoning behind the claims and argumentation of reindeer herders are. As I will point out in my study, the official written argumentation of reindeer herders is relatively condensed and restricted. In question is an occupational group that is generally not accustomed to settling matters related to use of nature through formal argumentation. Formal procedures for agreements in nature management are neither unreservedly appreciated nor trusted, and evidently not full effort is invested in them. Because of this, the basic questions are only partially represented and understood unless additional background information is available.

Concerning my different roles as a researcher, as an agent in planning process, and as a member of the local community, I see that I am in a kind of *borderline position*. Obviously, on one hand, it is imaginary that any division between different sides of human being's personality can be made overall. On the other hand, it is clear that different qualities are expected from a person in each role. Scientific research work demands transparency and objectivity. Agency in planning procedures requires understanding of practicalities. Membership in a community requires loyalty or sympathy. Obviously, there are several possible ways of connecting these qualities. From a methodological perspective,

the question is partly about estrangement from the subject. However, the matter is more complicated than that. Lehtonen (1996) speaks of a process of shifting positions in relation to the subject.<sup>90</sup> In some respects, one has to get closer while, in other respects distance themselves from the subject. In short, one has to be flexible, and capable of situating oneself in different angles.

By the concept “borderline position” I refer to my position of being inborn neither in locality nor in Sámi community. In the rural community, the power of family and clan loyalties has remained strong, and constitutes social interaction and opining. Being an outsider to these ties has allowed me the role of an observer. I am also a visitor in the Wilderness Planning Section, having been temporally employed. The way I see it, my position provides a certain lookout spot between different cultural systems and signification systems. Gaski (1997) speaks of the role of the representatives of indigenous people participating political life. He points out the central role of communication skills. According to him, a special bicultural competence is required from the representatives of indigenous people if the wish to communicate successfully with the dominant society is to be realized. The representatives of indigenous people work often as intermediaries between different worldviews and signification systems.<sup>91</sup> Similarly, representatives of the dominant society can work as intermediaries on the borderline. The idea is to catch some distinct divergence and bring the views under discussion.

Because this study involves looking for the culturally specific interpretative resources that the actors exploit and unraveling self-evident assumptions, a sound familiarity with the cultural qualities and specifics is required. As in the case of such a research setting in general, in this study the researcher is also a part of the investigated object. Using my position on the borderline of two cultures – Finnish and Sámi – and contrasting the case of nature management in Finland against the cultural context in Norway is meant to support and facilitate recognizing some of the cultural naturalizations that are otherwise too implicit to distinguish.

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<sup>90</sup> Lehtonen 1996, 34

<sup>91</sup> Gaski 1997, 19-25

My subject position carries certain similarity with the ethnographic research tradition<sup>92</sup>, especially concerning participatory observation and action research, although I do not apply these methods as such. The main features are connected with researcher's relationship to the field, ways of collecting research material, and research goals. In *participatory observation method*, the researcher typically collects material through staying in the field for a period of time. The intention is to observe people or groups in the context of their natural living community. Observation is often complemented by semi-structured or theme interviews, which the researcher records.<sup>93</sup> The role of the researcher may differ considerably depending on her/his actual participation in the community activities.<sup>94</sup> It is typical to different participatory observation methods that interaction takes place mostly on object's conditions. The ideal case is that the researcher would not influence the object of study at all.<sup>95</sup> The goal of research is usually to produce independent knowledge of the object. The researcher positions herself/himself in an outsider's position providing a kind of "external perspective to the internal perspective".

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<sup>92</sup> In a wider sense, discourse research is related to the ethnographic research tradition, which is founded on social constructionism. Jokinen (1999) calls it by the term *ethnomethodological ethnography*, and refers to Gubrium & Holstein (1994), Miller (1997), Silverman (1985) and Pösö (1993). It is often also labeled as *New Ethnography*. Ethnographic research focuses on people in their natural community context. The intention is to get inside the life world of the research objects and their cultural ways of world and activity. Ethnographic analyses are typically contextually bound. Eräsaari (1995) emphasizes the importance of informal communication and frames of the encounter.

<sup>93</sup> This method entails usually that 1) the observer is foreign to the object community 2) he/she observes and records information systematically, and 3) has specific professional qualifications for observing and treating observations. Researcher's externality, professionalism, and duration of fieldwork periods contribute typically to quality and validity of research results, and separate this method from everyday cognition. (Laitinen 1984, Eskola 1975, Suoranta 1998).

<sup>94</sup> Grönfors, points out four degrees of participation between plain observation, action research and disguised observation. According to him, the line between these is not always clear, for instance concerning participation. He points out that it is not always possible to make a clear distinction between the roles of an observer and a member in the community life. Further on, in actual life situations, it is not always possible for the researcher to choose the actual role. (Grönfors 1982, 89)

<sup>95</sup> However, this is scarcely possible in practice, as several methodologists have pointed out. (Eskola & Suoranta 1998, Grönfors 1982)

In the other end of the continuum is *action research*<sup>96</sup>. Action research is interpreted in different ways.<sup>97</sup> The common points are that action research processes: 1) are rigorously empirical and reflective (interpretive), 2) engage people who have been traditionally called subjects as active participants in the research process, and 3) result in some practical outcome related to the lives or work of the participants. Community-based action research fits within these agendas but has an added dimension. It is designed to encourage an approach to research that potentially has both practical and theoretical outcomes but that does so in ways that provide conditions for continuing action – the formation of a sense of community.<sup>98</sup> In this method, researcher is typically the responsible agent or moderator in a development project in which the research aim is to achieve concrete changes in the observed practices or reality.

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<sup>96</sup> Action research acknowledges usually the seminal work of Kurt Lewin (1946), Carr & Kemmis (1986), and Reason & Rowan (1981). It has links to practitioner research, action inquiry, action science, and community development. Its intellectual roots are diverse; action research has been linked to Moreno (1956), Freire (1974), and the critical theory associated with Habermas (1979) and the Frankfurt school. Action research stresses direct interaction between research and practice. The method has been applied in education research, health and social research, organizational studies, and development research. It is usually integrated in some kind of development project. Social systems and organizations are regarded as interactive and open systems in relation to their environment, capable of producing local solutions for self-defined problems. In a general level, action research can be defined as investigation of social systems in a way that aims at bridging the ordinary gap between theory and practice, and between the people (object) and the researcher. Besides producing new knowledge the central aim is at solving practical problems. (Kuula 1997, 269)

<sup>97</sup> E.g. Kemmis & Taggart 1988, Anderson & Herr & Nihlen 1994, Reason 1994, Stringer 1999

<sup>98</sup> (Stringer 1999, xviii). He defines *community-based action research* as a collaborative approach to *inquiry* or *investigation* that provides people with means to take systematic *action* to resolve specific problems. This approach favors consensual and participatory procedures that enable people 1) to investigate systematically their problems and issues, 2) to formulate powerful and sophisticated accounts of their situations, and 3) to devise plans to deal with the problems at hand. Community-based research claims to focus of methods and techniques of inquiry that take into account people's history, culture, interactional practices, and emotional lives. It seeks to change the social and personal dynamics of the research situation so that it is noncompetitive and no exploitative and enhances the lives of all those who participate (Stringer 1999, 21).

My research resembles the aspiration of these two methods in the sense that the intention is to get inside the life world of the research objects, their cultural ways of signifying things, and experiencing the effects and impacts. By the subject position I am, however, neither an external observer nor a responsible moderator in relation to the field. The goal is neither independent knowledge nor some concrete changes in the community. My position is characterized closest by the term “*critical advocator*”. According to Jokinen & Juhila & Suoninen (1999) an advocator is a typical subject position in discourse research.<sup>99</sup> It means that the researcher aims at championing a definite cause. She or he analyzes the source material with a motivated mind, not only investigating how the actors construct their social reality, but also reflecting upon the question in which alternative ways the realities could be constructed.<sup>100</sup> Furthermore, it is typical that the researcher takes the side of the minority group in relation to the dominant discourse.<sup>101</sup> There is an established tradition of academic researchers who identify themselves with advocates of the indigenous people or the local people in relation to central authorities in environmental matters.<sup>102</sup>

My aim is to present an interpretation of how nature management appears in the eyes of Sámi reindeer herders. Not being a Sámi reindeer herder myself, I do not claim to represent fully their perspective. Rather I make use of my position in a lookout spot, in between two different cultural practices and signification systems. My intention is to describe and make understandable the ongoing communication process, its characteristics, and effects from the reindeer herders’ perspective the way I have come to understand it. As much as the definition ‘advocate’ suits me, my goal is to illuminate knowledge of diverse signification system and this way increase knowledge and self-reflection of the central cultural features and specifics in our majority society.

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<sup>99</sup> Others are analyst, interpreter, discussant (Juhila 1999, 203–226)

<sup>100</sup> Juhila 1999, 207–208

<sup>101</sup> Fairclough 1995

<sup>102</sup> Caulfield 1997, Freeman 2000, Freeman et al. 1998

Besides the evident advantages, every subject position has also certain obvious disadvantages. Concerning my subject position, it is obvious that active use of an internal perspective and participation in the investigated projects has facilitated a profound acquaintance with the essential questions from the chosen perspective. At the same time, it can of course bear insensitivity to other possible perspectives from which the phenomenon can be analyzed and consequent questions. In this respect, the results yield knowledge of a relatively narrow spectrum. For instance the varieties of the perspectives of administrative authorities and other land users are not properly investigated or taken into account.

Furthermore, presenting talking back as a critique to certain features in the dominant discourse entails some problems. By the starting point, the signification process entails differentiation of some kind. Partly because of the logic of language, the act of presenting deviating views arouses an array of hidden meanings and identifications. The dominant and the counter discourse often appear, therefore, as polarized, diametrically opposed models. Therein lies an inherent danger of oversimplifications and idealizations, producing a one-side picture in favor or against. Presenting main arguments of talking back does not mean automatically that the researcher would support personally all features and claims.

All in all, doing research has been a learning process in many respects. Reflecting on my subject position now as a researcher, I recognize that some changes have taken. Most evidently, I have learnt to identify the different roles, their requirements, and relations better, and move between the roles. I feel that I have learnt to be more conscious and self-reflective about the personal subject positions involved. In this sense, one could say that the research process has produced the researcher. At the beginning of the research work, I was under the impression that the research task was to reveal and make known hidden sides of the societal phenomenon involved, especially related to inconveniences and anomalies caused by institutional administrative practices on local people. Sámi reindeer herding represented such a case. However, as the analyses advanced through penetrating deeper into the



subject, I learnt several things. On one hand, it turned out that certain unforeseen levels and factors were involved in the question and problem setting. On the other hand, in connection with the earlier remark, things were evidently more complicated than I had expected. Looking from a wider perspective, not all of the initial notions were necessarily representative, sometimes maybe not even fully justified.

I take two examples. First, my conception of the compilation of management duties and responsibilities, which define and condition the attitude of administrative authorities to reindeer herding, was incomplete. On account of long-standing, communication with my supervisors, colleagues and the academic community, I have been able to correct and complement my conceptions in this respect. I enlarged the scope by including directive documents, laws, and orders that direct and define the premises of nature management. Including the situation in Finnmark (Norway) in my research field helped me substantially in redefining the situation in Northern Lapland, too.

A second major discovery concerns the role and use of natural scientific knowledge (ecology and biology) in nature management. Concerning the construction of the environmentalist discourse and its founding tenets, my views were clearly incomplete. However, in question is not only my personal shortsightedness or biased perspective. The management discourse and public speech do frequently produce or make use of certain oversimplifications concerning natural sciences. Yet, I could not detect this fact by myself. Thanks to the opportunity to participate in three interdisciplinary research projects<sup>103</sup> and long-term contacts with established, broad-minded natural scientists who possess good communication skills,<sup>104</sup> I learnt to review

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<sup>103</sup> Sustainable Development in the North – Conditions for Food Security [Social Sciences and Humanities Research Council of Canada (SSHRC)]

Quality of Life and Management of Living Resources. The challenges of Modernity for Reindeer Management. Integration and Sustainable Development in Europe's Subarctic and Boreal Regions (RENMAN)

The Arctic Graduate School, Arctic Centre

<sup>104</sup> I refer especially to my supervisor Birgitta Åhman, who was tireless in explaining me the fundamentals of biological pasture research and correcting my views.

these matters from a wider perspective, relocate mutual relationships, and change some of the primeval views.

Altogether, these two examples can be seen as practicing “validity through communication.” According to Kvale (1995), the postmodern understanding of knowledge as a social construction is coupled with the notion of construct validity. According to him, central qualifications for validity in qualitative research are craftsmanship, communicativity, and applicability in practice. Craftsmanship signifies an emphasis on quality of research by checking, questioning, and theorizing on the nature of phenomena investigated. Second, conversation about observations serves the communicative concept of validity. Communicative validity involves testing the validity of knowledge claims in a dialogue. Valid knowledge is not merely obtained by approximations to a given social reality; it involves a conversation about the social reality. Validation through the community of scholars is nothing new. What is relatively new is the extension of the interpretative community to include the subjects investigated and the general public. There is an educational endeavor included according to which truth is developed in a communicative process, both researcher and subjects learning and changing through the dialogue. Third, by pragmatic validation of a knowledge claim, justification is superseded by application. A pragmatic approach implies that truth is whatever assists us to take actions that produce the desired results.

Regardless of the obvious change of attitude and views, I have retained a certain critical perspective to the subject. In fact, a number of discourse analysts describe themselves overtly as *critical*. As Fairclough (1992) and Van Dijk (1993, 1997) express it, the discourse analyst should be a social critic rather than a neutral observer. According to this view, research work is always political, and the researchers’ commitment is to contribute to social change through increasing critical understanding.<sup>105</sup> Although not always subscribing to the same theoretical understanding, some kind of critical or politically engaged stance is a relatively common position among discourse analysts, as

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<sup>105</sup> Van Dijk 1993, 252

Wetherell (2001) notes. Critique can range from research conducted with an explicit political agenda to research conducted with a broad commitment to exploring the social and political implications of findings.<sup>106</sup>

I do not conceal my critical approach. My aim is to make a critical study of the implementation of nature management in practice through wilderness area planning and of the impact and effects for this particular group of local actors. The question concerns not only a critical study of the impact of the particular adaptations of nature management on the local community, but partly also a theoretical critique of the interpretations of the environmentalist discourse. Moreover, the questions concern power relations, and especially power to signify reality. Finally, the critical question refers to the minority status of Sámi in Finnish society, which according to my opinion is not in every respect on a satisfactory level if we compare it to the status of Sámi in other Nordic countries or the status of indigenous people in North America. Above all, I am referring to public debate and consideration of Sámi perspective in urgent societal matters, which is insufficient in Finland, as Lehtola (2005) has pointed out. This study is an attempt at starting to naturalize the discussion concerning Sámi and reindeer herding.

## **2.4 Previous research and relevant research contexts**

I identify my research with the broader social constructionist perspective in studying environmental governance represented for instance by Buttel & Taylor (1992), Hannigan (1995), Hajer (1995), Yearley (1996), Fischer & Hajer (1999). These environmental social scientists examine critically the processes of environmental claim making concerning how social and political understanding of nature and environmental problems are crafted, contested, and legitimized. Discourses produced within the actual social context are considered contested fields of meaning whose contours delimit both the actors that can legitimately engage in

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<sup>106</sup> Wetherell 2001, 385

politics and the issues that are subject to debate.<sup>107</sup> According to Hajer (1995), the politics of discourse is about the actual creation of structures and fields of action by means of story lines, positioning, and selective employment of comprehensive discursive systems.

Following Zhouri's example (2004), I examine this particular context of nature management as a discursive field, where different cultural, social, and economic perspectives engage and compete. It can be seen as an arena of tension that involves communication and power relations. The tensions between globalist and localist perspectives underlie this discursive field, thus typifying common trends in global-local dynamics.

According to Sousa Santos (1999), globalization is neither a single entity nor a one-way process. In fact, there are many globalizations running, including many kinds of relations and tensions between the global and local levels.<sup>108</sup> The relations and dynamics of the global and local levels in connection with environmental questions are broadly discussed especially in the context of Third World societies [e.g. Ramos (1994), Parajuli (1996), Guha & Martinez-Alier (1997), Sousa Santos (1999), Zhouri (2004), to mention a few]. The question is then frequently woven into the developmentalist frame of thought, and investigated in terms of how environmentalist ideas and conducts are imported to Third World societies in the wake of other Western ideas, life style, and values. The confrontation between global and local is correspondingly articulated on to the question of North – South relations and tensions.

As for that matter, there is actually another powerful global philosophy and political idea that is deeply intertwined with the environmentalist discourse. Social justice and human rights issues have become objects of global concern and politics, and are regularly articulated on to the environmental questions. Agenda 21, which was signed by the political leaders in 1992 in the World Summit of Rio, marked the final consolidation of these issues in

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<sup>107</sup> See Davidson & Frickel 2004

<sup>108</sup> He mentions four particular cases of globalization: 1) globalized localism, 2) localized globalism, 3) cosmopolitanism, and 4) the common heritage of humankind. (Sousa Santos 1999, 216–218)

the topmost level. In particular, in the context of Third World societies claims related to these questions are activated and often attain a decisive role in connection with arising environmental campaigns. Environmental concerns are articulated on to the idea of “*community based development*” and empowerment of the local and traditional communities.

Inside the Western world the internal dynamics and inter-linkages between globalization and environmentalism are inspected mainly from the angle of *natural resource management*. The question then concerns specifically the locally or regionally defined, mostly peripherally situated communities, where installation of new natural resource management regimes and practices initiated or precipitated by the global environmentalist tenets and obligations, have resulted in extensively changing the virtual living circumstances. Occasionally these cases entail generating or aggravating social conflicts. Among others Krupnik (1993), Young (1998), Freeman et al. (1998), Freeman (2000) Caulfield (1997, 2000), and Nuttal (1998) have extensively examined and discussed the problematique connected with installing environmental regimes and programs from the angle of Arctic Indigenous people and communities.

Moreover, in North America there is plenty of research related to the encounter of environmentalism and indigenous cultures from the knowledge perspective. In particular, possible connections between traditional ecological knowledge and conservation biology in coping with *environmental changes* are investigated. [E.g. Cruikshank (1981), Morrow & Hensel (1992), Nadasdy (1999, 2003), Usher (2000), Ferguson & Williamson & Messier (1997) just to name a few] Although focusing on the environmental perspective and problems of modern wildlife management these studies do not regularly address explicitly the theoretical question of global/local relationship being instead oriented to the phenomenon from the knowledge perspective. Practical efforts are made specifically in order to contribute to the aim of integrating local knowledge of environmental change into scientific knowledge, in order to increase the understanding of the dynamics of natural phenomena and their consequences for human beings. Moreover, this knowledge is expected to facilitate

the creation and functioning of common-property resource management units based on co-management.

My study is connected with the vigorous tradition of environmental sociology and environmental history in Finland. For example, Järvikoski (1979, 1988), Järvikoski & Kylämäki (1981), and Rannikko (1987, 1995, 1996) have conducted pioneering research on the societal dimension of current environmental related questions focusing on the locality, and Raumolin (1984, 1990) focusing on the developmental aspect. Massa (1983, 1994, and 1998) has introduced the historical perspective, and situated the economic and environmental dimensions into comprehensive studies of the inter-linkages between these factors. His focus is especially on the economic development of Lapland in connection with the exploitation and control of natural resources. Further on, Haila has done in many ways pioneering work in connecting the environmental phenomena and research with the global framework. He illuminates the basic concepts and conceptions, and offers a philosophical perspective to environmental questions [see for instance, Haila (1995), Haila & Levins (1992), Haila & Jokinen (2000), Haila & Lähde (2003)]. Sociological environmental questions especially from the perspective of social constructionism are studied earlier by Väliverronen (1996), Nieminen (1994), Saaristo (2000), Suopajärvi (2001), and Valkonen (2003). My study is, however, most closely connected with the research themes of the Arctic Graduate School of Arctic Centre in University of Lapland which focuses on the social and environmental impacts of modernization and the global change in the Arctic.

Moreover, the theoretical approach of my study is associated with the shaping cluster of critical studies and assessments concerning the relation of environmentalism and Sámi society, as a special case of locality in the Northern Fennoscandia. For instance, Beach (1998), Lehtinen (2004), Torp (2000), and Eythórsson (1999) have discussed in their articles questions related to nature conservation, environmental management, and Sámi. In addition, Sámi Instituhtta (Nordisk Samisk Institutt) has run a long-term research project on the use and management of the cultural environment and natural resources in Sámi regions. In

connection with it, several interesting publications have been published addressing the matter and contributing to the formation of this research body [Schanche (ed.) 2001, Andersen (ed.) 2002, Jones and Schanche (eds.) 2004, Andreassen (ed.) 2004].

The general purpose of this study is to investigate and illuminate the social constructedness of arguments concerning reindeer herding the contextual links of the arguments. By situating the phenomena within a wider frame of reference, and examining and reconstructing the content and contextual links of reindeer talk, and making visible the hidden and loosened contexts of the arguments I wish to get hold of the central questions involved. I have the impression that a great deal of the mutual controversies occurring between the reindeer herders and environmental management authorities in the actual negotiations are bound up in these founding commitments, and prospective solutions to the disputes are dependent on recognizing this matter, and widening the space of negotiation. Further on I will examine the self-evident starting points of reindeer talk by opening and analyzing the administrative practice and making visible the underlying ideological commitments. The aim at elucidating the epistemic aspects of the dominating management paradigm is to point out its conventionality and contextuality. This is a way of opening up the opportunity for alternative views, and serves the need for the self-reflexivity of the modern society.

The question of the role and space of reindeer herding appears to touch on the founding conceptions of *environmental governance*, and on fundamental ways of perceiving the entire problematique, the crucial points, and actors' relations. In this sense, the entire way of organizing nature management with reindeer herding as a special issue is at stake. The question concerns a relatively novel practice, which is not fully consolidated in the eyes of the local residents, and challenges in an important way some of the habitual, local ways of organizing use of nature. For this reason, the question is especially sensitive and apt to get conflicted.

### 3 SITUATING REINDEER HERDING

Before entering the argumentation between nature management authorities and reindeer herders, I will build the contextual frame of the related phenomena. The aim is to provide basic information and viewpoints concerning the historical background and the emergence of centralized management institutions through legislation, regulatory systems, and administrative organs. Besides familiarizing the reader with the subject, the purpose is to introduce the main themes, which serve as a contextual starting point and interpretative resources of the argumentations. In association with it, the following topic areas are discussed: 1) definitions of concepts and general socio-economic variables of reindeer herding 2) principled questions of property and usage rights 3) conceptions of the beginning of reindeer herding 3) emergence of national reindeer herding management and local governance institutions, and 4) institutional and discursive frames of national reindeer herding management.

In this part of the study, a distinct Nordic perspective is applied. The reason for using such a perspective and providing an extensive historical study of the related development is that the areas in question have a long, common historical background. The early governance institutions and conceptions were formed under a common sovereignty– i.e. Swedish Crown, which has played a part in organizing land use and other administrative practices in the emerging nation-states. In general, we can say that present-day geographical entities and their characteristics originate from contemporaneous processes of setting the national borders and establishing central reindeer herding management institutions. These two phenomena are closely interlinked and have many interesting points of conjunction. These matters bear significantly on the ways of organizing existing institutional systems today and on the role and space of reindeer herding in modern society and land use management procedures. Most of all, it influences the views and conceptions of reindeer herders and their corresponding loyalties and expectations.



### 3.1 What reindeer herding?

Reindeer herding can be approached in many different ways: as an industry, as a means of livelihood, as a land use form, as a social and cultural formation, etc. Correspondingly, there are several possible introductions to reindeer herding, beginning with the choice of term. Terms like *reindeer husbandry*, *reindeer breeding*, *reindeer industry* or *reindeer management* are often used as synonyms or substitutes to reindeer herding in literature and everyday speech. All these terms have certain special connotations and accentuate certain specific features of the phenomenon. The term “reindeer husbandry” stresses the occupational dimensions equivalent to stock raising or farming as means of livelihood. “Reindeer breeding” is a close synonym to reindeer husbandry, with semantic emphasis on the act of livestock production rather than on the act of looking after or managing the animals. The terms “reindeer industry” (sometimes “reindeer economy”), in turn, refers to the conception of reindeer herding as a modern occupation with stress on the economic and production aspect.

According to Paine (1994), “husbandry” is actually one of the two domains of the means of livelihood which he calls by the overall name *reindeer herding*. The second domain is “herding,” which he defines as the day-to-day work with a herd. It concerns the relationship between herd and pasture as directed to the welfare of the animals. Husbandry, in turn, has to do with the herd as the harvestable resource of its owners. He notes that for reindeer herders these often actually appear as inseparable parts.<sup>109</sup> The term, “reindeer management,” attempts to catch somewhat similar qualities to the concept of reindeer herding, but with a more modern approach, stressing the rationality of activities. In addition, the term reindeer management is sometimes used to refer to the administration of reindeer herding by public government agencies.

Within this study, I use the term, “*reindeer herding*,” because it seems to be the most preferred term by the (tundra) Sámi

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<sup>109</sup> Paine 1994, 20

reindeer herders themselves. In addition, I use the term “*reindeer herding management*” when speaking of the central administration. Choice of these concepts is congruous with the fact that my research subject is specifically pastoralist reindeer herding – the modern adaptations of it. In as much herding forms one of the core activities of reindeer herding, its relationship to the land forms one of the main concerns of pastoralists. In this respect, it deviates considerably from farming-oriented reindeer herding, which actually could be called reindeer husbandry. From this starting point, I highlight the need for a more differentiated approach to reindeer herding and a greater sensitivity in making generalizations. Obviously, we are talking of a very broad and multi-faceted phenomenon with many spatial and temporal distinctions. Therefore, my research subject represents a special case of reindeer herding, yet carries several features consistent with other adaptations and with the central problematique.

On the scale of national economy, reindeer herding represents a fairly marginal industry. In that perspective, reindeer herding is regarded primarily as meat production, the economic impact of which is evaluated in relations to other industries. Statistically, reindeer herding is predominantly counted under agriculture, where its role in income formation remains minor if not altogether invisible. There is, however, a clear difference in the situation between Finland and Norway. In Finland, reindeer herding is not recognized as the formal part of the national incomes policy negotiations, and it appears to be mostly a curiosity in occupational senses. In Norway, reindeer herding is an officially validated part of the national economy, although it forms a relatively small sector in it.

In contrast, reindeer herding on the *local* scale is undoubtedly one of the most prominent means of livelihood in regard to both local economy and household income in Enontekiö municipality and in the District of Northern Lapland (in Finnish, Ylä-Lapin luonnonhoitoalue). Explicit, updated numerical data supporting this fact is not available. Furthermore, reindeer herding forms a marginal occupational unit on the national scale according to Tilastokeskus in Finland, and statistical data, especially based on

ethnicity, is not available.<sup>110</sup> However, several other statistical sources<sup>111</sup>, which I have used in an earlier study (Heikkilä 2000c) highlight the occupational and cultural significance of reindeer herding in Northern Lapland.

On the whole, there is relatively little economic analysis available of the income effect of reindeer herding in comparison to other industries that would match the region in question.<sup>112</sup> As a sum of many factors such as the taxation practice<sup>113</sup>, features of informal or barter economy, subsistence use, stochastic factors affecting production etc., the statistical data on reindeer herding provide only partial information regarding the situation. In standard economic assessments, the weight of reindeer herding tends, for these reasons, to be relatively minor. However, in tundra zones, where occupational opportunities are limited in general (e.g. forestry is impracticable and nature tourism has so far been relatively modest) and the average unemployment rate is high<sup>114</sup>, one would expect that the role of reindeer herding is more pronounced in the local economy.

According to the statistical data from Enontekiö in 2002, the total number of people employed by reindeer herding ranged between 80–116, depending on the source of the data and method of analysis<sup>115</sup>. At the same time, the total population of employed in the municipality was 654.<sup>116</sup>

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<sup>110</sup> I have explained the major problems related to use of official statistical material related of the role of reindeer herding in local economy and of the total amount of Sámi engaged in reindeer herding in my report to Metsähallitus (Heikkilä 2000c).

<sup>111</sup> Maatalousyrittäjien eläkelaitos (MELA), Paliskuntain yhdistys

<sup>112</sup> According to the recently published investigation from Inari municipality, the output of reindeer herding equals to forestry and nature conservation in local economy, while the total income from tourism appears to exceed other industries clearly. However, the employment effect of reindeer herding appears to exceed forestry and nature conservation. (Pirkonen 2005)

<sup>113</sup> *Net profit* is based on an approximation and does not always correspond with the actual income.

<sup>114</sup> In the course of 1990s the unemployment rate in Enontekiö varied between 33–35%, and in 2002 was 25.7%. (Lapin TE-keskus, Työmarkkina-tilastot 2003)

<sup>115</sup> MELA Paliskuntain yhdistys, Työvoimahallinto (See Heikkilä 2000c, 35–36)

<sup>116</sup> Tilastokeskus 2002

Considering the average income of single households, reindeer herding appears to take on an important role. There are altogether 322 reindeer owners in Enontekiö municipality<sup>117</sup>, against the total population of 2054.<sup>118</sup> Besides being the main source of income for a substantial proportion of the population, reindeer herding is an important means of subsistence and provides supplementary income to a wide circle of the local population. On the whole, the socio-economic significance of reindeer herding appears, therefore, to be considerable in terms of household economy, although it is not always possible to detect this from available statistics. In these remote areas, the livelihood of people has traditionally consisted of multiple sources and the importance of individual source changes from season to season, year to year. Based on my earlier study<sup>119</sup> it was also obvious that the role of the informal economy (barter economy, subsistence economy, and direct sale) is significant among the reindeer herders and people living on other traditional means of livelihood.

Reindeer herding is probably best known and generally most acknowledged in a cultural sense. Reindeer herding is a distinctive cultural formation that has retained many of its characteristics in the middle of the overall modernization process, which tends to standardize societal development and ameliorate features specific to a given culture. Culturally, reindeer herding is usually articulated onto Sámi culture to the extent that, in public presentations, Sámi culture is often equated with reindeer herding. Tourist business especially makes use of and actively propagates the romantic image, where reindeer-herding Sámi represent the exotic manifestation of the Nordic countries. It is not an altogether made-up image; in fact, compared to other Sámi cultural forms, reindeer herding in Sámi culture may indeed have best retained its vital cultural characteristics. Because of this, reindeer herding has obtained a great symbolic value for Sámi

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<sup>117</sup> (Source: Paliskuntain yhdistys 2002). In Sámi families, and many of Finnish reindeer herding families in the region, it is common that also most of the children own reindeer earmarks. Also many people from reindeer herding families who have other occupations have maintained the earmark.

<sup>118</sup> Tilastokeskus 2002

<sup>119</sup> Heikkilä & Magga 1995

culture and is an important part of Sámi identity in today's society.

In Norway and Sweden, reindeer herding is the exclusive right of the Sámi with a few exceptions.<sup>120</sup> In contrast, a majority of reindeer herders in Finland today are Finns,<sup>121</sup> and the central administration of reindeer herding management appears to be dominated by the Finnish conceptions.<sup>122</sup> Because of the different starting points in reindeer herding the question of ethnicity functions partly in a different way in Finland and in Norway.

Sámi reindeer herders themselves see reindeer herding usually in a more holistic sense, as a way of life in which the economic, ecological, social, and cultural aspects are closely intertwined. Reindeer herding is seen as an inseparable part of life and its prospects and requirements. According to Åhren (1979), culture equals livelihood in reindeer herding.<sup>123</sup> By this statement he points at a certain fundamental dissonance between the sector-divided conceptions forming current societal politics and the virtual situation. In this, sense reindeer herding resembles many other premodern livelihoods, where the borders between occupation, life form, and culture were altogether more undifferentiated. In Sámi conception, reindeer herding is understood as a kind of comprehensive entity consisting of and functioning on the basis of the community of practitioners (including families), customary (inherited and earned) seasonal pastures, reindeer and herding practices.<sup>124</sup> The Sámi word for reindeer herding, *siidadoallu*, covers all these aspects. It is, therefore, not viable to separate one aspect from the other as they are mutually interdependent. Besides being a means of livelihood, subsistence and occupation, reindeer herding appears to organize

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<sup>120</sup> Some Norwegians, mainly in the Southern Norway, have been granted special permit to keep reindeer practically as a part of agriculture.

<sup>121</sup> According to the EU agreement, every EU citizen living permanently in the reindeer herding area has the principled right to own reindeer.

<sup>122</sup> In 2002, 2 of the 14 members of the Board of the Association of the Reindeer Herding Districts (Paliskuntain yhdistys) were representatives of Sámi reindeer herders. The majority of the civil servants in central reindeer herding management are Finns, and in the Reindeer Herding Act of 1990 or other regulatory documents there is no reference to Sámi reindeer herding.

<sup>123</sup> Åhren 1979, quoted by Beach 1981, 290

<sup>124</sup> Sara 1993, 28

the social life of the reindeer herding community. The relationship is two-way, as Hætta Kalstad (1999) formulates it: “Sámi culture is the prerequisite and outcome of reindeer herding”.<sup>125</sup>

### **3.1.1 Perspectives to the origin of reindeer herding and the Sámi**

The question of the origin of reindeer herding and Sámi have been actively debated in various disciplines over past decades. According to a generally accepted view, Sámi are regarded as descendants of the Early Stone Age culture on the Arctic Sea coast and of the population groups that have immigrated to the region during different periods of time.<sup>126</sup> Based on the joint results of historical, archaeological, linguistic, and genealogical research, it appears that Sámi culture and identity have emerged between 3 500 BC and 1 500 BC.<sup>127</sup> This knowledge has not evolved without a stringent campaign, still going on in Finland today, for the recognition of the minority status that was accomplished in Norway during the 1980s. The question of the origin of Sámi assumes particular significance in the context of the Indigenous People’s Rights, and their practical reference to land use and land ownership matters in Northern Lapland and Finnmark respectively.

The origin of reindeer herding is another widely debated issue among the researchers. There is a general consensus that reindeer herding originates from deer hunting. However, there are some markedly deviating interpretations concerning the dating. According to the archaeological research of Aronsson (1991) and Storli (1994), and the historical and anthropological research by Wiklund (1908, 1927), Gjessing (1934, 1941, 1942), Vorren (1962), Itkonen (1984), Hansen (1996), Hansen & Olsen (2004), reindeer herding evidently emerged between 0–1000 AD. Its

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<sup>125</sup> Hætta Kalstad 1999, 25

<sup>126</sup> Simonsen 1979, Olsen & Schanche 1984, Carpelan 1996, Halinen 1999, Aikio 1992, NOU 1994:21, Krogh & Schanche 2002, Hansen & Olsen 2004

<sup>127</sup> Nickul 1970, Aikio 1985, Korhonen 1985, Carpelan 1994, Krogh & Schanche 2002, Hansen & Olsen 2004, Hansen & Olsen & Minde 2004

volume grew considerably in 1200s in central Norway and Sweden, and a rapid extension took place during the 1600s. However, the symbol of reindeer is discovered also in the rock paintings of the Arctic Sea coast. It is therefore possible that some form of reindeer herding existed as early as 5 000–6 000 years ago in North Scandinavia.<sup>128</sup> According to the other major interpretation, reindeer herding is of considerably more recent origin and did not develop into a major means of livelihood until the 1600s.<sup>129</sup> Linguistics, however, contradict this view, referring to the complex reindeer herding terminology in Sámi language, which cannot have appeared during three to four centuries.

Since there are written sources dating only from the late 1500s on, it is not easy to establish an accurate dating of the origin of reindeer herding. Also, the heterogeneity of Sámi cultural forms in the vast Sápmi (land of Sámi) allows for a variety of interpretations. Obviously it is not quite feasible to produce a general, all-embracing story of the origin of reindeer herding. Instead, more effort should be made in providing locally and temporally defined information. Yet, it is important to notice that the discussion of the origin of Sámi and reindeer herding have political ramifications. Argumentation of an early or in contrast late dating can be used in favor of or against the legitimacy of land claim of reindeer herding, in environmental management context.

Regardless of accurate dating, in the context of my research field – the tundra uplands of Northern Lapland and Inner Finnmark – it is reasonable to speak of a relatively homogenous development in reindeer herding in the sequel of hunting culture. This nomadic, tundra reindeer herding pattern was characterized by fairly extensive usage ranges and long migration routes. According to the anthropologists, the migration pattern evolved as an adaptation to the population growth due to increasing immigration, and to the growing competition for natural resources. Pastoralists made use of reindeer's natural instincts, and developed a mobile life style that facilitated versatile use of resources in tundra and at the Arctic seacoast. As a rule reindeer,

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<sup>128</sup> Helskog 1983, NOU 1994:21

<sup>129</sup> Tegengren 1952, Arell 1977, Wallerström 2000

were herded in a joint family composition, with a flexible constitution of herding groups. Animal herding was the constitutive part of this cultural system and particular way of life.<sup>130</sup>

Local administration was organized within a system of siidas (Lappvillage) under the sovereignty of the Swedish crown. The siidas of Avjovárri, Láhppojavri and Guovdageaidnu (today on the Norwegian side of the border) and the siidas of Rounala, Suovditvárri and Bealdojavri (now on Finnish side of the border) belonged to the administrative district of Torneå Lapland.<sup>131</sup>

The emerging national management policies, since late 1800s, have altered some of the reindeer herding practices of the Sámi in Northern Lapland and Inner Finnmark. Due to cultural adaptations, acculturation, and social development, certain cultural features and reindeer herding practices have differentiated in the two countries. Yet, vivid contacts across the border have continued among the reindeer herding population with a common language, numerous kinship linkages, and marriages. Actually, it was not until 1950s, with building of a physical obstacle – the fence – on the borderline, that the direct intercourse over the border was gradually reduced. Despite certain differences, the Sámi on both sides of the border continue to identify themselves as one people with a common cultural heritage, language, lifestyle, symbols, and values. This fact is often neglected as questions of reindeer herding and environmental management are approached from the nation-state angle.

### ***3.1.2 Reindeer herding and land rights***

Land is a central resource for reindeer herding in many respects. Reindeer are semi-domesticated animals and, for the most part, acquire nutriment by grazing. Concerning free grazing reindeer herding – my object of study – land is the precondition. As a consequence, land rights and access to decision making over land use are among the most crucial questions for reindeer herding.

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<sup>130</sup> Vorren 1962, Manker 1975, Vorren & Manker 1976, Linkola 1972, Ruong 1982, Linkola 1984

<sup>131</sup> Itkonen 1984



The fundamental question relates to deviating conceptions of property and usage rights.

The states of Finland and Norway share the official conception with other modern states claiming, in principle, for the proprietorship of all non-private land. The foundation of this right is constituted as a result of a similar and contemporaneous process, which corresponds to the emergence of modern nation-state and juridical practice. According to the official rhetoric, property right results from the long-established historical practice, where state is claimed to represent the earliest recognized landowner. More explicitly, state's sovereignty has emerged as a result of juridical praxis including taxing right, expropriation right, and rights to natural resources. Certain laws and statutes are referred to in affirming state's sovereignty over land. The rhetoric of the state authorities in Finland<sup>132</sup> refers to Kustaa Vaasan Julistus 1542 (Proclamation of King Gustaf Vasa), Metsäasetus 1684 (the Forest Statute), Metsälaki 1886 (the Forest Act), and the execution of Isojako 1925 (Land Parceling Act)<sup>133</sup>, which, according to the argumentation, have settled the land proprietorship relations.<sup>134</sup> In Norway, the Resolution of 1775 and Jordsalgslovene (in English literally, Laws on Land Sale)<sup>135</sup> in 1863, 1902 and 1965 are invoked.<sup>136</sup>

According to the juridical praxis, property right is established on the grounds of acquisition (e.g. sale, donation, legacy, exchange). In principle, intensive continuous use (immemorial use) can also create acquisition to land. In addition, usage rights may impose some restrictions on private ownership.<sup>137</sup> It was long stated that because of the migratory life style of the Sámi –

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<sup>132</sup> MMM vastaus eduskunnassa esitettyyn kirjalliseen kysymykseen n:o 994/1997

<sup>133</sup> Isojako 1925/157

<sup>134</sup> e.g. Sandström et al. 2000,

<sup>135</sup> Kgl. Resolusjon 27. mai 1775 (Jordutvisningsresolusjonen), LOV1965-03-12 om Statens umatrikulerte grunn i Finnmarks fylke (Jordsalgsloven 1965), LOV 1902-05-22-07 om Afhændelse af Statens Jord Grund I Finnmarkens Amts Landdistrikt (Jordsalgsloven 1902)

<sup>136</sup> In addition, reference is made to the government bill of 1848 (Ot.prp.211848:23), where the state proclaimed itself as the private owner of land in Finnmark, and the state's attorney's speech, in Alta forest court case of 1864. (See Pedersen 1999b, 31–32)

<sup>137</sup> Strøm Bull 2004, 164–165

particularly in tundra – it was not possible for them to have established a regular tenure relationship to a certain spatially defined piece of land. Furthermore, since land use management in the Sámi communities was traditionally organized within a collective framework of *siida*, individual Sámi could not be regarded as landowners.<sup>138</sup>

From the outset, the views of Sámi reindeer herders contrast with these principal outlines, claiming instead that reindeer herding is based on land use rights established by immemorial usage. This right has generated a property status and partly challenges the narrow conception of private ownership, according to which the state is the owner of non-private land. Reindeer herding is organized along the traditional clan- or family-based occupancy of land. In general, this is still the normal practice in my research field still today. Several administrative rearrangements and divisions have been imposed and, together with the overall societal transformations, have resulted in new adaptations in the reindeer herding society. Nevertheless, the fundamental principle of organizing reindeer herding and land use management internally has persisted. The fact that this custom is not always respected today, and that there may appear some confusion on some parts of the reindeer herding area, does not invalidate this state of affairs altogether. However, it indicates that there are some serious problems and some fractures in the functioning of the traditional land use institution, the reasons of which are mostly very complex.

Over the past decades there have emerged a number of juristic studies and court verdicts that have confirmed the Sámi claim.<sup>139</sup> For instance, the Supreme Court's verdicts in the Altevann case (1968)<sup>140</sup> in Norway and the Taxed Mountain Case in Sweden (1981)<sup>141</sup> confirmed that, in principle, usage right comparable to ownership right could be established based on the traditional (Sámi) land use pattern (reindeer herding, hunting and

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<sup>138</sup> Jebens 1999, 41; Pedersen 1999a, 132

<sup>139</sup> NOU 1984:18; NOU 1993: 34; NOU 1997:4; NOU 2001:34; Korpijaakko 1989; Jebens 1999; Strøm Bull 1997, 2004

<sup>140</sup> Høyesterett dom i Altevatnsaken 20.4.1968, Norsk Retstidende 1968:429

<sup>141</sup> Högsta Domstolens dom Nr. DT 2. 29.01.1981 "Skattefjällsmålet"

fishing). It is then a question of sufficient substantiation of extensive, continuous usage.<sup>142</sup>

According to Korpijaakko-Labba (1989), the immemorial usage right of reindeer herders was based on the siida system, the authority of which was recognized by the Swedish Crown. The members of siidas were responsible for paying so called “Lapp-tax” (in Swedish, lappeskatt) of their inherited land properties (In Swedish, lappmark / in Finnish, lapin veromaa tai perintöveromaa).<sup>143</sup> Later, siidas were made collectively responsible for paying Lapp tax. In Finland, these were registered in land taxation catalogues until 1905.<sup>144</sup> She also states that the statutes and laws on which the state’s rhetoric in Finland relies were first ordained for promoting and safeguarding the interests of forestry and agriculture and, as a matter of fact, did not generate any specific proprietary status for the state. Correspondingly, the Isojako Land Parceling Act<sup>145</sup> concerned only newly established farms and, for that matter, did not generate the state any land property status.<sup>146</sup>

Correspondingly, according to Jebens (1999), the claim of the state of Norway to land in Inner Finnmark is founded on recent legislation, not on actual usage practice. In reality, the state did not exercise control over land in Inner Finnmark until the Second World War, in some parts not until 1960s. For example, building cabins, fishing, and hunting continued under the internal control of the local society without state interference. The situation corresponds largely with that of Enontekiö, where the execution of Isojako was not fulfilled until the 1960’s and Vesipiiri-rajankäynnit (the Registration of the Rights to Waterways) in 1970s. In several cases the matters are still disputed.

Strøm Bull (2004) regards the matter from the perspective of local usage rights, where local residents have a preferential right to certain resources of outfields. The usage rights are established through immemorial usage and limit land owner’s rights of disposal over land. She points out that, in this sense, the situation

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<sup>142</sup> Svensson 1997, 125

<sup>143</sup> See also Jebens 1999, Päiviö 2001

<sup>144</sup> Korpijaakko-Labba 2000, 29

<sup>145</sup> Isojako 1925/157

<sup>146</sup> Korpijaakko-Labba 2000, 224, Saamelaiskäräjien Maanomistustyöryhmän selvitys 2002

in Finnmark appears to deviate from the rest of Norway. In Southern Norway, large stretches of outfields have been subjected to private ownership through immemorial usage.<sup>147</sup> Correspondingly, there are state owned common areas<sup>148</sup> to which the local population has extensive usage rights.<sup>149</sup> In Finnmark, local customary usage rights have not been recognized to the same extent. Therefore, the conception of state owned common land is applied in a different way. Unlike in the southern parts, the state owned outfields in Finnmark are regarded as “a common resource to all Norwegian citizens.” Special laws, such as the Reindeer Herding Act, have granted certain specific land use rights. However, she points out that there is a significant principled difference involved. Rights that follow from legislation may, in principle, be freely annulled or restricted, but rights that have another basis – such as rights established by immemorial usage – cannot be annulled or restricted without compensation.<sup>150</sup>

With the more recent examples of Selbu<sup>151</sup> and Čahppot cases<sup>152</sup>, the Supreme Court of Norway has clearly taken a new path towards extending the content and conditions of land ownership. The Supreme Court has confirmed the land proprietorship of the two local communities on the foundation of an old custom and continued usage against the state’s ownership. Furthermore, in the current Reindeer Herding Act of Norway<sup>153</sup> the separate juridical foundation of the land use right of reindeer herding is recognized as a point of departure. In 2005, The Finnmark Act<sup>154</sup> was issued with the purpose of reorganizing land use management in Finnmark. The practical impact of the recently passed law is, at this point, still unknown. The purpose is it to reorganize the management of land and natural resources in

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<sup>147</sup> These so called “byallmennige” (in English literally, the common property of the village) are owned by the farmers of particular village communities, who have traditionally harvested nature in defined areas.

<sup>148</sup> statsallmenninge

<sup>149</sup> The local rights may impose restrictions on common use.

<sup>150</sup> Strøm Bull 2004, 164–168

<sup>151</sup> Høyesteretts dom 5.10.2001, Norsk Retstidende 2001: 1229

<sup>152</sup> Høyesteretts dom 21.6.2001, Norsk Retstidende 2001: 879

<sup>153</sup> NOU 2001:34

<sup>154</sup> Ot.prp.nr. 53 (2002-2003), LOV 2005-06-17-85

Finmark in a manner that would meet the standards of the ILO convention for Indigenous People's Rights especially on land.<sup>155</sup>

In Finland, the progress is markedly slower and more cautious in this matter. At the moment, concrete proceedings are delayed until supplementary investigation is completed. So far, several investigations have been made; Korpijaakko's (1989) comprehensive pioneering investigation has been supplemented by Myntti (1998), Vihervuori (1999), and Wirilander (2001). The last joint research project between Universities of Oulu and Lapland is finally completed, and only recently published.<sup>156</sup> This investigation was ordered and financed by the Ministry of Justice. Sámediggi has run parallel investigations,<sup>157</sup> because the founding research question and set-up is, according to their view, not properly defined and because some of the most competent researches, including Korpijaakko, were excluded from the above-mentioned research project on the grounds of being "legally disqualified" due to her marriage with a Sámi reindeer herder. One of the most complicated problems involved seems to be the question of the usage rights of local non-Sámi population, and their relationship to implementation of Indigenous People's Rights. It appears that the political dimensions of the question are immensely more complicated than the scientific ones.

## **3.2 Reindeer herding and the emerging governance**

### **3.2.1 *Emerging local governance***

Against the long historical background, it is apparent that public control of reindeer herding is of fairly recent origin. The historical investigation of the development in Northern Fennoscandia also indicates that building national and local administrative institutions in these remote areas coincides generally with introducing centralized regulation measures for reindeer herding.

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<sup>155</sup> ILO Convention 169 (1989) of the Indigenous and Tribal People

<sup>156</sup> Vahtola & Enbuske & Hiltunen & Nahkiaisoja & Joona 2006

<sup>157</sup> Saamelaiskäräjien maanomistustyöryhmän selvitys saamelaisten koti-seutualueen maakysymyksessä 2002

The first tentative steps in local nature management are clearly connected with controlling the relationship between reindeer herding and other land use forms.

Although the practical impact of the above listed laws and regulations on reindeer herding was at first minor, their greater importance lay in the fact that they gradually changed the conception of private property. Furthermore, these documents later achieved great significance as a part of the rhetoric of modern nation-states in defining and defending state's land ownership.

One centrally important agreement is typically presented as the starting point for managing reindeer herding. It is Lappekodicill, a supplementary agreement attached to the peace treaty of Strömstrand in 1751. This treaty established the first national border in the area, and divided the area in two between Denmark (Norway) and Sweden (Finland). Lappekodicill confirmed Sámi reindeer herders' customary rights to annual migration routes and sites, including fishing, hunting, and use of firewood. The great significance of Lappekodicill for reindeer herding is usually underlined by researchers, and it is often referred to in the context of Sámi rights in general. It is often referred to as the "Magna Charta" of the Sámi, in the sense that it contained a formal consolidation of the Sámi rights by the state authority. This migration right is maintained until present time between Sweden and Norway, and is reinforced by updated agreements.<sup>158</sup> Besides the practical impact, Lappekodicill also has significant importance as an interpretive resource for justifying the principle of Sámi land use rights and the customary land use rights of reindeer herding. Yet, in Finland the argumentative power is reduced, because, as a result of the political development, Sámi reindeer herders on the Finnish side of the border were deprived of their migration right.

The first decisive rules and regulations for controlling reindeer herding are linked to coping with the great confusion in local circumstances after imposing the national borders. In the Hamina Peace Treaty of 1809, Finland became the Great Dutchy

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<sup>158</sup> Konvensjonen 1919, LOV 1972-06-09-31

of Imperial Russia. The national border between Imperial Russia and Sweden was drawn along the rivers Tornionjoki, Muonionjoki and Könkämäeno. As a consequence, Enontekiö Parish was split in two. The foundation for differentiation in national administrative principles and institutions was created, especially following the border closure between the respective nations. Despite the obvious differences in institutional arrangements, researchers have pointed out several similarities in the overall great development lines and factors, as well.

The border closure was proclaimed between Imperial Russia and Norway in 1852, and between Imperial Russia and Sweden in 1889. It affected reindeer herding extensively. The reindeer herders on the Norwegian side lost their valuable winter pastures in Finnish territory, whereas the herders on Finnish side lost their migration right to summer pastures on the Arctic seacoast.<sup>159</sup> Additionally, the herders on Finnish side also lost their opportunity for sea fishing, which had been an important element in their seasonally differentiated diet. They also missed their guest-host relations with the coastal Sámi population and the sources of supplementary income when trading opportunities were reduced. These factors had been of vital importance for organizing reindeer herding and for the way of life of the reindeer herding families. Some of the fundamental reasons behind present problems in reindeer herding in the two countries have their roots in these incidents.

Reindeer herders were forced to adjust to the transformed political, socio-economic and geographic conditions under the sovereignty of their respective national governments. The adaptation took place primarily by changing herding patterns and through areal transitions. For a long period of time, there continued to be plenty of reshuffling between the locations of Enontekiö (in Sámi, Eanodat), Kautokeino (in Sámi, Guovdageaidnu), and Káresuando (in Sámi, Gárasavvon) until migration was banned by the local governments.<sup>160</sup> On the

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<sup>159</sup> Ström Bull 1999, 118

<sup>160</sup> In addition, several reindeer herding families moved to Vuotso and other parts in Northeastern Lapland (Aikio 1985). In Norway, since 1850s, the reindeer herding Sámi were obliged to get registered in the municipalities of Inner

Finnish side of the border, compositions of some siidas were reorganized, but the most important change was probably the change of migration patterns into short distance migration within national borders. Correspondingly, the locations of winter pastures of many siidas on the Norwegian side of the border were shifted northward to barren tundra which lacked the qualities of the conifer belt and caused certain inconveniences to reindeer herding.

Another major factor that precipitated regulations for managing reindeer herding was *population growth* and *growing interests in land from forestry and agriculture*. These factors accelerated competition for natural resources and the need for controlling “the damages caused by reindeer herding to other means of livelihood” – as the situation was interpreted.<sup>161</sup> Initially, immigration beyond the border of Lapland had been prevented by the Swedish Crown. Taxing the Sámi and trade with them were considerable sources of income that the Crown had taken possession from the privileged clans or guilds in 1553.<sup>162</sup> There was a change of policy in 1673, after which immigration was actively encouraged to cover the demand for agricultural land and to provide labor force in the mines of Northern Sweden.<sup>163</sup> Correspondingly, Norwegian immigration to the exterior seacoast in Finnmark started around the 1300s. Levying taxes on Sámi was coupled with an increasing interest in fishing in the 1500s. Although there was a distinct regional division between the two

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Finnmark instead of the Arctic seacoast municipalities of their summer pastures (NOU 2001:34).

<sup>161</sup> In Finland, the question concerning protection of tree line forests (in Finnish, *suojametsäkysymys*) played a part in regulating reindeer herding, and especially controlling the damages of reindeer on young trees and regeneration. (E.g. Renvall 1915; Hustich 1940, 1948, 1966). However, in case of Enontekiö, this matter had minor importance, because of the specific geographic, climatic and vegetation circumstances.

<sup>162</sup> As several historians and ethnologists have pointed out, the earliest forms of external control were primarily characterized by the economic interests, such as tax collecting and merchandise. It was exercised by the *birkarl-institution* that reigned approximately from 1200s to late 1600s. Collecting taxes was an appealing source of income, and the representatives of Russian, Norwegian and Danish Crowns began to compete for tax revenues from this area. (Virrankoski 1973, Itkonen 1984:I, Julku 1984, Aikio 1985, Onnela 1985, Vahtola 1985, Aikio 1992)

<sup>163</sup> Itkonen 1984:I, Onnela 1985, Virrankoski 1973



ethnic groups, friction over the use of resources was evident as fishing became unprofitable because of market fluctuations. There also appeared some competition over natural resources with the Kvens, who had emigrated to the Arctic seacoast from Northern Finland during the 1750s.<sup>164</sup>

In Enontekiö, confrontations between the ethnic groups became more tangible in the latter half of the 19<sup>th</sup> century. As a result of the division of Enontekiö parish between Sweden and Imperial Russia and of simultaneously increased Finnish settlement, Sámi population had turned into a minority. Correspondingly, their representation in the emerging local administration was relatively low in proportion to their number. In Northern Lapland, the ethnic division converges only partially with the occupational division. At the onset, the settlers were expected to engage in agriculture. However, due to the cold climate agriculture was not productive enough, and the settlers had to supplement their livelihood by subsistence hunting and fishing. At the latter part of the 1800s, a more substantial interest toward reindeer herding arose among the Finnish settlers in Enontekiö. Several settler families became reindeer owners, engaging Sámi reindeer herders to look after their reindeer or proceeding into reindeer herding themselves. In addition, some Finns entered reindeer herding through marriage with Sámi women.

In Finnmark, the situation was, in this respect, divided; the situation on the Arctic Sea coast more closely resembled the Enontekiö's case, whereas in Inner Finnmark, the development was clearly different. Over the course of the 1800s, settlement to the coastal area of Finnmark increased substantially<sup>165</sup> and animal husbandry was introduced in a larger scale with purchase of private land<sup>166</sup>. Subsequently, the number of conflicts over use of resources increased. Besides conflicting interests, there were also certain shared interests between the ethnic and occupational groups. A complex guest-host relation (in Sámi, *verddevuohta*)

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<sup>164</sup> NOU 1994:21

<sup>165</sup> According to Pedersen (2001) the total amount of Norwegian population in Finnmark increased threefold during the latter half of 1800s, turning the Sámi into minority.

<sup>166</sup> Facilitated by the Jordutvisningsresolusjon of 1775 (Kgl. Resolusjon 27. mai 1775)

between reindeer herding Sámi and seaside Sámi, Kvens<sup>167</sup> or Norsemen facilitated maintenance of an informal management of use of land resources.<sup>168</sup> However, as a result of a powerful policy of Norwegianization that was launched as an instrument of nation building,<sup>169</sup> the natural and economic foundation of the Sea-Sámi culture was rapidly eroded. Due to increasing competition over the natural resources, the relationship between the Sea-Sámi and the Reindeer Herding Sámi population was also aggravated. It was not uncommon for the Norwegian settlers or Kvens to possess some reindeer, which were managed by Sámi reindeer herders. However, in Finnmark, reindeer herding remained a characteristically Sámi means of livelihood.

In contrast, Inner Finnmark remained sparsely populated until the Second World War. Sámi reindeer herders continued to migrate between the seasonal pastures in inland and coastal areas or islands. Different from Enontekiö, Guovdageaidnu remained distinctively dominated by the Sámi population. The spread of sedentary population was relatively slow and remained modest, and was constituted of Norwegian priests and government officials, and Finnish settlers who mainly assimilated with the reindeer herding society. In addition, a group of Sámi called *dálon*, who were engaged in fishing and hunting with little or no reindeer in their possession, took up small-scale agriculture in order to support their household economy. The lifestyles of the migrating reindeer herding Sámi and the sedentary Sámi remained mutually supportive for a long time. Later on, according to the researchers, there was relatively little competition over resources because of alternating timing; the reindeer herders used the tundra during winter, while the sedentary Sámi harvested the area predominantly during the summer.<sup>170</sup> Whereas in the seaside municipalities reindeer herders were more often marginalized from local decision-making processes, according to Keskitalo (1998) in Guovdageaidnu reindeer herders have always been

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<sup>167</sup> Kven is a Norwegian term for ethnically Finnish emigrants to Norway.

<sup>168</sup> NOU 1994:21

<sup>169</sup> Norway got independent from Denmark in 1814.

<sup>170</sup> Keskitalo 1998, Hætta Kalstad 1999, Sara 1993

actively represented in the municipal government with reference to fiscal matters and personnel administration.<sup>171</sup>

The situation was notably different in Enontekiö. Judging by the early reports of the proceedings of the municipal council, reindeer herding became a widely confronted issue from the 1870s on. There were recurring and frequent confrontations between farmers and reindeer herders concerning eventual damages caused by reindeer on agricultural land and some internal conflicts between the reindeer herders of two different ethnic origins. Also, due to the recent border closure, there were continuous disputes over the formal place of residence of the migrating Sámi. In the Norwegian municipalities of the Arctic Sea coast, similar conflicts appeared that precipitated the division and regulation of summer pastures by the authorities. In Guovdageaidnu, some restrictions were set for grazing within the direct vicinity of the village settlement, but the overall attitude remained more favorable for reindeer herding.

Organizing local administration had its roots in *church administration* from the 1500s. Local parishes had run the taxation and registration duties until the Acts for Municipal Administration were stipulated in 1865 (Finland)<sup>172</sup> and in 1837 (Norway)<sup>173</sup>. The gradual shift of administration from the church authorities to secular administration was accompanied by the gradual expansion of commissioned duties. It is notable that during the early days of municipal government – when local nature management began to formulate – *the vicar* still exercised considerable authority regarding land use matters and disputes.<sup>174</sup> The authority of church and secular administration became differentiated gradually in the course of late 1800s. Thereafter, authority in local nature management was shifted to the hands of Municipal Board Meetings.

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<sup>171</sup> Keskitalo 1998, 609

<sup>172</sup> Maaseudun kunnallislaki 1865

<sup>173</sup> LOV 1837-05-01

<sup>174</sup> E.g. in the name of the Enontekiö parish in 1894 Vicar Laitinen, took the liberty of informing the representative of the imperial administration in Oulu, of (his perceptions of) the current condition in reindeer herding and of immediate requirements for improving it. Similarly Vicar Roden was one of the two Norwegian members in the Border Commission negotiations between Sweden and Norway in 1843.

### 3.2.2 National reindeer herding management emerges

From the previous paragraph, it can be assumed that the origin of controlling and regulating reindeer herding by external authorities was the result of multiple and complex circumstances. The actual social, political, and demographic transformations that occurred both locally and nationally altered the composition of the environment and actors, and constituted novel challenges. The emerging reindeer herding management consisted initially of two types of regulations: those *organizing the relations between reindeer herding and other land use forms*, and those *organizing the internal relations within reindeer herding*. The principal concerns of the Municipal Board Meetings related to reindeer herding were pronounced as: 1) controlling the relation of reindeer herding and agriculture, 2) organizing the division of pastoral land among reindeer herders and 3) controlling the fishing and hunting rights of reindeer herders and non-reindeer herding population.<sup>175</sup>

In Finland (the Great Duchy of Imperial Russia), the earliest statutes that regulated reindeer herding were local agreements from the latter half of 1800s.<sup>176</sup> The first regulations for organizing reindeer herding in Enontekiö appeared in 1878.<sup>177</sup> In the subsequent years, regulations were designed for consolidating herding practices, an earmarking system, and most of all, protecting agriculture from the damages caused by reindeer and setting the compensation of damages. As a result of increased confrontations throughout the reindeer herding area in the Great Duchy of Finland, the General Governor of Oulu Province gave a general proclamation for organizing reindeer herding in 1898. According to the proclamation, the municipalities were obliged to: 1) form administrative reindeer herding districts that included

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<sup>175</sup> Emerging forest industry had relevance only in a limited scope, as my research field is mostly situated in tundraic geographical conditions, i.e. above the timber line. In other parts of reindeer herding area, it became a major source of conflict.

<sup>176</sup> In the southern part of the reindeer herding area there were some contracts between the (Finnish) reindeer herders already in 1769 concerning how to organize certain common reindeer herding tasks (Kortesalmi 2002). However, in a larger scale regulating reindeer herding began in the course of 1800s.

<sup>177</sup> Enontekiön kunnan kuntakokouksen pöytäkirja 25.4.1878

a foreman, 2) confirm the borders of these administrative units, 3) control the total number of reindeer, and 4) set the liability for the damage done to forestry. Later on, the overall reindeer herding area was divided into two sectors comprised of northern and southern reindeer herding areas.<sup>178</sup> The proclamation was complemented by another in 1916 that contained provisions for division into districts, district fees and regulations for the highest number of reindeer per district.<sup>179</sup>

The first regulations in Enontekiö seem to have concerned mainly ethnically Finnish reindeer herders. It is repeatedly pronounced that “Sámi reindeer herders continue to manage reindeer in their traditional way or within certain regulations that were provided exclusively for Sámi reindeer herders.”<sup>180</sup> In connection with the general proclamation of 1898 and after some disputes, four reindeer herding districts were formed in Enontekiö, two for Sámi and two for Finnish reindeer herders. According to the contemporary records, however, the volume of Sámi reindeer herding was overwhelming to Finnish reindeer herding as the Sámi possessed the vast majority of reindeer.<sup>181</sup> Later the districts were fused into two: Näkkälä and Lappi<sup>182</sup>.

It appears from the minutes of the municipal government that this was characteristically a formative period of local administration, a transition of control and authority from parish to the newly formed municipal governments under whose supervision reindeer herding was to be managed. The designations and constitution of the novel administrative units and their authority seemed to vacillate.<sup>183</sup> This discovery supports Korpijaakko-Labba’s<sup>184</sup> view that the *siida* system was gradually displaced by the local administration through the assumption of new administration practices. It was never repealed in a lawful order.

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<sup>178</sup> Keisarillisen senaatin kuulutus 28.5.1898

<sup>179</sup> Keisarillisen Suomen Senaatin päätös porojen laiduntamisesta kruununmetsissä. Suomen suurruhtinaskunnan asetuskokoelma 20.6.1916/40

<sup>180</sup> Enontekiön kuntakokouksen pöytäkirja 14.2.1894

<sup>181</sup> Enontekiön kuntakokouksen pöytäkirja 14.2.1894

<sup>182</sup> The name was changed in 1962 to Käsivarsi Reindeer Herding District.

<sup>183</sup> Terms *pitäjä*, *seurakunta*, *kunta*, *paliskunta* and *poronhoitoyhtiö* are used one on the other reflecting the unsettled administration practice of the period.

<sup>184</sup> Korpijaakko-Labba 2000, 106

In the meantime, the traditional internal management system has persisted in some form in the actual practices of Sámi reindeer herding as a parallel system of governance.

Correspondingly, in Finnmark, regulating reindeer herding started in the form of organizing the internal relations of reindeer herding after the border closure in 1854, and was supplemented in 1857, 1869, 1898 and 1903. This was an attempt, on the behalf of the state, to confront the crowded pastoral conditions and subsequent disorder. Finnmark was divided into three areas: Øst-Finnmark fogderi, Karasjok sokn, and Kautokeino prestegjeld, with a concomitant distribution of the winter pastures. This division corresponds with the later division into reindeer herding zones. In addition, an act was ordained in 1888 that contained regulations for ear marking, registration, and round-ups.<sup>185</sup>

The confrontation between agriculture and reindeer herding was acute in the western and southern reindeer herding areas in Norway and Sweden. As a consequence, a General Sámi Act (Felleslappeloven) was stipulated in 1883. The clear intention was to protect agriculture and other means of livelihood against the damage of reindeer herding and to establish the collective liability of damages. Although Finnmark was excluded from the act, it nevertheless obliged those Sámi siidas from Finnmark whose summer pastures were in Tromssa district to elect a foreman. Aside from this arrangement, reindeer herding in Inner Finnmark continued independently under the internal management system of siidas.<sup>186</sup> However, the great significance of this stipulation was, as Strøm Bull stresses, that it established the practice in which reindeer herding districts formed collectively-liable units of damages.<sup>187</sup>

It is noteworthy that the first national Reindeer Herding Acts<sup>188</sup> were stipulated quite contemporaneously in 1930 in Finland<sup>189</sup> and 1933 in Norway.<sup>190</sup> National Reindeer Herding

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<sup>185</sup> Berg 1997, 10; Sara 1993, 42; Strøm Bull 1997, 17

<sup>186</sup> Berg, 1997, 10; Sara 1993, 42–43; Strøm Bull 1997, 17

<sup>187</sup> Strøm Bull 1997, 17

<sup>188</sup> There are several translations for the title of the act: Reindeer Herding Act (Joonä 1993), Reindeer Management Act (Strøm Bull 1999)

<sup>189</sup> Finland got independent from the Imperial Russia in 1917.

Acts were preceded by a prolonged period of extensive committee work in both countries. Committee reports and the reports by responsible officials prove that the attitude towards reindeer herding swayed considerably over the time.<sup>191</sup> Reindeer herding was regarded alternatively either as “an anachronistic remnant, injurious to other land use forms,” or as “a promising means of livelihood for keeping remote areas inhabited.” There were several proposals for restricting or forbidding reindeer herding on “crown land”<sup>192</sup> or on private land without landowners permission,<sup>193</sup> as it was considered to be too harmful for forestry. On the other hand, the Committee Report of 1929:8 in Finland contained a proposal for making reindeer herding the primary means of livelihood in the designated herding area.<sup>194</sup> Correspondingly, the main point of the Proposal for the First National Reindeer Herding Act in 1924 in Norway<sup>195</sup> was that *reindeer herding would disappear*, making way for the development of agriculture, which was thought to represent progress. According to Strøm Bull (1999), the contemporary documents show clearly that the view of reindeer herding and its rights depended on whether other strong groups had interests in the areas in question. The greater the desire for the pasture areas of reindeer herding from other groups, the more negative the view clearly became toward reindeer herding in the state’s policy.<sup>196</sup>

With the first national Reindeer Herding Act, reindeer herding *achieved a permanent status as a land user, both on state owned and private land* within the geographically defined reindeer herding area. However, the Reindeer Herding Act contained *no clear definition of the extent and origin of the reindeer herding rights*. The exact content of the right has been

<sup>190</sup> The union between Norway and Sweden broke in 1905, when Norway gained its independence. At this phase, settling disputes between Swedish and Norwegian reindeer herders concerning the pastoral rights across the state border had become another urgent motive for regulating reindeer herding.

<sup>191</sup> As represented KM 1905:3, KM 1910:7, KM 1914:2, Indstilling 1902, Indstilling 1904, Innstilling 1911, Ot.prp. nr.30 (1924)

<sup>192</sup> Senaatin valtiovarainoimikunnan pöytäkirja 26.9.1860, Indstilling 1904

<sup>193</sup> KM 1905: 3

<sup>194</sup> Joona 1993, 107

<sup>195</sup> Ot.prp. nr 30 (1924)

<sup>196</sup> Strøm Bull 1999, 120

widely disputed before its passage and ever since. Reindeer herding, as the customary land use rights of the Sámi, was recognized by the Reindeer Herding Committee's report of 1929 in Finland<sup>197</sup> as well as in the Lappcommittee report of 1904 in Norway<sup>198</sup> which preceded the Reindeer Herding Acts. In Finland, an additional interpretation was produced stating that in the areas where Sámi reindeer herding had vanished due to assimilation, the right was considered to pass over to the Finnish reindeer herders.<sup>199</sup> This argument was subjected to dissenting interpretations later.<sup>200</sup> Nevertheless, according to the dominating perception, reindeer herding *was not considered to constitute a positive right to land but was conceived of as servitude.*<sup>201</sup> Against the committee proposal, *the juridical foundation for reindeer herding was considered to be in the legislation not in the customary right.* At the same time, reindeer herding was *subordinated to official administrative control through legislation.*

According to Berg (1994) and Strøm Bull (2001), the first Reindeer Herding Act in Norway was designed predominantly for the southern conditions, which in many respects deviated remarkably from the situation in Finnmark.<sup>202</sup> Accordingly, a great deal of the orders consisted of regulations for protecting agriculture and forestry against reindeer herding. Lenstra (1998) describes the corresponding situation in Finland in similar terms.

There was a fundamental difference in the practice of representing the interests of reindeer herders. In Finnmark, the

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<sup>197</sup> KM 1929:8

<sup>198</sup> Indstilling 1904

<sup>199</sup> KM 1929: 8

<sup>200</sup> Saamelaisvaltuuskunnan lausunto 24.11.1979

<sup>201</sup> Strøm Bull 2001, 267; Joonas 1993, 102

<sup>202</sup> The act contained orders for reorganizing the administrative structure of reindeer herding throughout the country. Among other things, the earlier formed reindeer herding zones in Finnmark were to be divided into reindeer herding districts (in Norwegian reinbeitedistrikt; in Sámi, orohat). The districts were designed according to the summer pasture practice, whereas management on the winter pastures continued to function according to the traditional siida division. Moreover, the districts were made collectively liable for the damages caused by reindeer herding, in the same manner as in southern Norway.



bailiff institution was reintroduced (in Norwegian, *lappfogd*).<sup>203</sup> The Bailiff's task was to be a mediator between reindeer herders and the government. Additionally, the Governor of the Province (in Norwegian, *fylkesman*) was equipped with the authority to decide on the use of seasonally divided pastures and legal migration times. The governor and his office (including the bailiff) have since that time had a central role in controlling and administering reindeer herding in Finnmark.<sup>204</sup>

In Finland, the period of Russian rule marked the break of former representational institutions under Swedish rule, including the *siida* system and the bailiff institution.<sup>205</sup> In the newly emerging administrative system, the authority to represent reindeer herding was gradually delegated to the officials of the Ministry of Agriculture. Later on, the Reindeer Herding Act of 1932 did not contain major changes compared to earlier administrative practice. To all appearance, as many researchers<sup>206</sup> have noted, the role of the official administrative system of reindeer herding districts (in Finnish, *paliskunta*) remained relatively marginal in Enontekiö as the herding practices continued to be organized on a (reindeer herding) *siida* basis (in Finnish, *tokkakunta*).

Along with the administrative development, state's financial support for reindeer herding got started gradually. In Norway, the Reindeer Herding Fund was founded in 1933, through which

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<sup>203</sup> In Sweden, in 1600s, the *birkarl* based governance system was replaced by the system of Lapp bailiffs (in Swedish, *Lappfogd*; in Finnish, *Lapinvouti*). The bailiffs mediated the relation of Sámi (and the localities, in general) to the central authorities. The duties of the Lapp bailiff varied in different times in different places, but consisted primarily of tax-collecting and keeping the Crown records. Occasionally, Lapp bailiffs were also engaged in settling the disputes between immigrants and Lapps especially concerning fishing, hunting and other land use matters. Some of the Lapp bailiffs were Sámi, or had a good knowledge of Sámi language and culture. The administrative changes that were brought about along with establishing state borders between Denmark (Norway) and Sweden (Finland), in 1751, and between Sweden and Russia (Finland) in 1809, implied among other things putting an end to the Lapp bailiff's office both in Finnmark and Northern Lapland. The office was reinstated in Finnmark in 1930 Reindeer Herding Act, but in Finland remained abolished. Bailiffs had been representatives of reindeer herding in other parts of Norway.

<sup>204</sup> See Riseth 1991, 15; Sara 1993, 44

<sup>205</sup> Korpijaakko-Labba 2000, 155

<sup>206</sup> Linkola 1972, Linkola 1984, Lettinen 1995, Lenstra 1998

financial support was channeled to supervise the development trends. Later, financial support became one of the most prominent tools of the official reindeer herding management. In Finland, the state's financial support was connected to the establishment of the Association of the Reindeer Herder's Districts (in Finnish, *Paliskuntain yhdistys*) in 1946, and to the duties channeled through it. The major part of the financial support for reindeer herding has been directed to administrative tasks and to the construction of fences and cabins in reindeer herding areas.

Summing up, the emergence of the national Reindeer Herding Acts can be regarded as the gradual transition of authority into the hands of the official administration, i.e. outside reindeer herding.<sup>207</sup> With the authority provided by the law, it was possible to set the maximum total number of reindeer per district and order compulsory slaughters in cases of excess. Moreover, the state officials could control the division into herding districts and usage of the seasonal pastures. According to Sara (1993), this can be regarded as an ongoing transition towards a stabilization and conservation of certain herding patterns or herding conditions, frequently deviating from the traditional, more flexible Sámi herding system.<sup>208</sup> This does not mean that any kind of external control would have been altogether undesired by the reindeer herding community. On the contrary, according to Strøm Bull, the contemporary records from Norway show that 1) there were several requests on the behalf of the reindeer herders to establish regulation of the use of pastures after the border closure, and 2) reindeer herders made active use of the established official regulation through the sheriff (in Norwegian, *lensmannen*) and through frequent court appeals.<sup>209</sup> The question primarily concerns, then, the actual forms of regulation that were used, and more importantly, the power inherent in such relations.

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<sup>207</sup> Paine (1994, 158) notes the fact, that the Act of 1933 was asymmetrical in relation to the distribution of rights and responsibilities. Rights (compensation) were mostly enjoyed by the sedentary population, and responsibilities (legal liabilities) were left mostly with the pastoralists.

<sup>208</sup> Sara 1993, 128

<sup>209</sup> (Strøm Bull 2001, 264) Similar feature is discovered by Korpijaakko (1989) and Päiviö (2001), from the previous centuries under Swedish rule.

Another significant feature of the development was that, through this process, reindeer herding was increasingly being stripped of its customary land rights status. In spite of being referred to in the committee reports as continuation of a customary right, reindeer herding has lost its primary land use status in favor of agriculture, forestry, mining industry, water power construction or tourism on several occasions. The notion of the juridical foundation of reindeer herding in customary right disappeared from the national Reindeer Herding Acts in Finland (1930)<sup>210</sup> and in Norway (1933). In Norway, the principle was reintroduced by the committee of 1960<sup>211</sup>, but again excluded from the Reindeer Herding Act of 1978<sup>212</sup>. Finally, it has been registered in the introductory paragraph of the new Reindeer Herding Act of Norway in 1996<sup>213</sup> and in the Proposal for Reindeer Herding Act in 2001.<sup>214</sup> Accordingly, reindeer herding is agreed to have a juridical foundation in continued age-old use and custom, independent of the legislation. The task of legislation on reindeer herding management is now described as “directing the use of this right”.<sup>215</sup> In Finland, in spite of various appeals from Sámediggi, Sámi Associations, and The Sámi Reindeer Herders Association, there has not been a change of the assessment. Notwithstanding the principled progress in Norway, reindeer herding in the two countries continues to represent an endured land use form, managed within the framework of general legislation. In Norway, however, reindeer herding enjoys comparatively better protection against expropriation.

### 3.3 Reindeer herding management institutions

Since 1976, there are clearly two deviating paths in managing reindeer herding between Finland and Norway. Whereas the official reindeer herding management in Norway was integrated

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<sup>210</sup> The Reindeer Herding Act was updated in 1948, in 1968 and 1990.

<sup>211</sup> Instilling 1966

<sup>212</sup> LOV1978-06-09-49

<sup>213</sup> LOV 1996-02-23-07

<sup>214</sup> NOU 2001: 35

<sup>215</sup> Strøm Bull 1997, 46

into the corporate system of the national economy,<sup>216</sup> in Finland, reindeer herding has not attained a validated status in the national economy. Another distinguishing feature is that reindeer herding in Norway is regarded primarily as a Sámi means of livelihood with a concomitant relation to Sámi culture and minority status.<sup>217</sup> This fact is explicitly expressed in the Reindeer Herding Act of 1978. In Finland, reindeer herding is, in legislation, regarded without consideration of the ethnic dimension. Incorporating reindeer herding management with the national economy and with safeguarding the minority rights has had some complex effects on reindeer herding.

The creation of central reindeer herding management institutions is intrinsically linked with the general development of institutional administrative systems in the overall society. Specifically, it should be situated against the larger societal developments in nation-state and welfare-state policies in relation to the remote areas and the national minority policy. There is no opportunity for a detailed investigation of the related issues within the scope of this study. I will only make a short reference to the most urgent topics.

Generally, one can speak of two distinctly different attitudes toward Sámi ethnicity in the two countries. In Finland, both the processes of nation-state building and welfare state were generally launched later than in the other Nordic countries. They lasted as such beyond the Second World War. The official minority policy in Finland was, until the 1960s, characterized by the aim of assimilation.<sup>218</sup> Following the generally accepted views of the time, the indigenous people (natives and tribals) were expected to be assimilated (or integrated) fully into the modern

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<sup>216</sup> See Berg 2000

<sup>217</sup> A special permission is given for domesticated reindeer herding by people of Norwegian origin in the southern districts and in the fiord of Varanger

<sup>218</sup> According to President Halonen, in the reply to the ILO 107 Convention, the Government of Finland stated in 1959 that “despite of a few Sámi tribes, there were not indigenous people, as such in Finland”. The policy of Finland, complying with the ILO 107 Convention, was to provide Sámi equal facilities with other citizens for “naturally amalgamating them into the majority population”. According to her, this policy had been going on for hundreds of years. (Halonen 2000)

society.<sup>219</sup> Later nationalism has appeared typically as a strong commitment to the principles of equality and monoculturalism.<sup>220</sup> Correspondingly, this has brought about neglect or denial of Sámi particularity, despite the claims of the Sámi movement to recognize it.<sup>221</sup> This has signified the continuation of an indifferent attitude of the official sector to the interests of Sámi as an ethnic minority, which could be interpreted as a continued covert anti-Sámi tendency.<sup>222</sup> With the absence of an explicitly pronounced policy, it is difficult to recognize the tendency, and break away from it.

While the question of ethnicity and its relevance to reindeer herding in Finland was typically left unspoken, in Norway the ethnic difference was instead made the starting point of official policy. From the 1860s on, an open anti-Sámi attitude was championed in the name of an active policy for Norwegianization. This policy was motivated by the rising nationalist movement<sup>223</sup> and was directed at the Sámi and also at the Finns in Finnmark (in Norwegian, Kvens), who were considered to be a threat to the nation's security. After the Second World War, there was a decisive change in policy towards Sámi minority in Norway. It was characterized by public renouncement of the former policy. It was hastened by the awakening Sámi consciousness and ethnopolitical mobilization.<sup>224</sup> In contrast to Finland, where the problem of ethnic difference is, to certain extent, still unrecognized, certain reifying tendencies have labeled the approach of central authorities to minority questions in Norway.

The spread and stabilization of the welfare state characterizes the socio-economic development of the two countries from 1950-

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<sup>219</sup> ILO Sopimus No 107, Suositus No 104, 1957

<sup>220</sup> See Tuulentie 2001

<sup>221</sup> see Laatu 1997

<sup>222</sup> The reply statement of the Ministry of Agriculture to the ILO Convention no 169 in 1989 indicates that the official line has not changed very much from 1959. (Lausunto Kansainvälisen työjärjestön 76. kansainvälisessä työkonferenssissa hyväksymästä yleissopimuksesta 3181/309 MMM 12.12.1989)

<sup>223</sup> It was combined with a publicly pronounced sociodarwinist ideology of Norwegians representing a higher race compared to the Sámi, and agriculture a more developed form of livelihood to migratory reindeer herding. (NOU 2001:34)

<sup>224</sup> NOU 2001:34; Eriksen & Niemi 1981

1960 on. Several committees were appointed for reforming Reindeer Herding Acts and for improving the depressed socio-economic conditions of the Sámi.<sup>225</sup> This period also witnessed the reawakening of Sámi ethnic consciousness and the subsequent mobilization of Sámi in social and political matters. As a result of the committee work, Reindeer Herding Acts were modified, and certain wide-ranging social operations were launched. For instance, an extensive housing program was started, which, in Finland, was directed at all reindeer herders regardless of ethnicity and, in Norway, specifically at the reindeer herding Sámi of Finnmark. In addition, the spread and stabilization of the school education and an exhaustive system of social security have greatly influenced the conditions for reindeer herding.<sup>226</sup> These measures signified the gradual integration of people and population groups into the main society and at the same time signified the beginning of decisive transformations within the reindeer herding culture. Sedentary accommodations, cash income from subsidiary occupations, and major technical improvements have all contributed to these transformations. Along with the ongoing modernization process, the natural resources of Northern Lapland and Finnmark are equally made open for all the citizens of the nation-state. They are no longer reserved for the local means of livelihood.<sup>227</sup> This in turn has challenged the prime requirement of reindeer herding: free space has become a scarce and contested resource.

### *National reindeer herding management institutions*

The detailed composition of the central reindeer herding management institutions in Finland and Norway respectively are presented in Figures 3 and 4, applying and complementing the

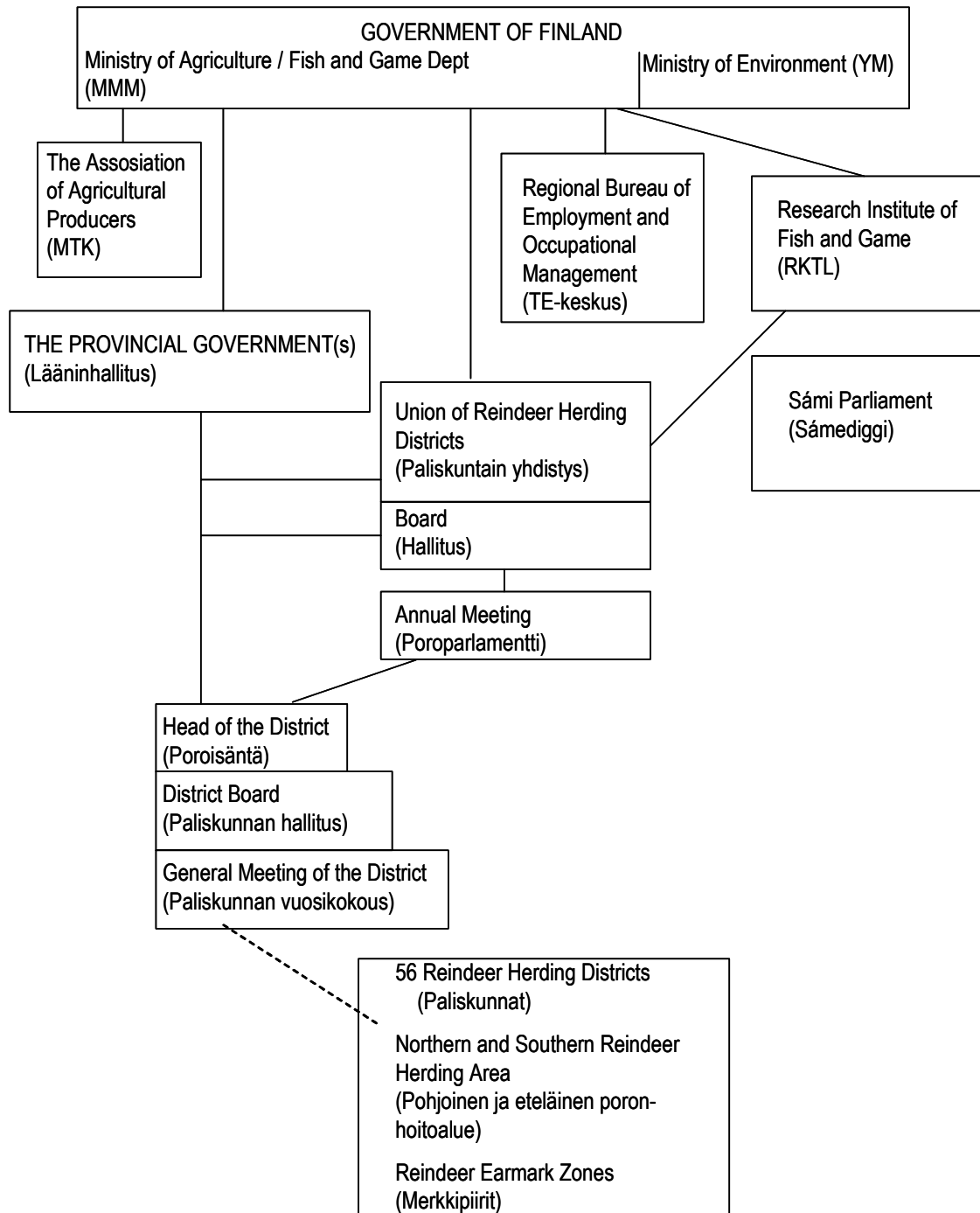
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<sup>225</sup> KM 1952:12 (Saamelaiskomitea), KM 1973:46 (Saamelaiskomitea), KM 1968: (Porotilalakomitea), Samekommittee 1956, NOU 1984: 18 (Samerettsutvalget), Instilling 1966 – Reindriflovkommittee 1960, St.meld.nr. 99 1968–70 (Husbyggeprogrammet)

<sup>226</sup> Laatu 1997, 86

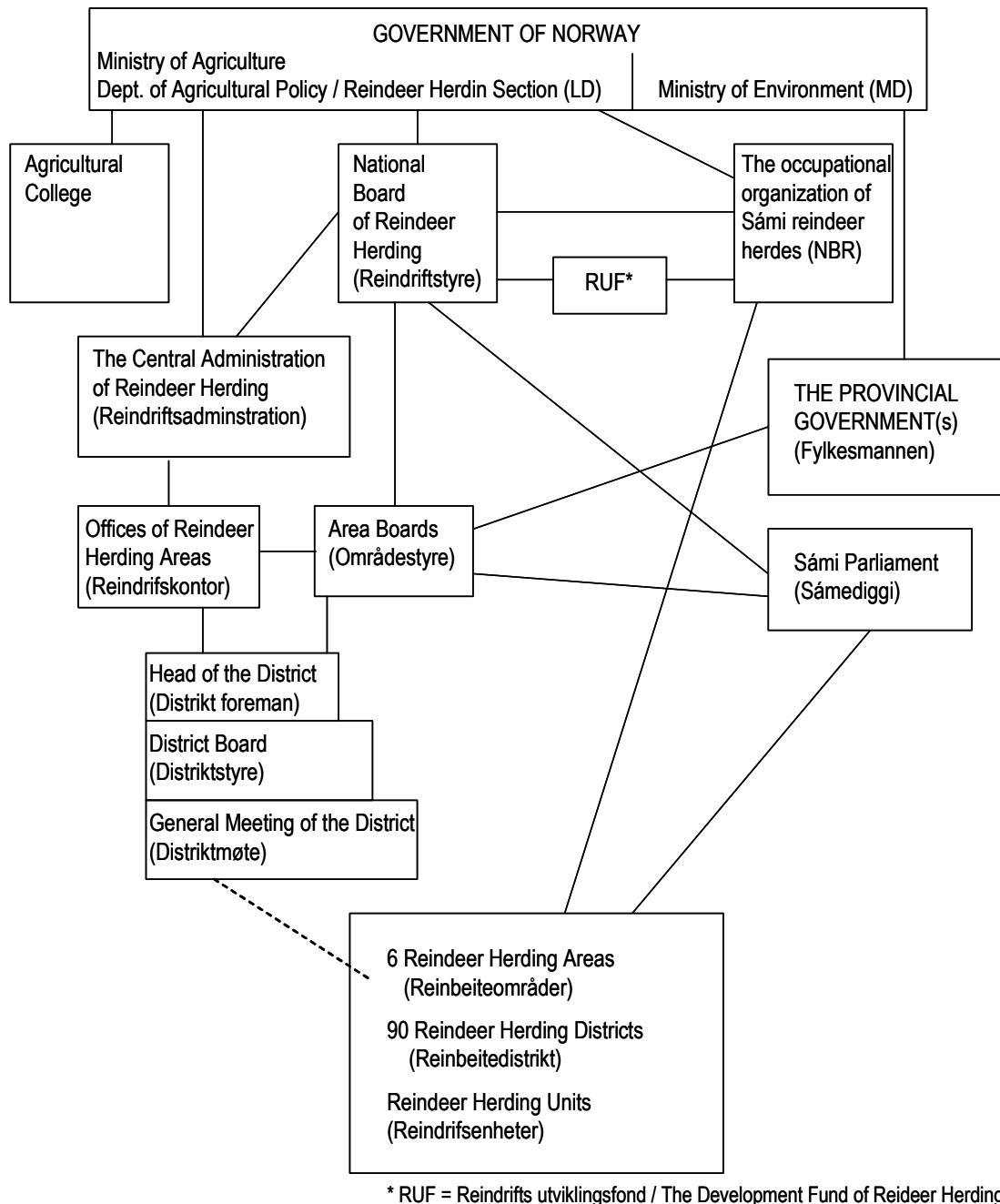
<sup>227</sup> Sara 1993, 61

schematic diagrams produced by reindeer herding administration and researchers.<sup>228</sup>



**Figure 3.** Official reindeer herding management in Finland.

<sup>228</sup> Lie & Nygaard 2000, Riseth 1991, Huttu-Hiltunen & al. 1993, Kempainen & Nieminen & Rekilä 1997, Työryhmämuistio MMM 1999:6



**Figure 4.** Official reindeer herding management in Norway.

With the constitutional right to pass laws, the supreme authority in reindeer herding management is held by the national representative parliamentary institutions. In both countries, reindeer herding management is governed under the Ministry of Agriculture. In Finland, reindeer herding is managed primarily under the Fish and Game Department (in Finnish, Kala- ja riistaosasto) within the Ministry of Agriculture.<sup>229</sup> In Norway,

<sup>229</sup> In addition the Department of Agriculture has the authority of several financial matters related to subsidizing the development of the means of



there is a separate section for reindeer herding under the Department of Agricultural Policy (in Norwegian, Landbrukspolitisk avdeling). With the responsibility for preparing laws and presenting proposals, these departments are equipped with a considerable influence in formulating reindeer herding management policy.

What is specifically important is that management of reindeer herding is institutionally organized *separate from management of land use*. Land use management concerning natural environments (planning and building initiatives and nature conservation affairs) is administered by the Ministry of Environment.<sup>230</sup> In addition, Sámi affairs are handled under the responsibility of under Ministry of Justice in Finland.<sup>231</sup> The partition of administrative responsibility between three departments has made the comprehensive management of reindeer herding more difficult in both countries, as Lie & Nygaard (2000), for instance, pointed out.

Another significant feature is that reindeer herding management is organized in *a hierarchical manner*. The principle is similar in the two countries, although the administrative regimes of the two countries differ from each other considerably in regard to volume and extent. In Finland, the administration model is simple and centralized. Correspondingly it entails more powers to single offices or state employees. In practice the Ministry of Agriculture, Game and Fish department has concentrated authority in controlling reindeer herding and formulating reindeer herding policy. At the same time, it is obvious that the total number of administrative duties performed by the administration staff is not very extensive due to the fact that reindeer herding is not integrated into national economy.

The Provincial Government is appointed authority in practical reindeer herding management questions. They have

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livelihood, the Department of Food and Health has the responsibility for matters of animal health and the Ministry itself monitors the application of the EU directives in reindeer herding.

<sup>230</sup> In Norway, in planning and building affairs outside nature conservation areas Ministry of Municipal and Regional Administration (in Norwegian, Kommunal og regional Departementet) has the responsible authority, while Ministry of Environment makes final decisions in disputes.

<sup>231</sup> Ministry of Municipal and Regional Administration in Norway

controlling authority concerning compliance with the Reindeer Herding Act, and are involved in setting the maximum number of reindeer per districts. The Provincial Court handles the appeals between the single herders and the district. In turn, the financial subsidy matters for reindeer herding are administered by the Employment and Economic Development Center (in Finnish, TE-keskus).

The Finnish Association of Reindeer Herding Districts<sup>232</sup> (in Finnish, Paliskuntain yhdistys) has a relatively indistinct job description and status in public administration. It has a dual role between performing some official administrative duties imposed by the Ministry of Agriculture and running the representative duties of an occupational association. The main task of the Association are: a) to function as the collaborative agent between the reindeer herding districts b) keep records of the input and output in reindeer herding, c) keep records of the reindeer earmark system, d) provide occupational counseling for reindeer herders, and e) represent reindeer herding in publicity. Moreover, the Association runs some occupational development projects but does not have direct authority in reindeer herding policy. Furthermore, the Annual Meeting of the Representatives of the Reindeer Herding Districts (in Finnish, Poroparlamentti) is predominantly advisory in regard to national reindeer herding policy.

In terms of structure, the Norwegian administrative body is clearly more exclusive and is divided into central, regional, and local levels. Characteristic of the corporative administration model that is used in Norway, the activity of each administrative sector is supervised and controlled by a representational board. For this purpose, the National Board of Reindeer Herding Management<sup>233</sup> (in Norwegian, Reindriftstyre / in Sámi, Boazodoallustivra) and 6 Area Boards (in Norwegian, Områdestyre / in Sámi, Guovllustivra) are established. Through the representative boards, the surrounding society can influence decision-making concerning reindeer herding. The National Board of Reindeer Herding Management is the responsible administrative organ both

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<sup>232</sup> Also term Association of Reindeer Herding Co-operatives is in use.

<sup>233</sup> Also term Norwegian Reindeer Husbandry Board is in use.

in formulating reindeer herding policy together with the Ministry and in supervising the practical management duties.<sup>234</sup>

The Central Administration of Reindeer Herding<sup>235</sup> (in Norwegian, Reindriftsadministrasjon / in Sámi, Boazodoallu-hálddahuš) has the responsibility for implementing the reindeer herding management policy (including resource management and control), for providing data for the formulation of state's reindeer herding management policy, and for counseling reindeer herders. The Central Reindeer Herding Administration is an integral part of the official state bureaucracy under the Ministry of Agriculture and acts as the secretariat of the Board of Reindeer Herding Management, The Reindeer Herding Development Fund, The Economic Committee, the Area Boards and the Area Earmark Committee.<sup>236</sup>

Regarding the structural arrangements in Finland, the defined reindeer herding area is divided into two regions – northern and southern – and into 56 Reindeer Herding Districts<sup>237</sup> (in Finnish, paliskunta). (Appendix 1.) Since large-scale migration was terminated after the border closure, the reindeer herding districts today form single outlined territories within which varying degrees of pastoral rotation takes place.<sup>238</sup> Consequently, the majority of central management concerns relate to the management of total number of reindeer.

In Norway, the overall reindeer herding region is divided into 6 Reindeer Herding Areas<sup>239</sup> (in Norwegian, reinbeiteområde / in Sámi, guovllu), and each area into 90 total Reindeer Herding Districts<sup>240</sup> (in Norwegian, reinbeitedistrikt / in Sámi, orohat). (Appendix 2.) The division into administrative reindeer herding districts is largely based on the grouping pattern and herding circumstances of the summer pastures. In some cases it coincides

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<sup>234</sup> A more detailed description of the duties is provided for instance by Jernsletten & Klokov 2002, 86–87

<sup>235</sup> Also term Norwegian Administration for Reindeer Husbandry is in use.

<sup>236</sup> Jernsletten & Klokov 2002, 87

<sup>237</sup> Also term Reindeer Herding Co-operative is in use.

<sup>238</sup> It should be pointed out that nomadic reindeer herding was characteristic to Sámi reindeer herding in the tundra areas, while Finnish reindeer herding has distinctively been sedentary.

<sup>239</sup> Also term Reindeer Pasture Area is in use.

<sup>240</sup> Also term Reindeer Pasture District is in use.

with the actual herding conditions of the winter pastures, in other cases it does not. With the extensive migration practice, the control of seasonally divided pastures, migration routes, and transition times form a central part of the management concern in addition to the control of the total number of reindeer.

Finally, production of knowledge should be recognized as a form of management or significant contribution to reindeer herding management. Knowledge is of central significance for management decisions and practices, and as a consequence considerable authority is vested in certain acknowledged research institutions. Therefore the Central Administration Office continuously records and produces economic data of the industry, and also exploits natural scientific data for the purpose of controlling the total number of reindeer. Fish and Game Research (RKTL) in Finland, and the Agricultural College (former Jordbrukshögskolan) in Norway, produce a considerable proportion of the scientific knowledge that is used as the basis for decisions concerning total number of reindeer. Pasture investigations and investigations of predator populations are among the focal research topics supporting the policy decisions.

### *Representative agents of reindeer herders*

As was mentioned above, *the power relation* of the official administration is basically from top to bottom. Reindeer herders are subjected to control and regulation by the higher administrative agencies. However, reindeer herders are also provided official channels for participation in decision-making. According to Reindeer Herding Act, the General Meeting of the Reindeer Herding District (in Finnish, paliskunnan kokous / in Sámi, balggos čoahkkin) is responsible for making decisions regarding reindeer herding within the district borders unless the matter is specifically assigned to the Board of the District (in Finnish, paliskunnan hallitus / in Sámi, balggos stivra) or to the Head of the District (in Finnish, poroisäntä / in Sámi, boazoisit).

The local agents of reindeer herding administration, the Head of the Reindeer Herding District and the Board of the Reindeer

Herding District, are obliged to give statements in matters significant for reindeer herding. According to the Act, the Head of the Reindeer Herding District is responsible for representing reindeer herding. He or she participates also the Annual Meetings of the Finnish Association of Reindeer Herding Districts, where the Board of the Association is set.

In contrast, the reindeer herders in Norway are provided with a considerably wider representation network in the stratified administration system. In addition to permanent representation in the designated boards, an extensive hearing procedure is provided in land use planning. The Norwegian Association of Sámi Reindeer Herders [in Norwegian, Norske Reindriftsamers Landsforbund (NRL) / in Sámi, Norgga Boazosápmelaš Riikkasearvi (NBR)] has, since 1976, had a central role in formulating reindeer herding policy through the negotiation of incomes policy with the Ministry of Agriculture. The annual reindeer herding agreement (in Norwegian, Reindrifftsavtal) is the central tool for executing reindeer herding policy.<sup>241</sup>

There was a fundamental change in organizing reindeer herding in Norway in 1978. The system of reindeer herding units (in Norwegian, reindriftsenhet / in Sámi, doallu) was introduced as the primary operative unit on the local level. The example was taken from the organization of production in agriculture. The unit consists of a herd managed by one person, or spouses together (if both have earmarks in the herd). The reindeer herding unit formed the central economic unit through which administrative measures, subsidies etc, were handled. This administrative transformation induced many changes in reindeer herding, and is thought to have contributed to the erosion of the basis of traditional management by *siida*.<sup>242</sup> The problems connected to this system were recognized also by the Committee set for revising the Reindeer Herding Act.<sup>243</sup> In the new Reindeer Herding Act<sup>244</sup> herding units

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<sup>241</sup> As stated earlier, in Finland, this practice is absent. The Association for Sámi Reindeer herders in Finland (in Sámi, Suoma Boazosámit) was established late, in 1999, and until so far has not got an official status in reindeer herding management

<sup>242</sup> Sara 1993, 117; Paine 1994, 172; Jernsletten & Klovov 2002, 88

<sup>243</sup> NOU:2001:35

<sup>244</sup> Ot.prop. nr 99 (2004–2005)

are replaced by the concept “siida share” (in Norwegian, siidaandel / in Sámi, siidaoasi). The practical application of it remains yet to be seen because the Government of Norway has postponed the ratification of the act.

In several reindeer herding districts of Northern Lapland (Finland), the (reindeer herding) siidas (in Finnish, tokkakunta) have similarly retained their role as daily working and land use units. Occasionally, in practical land use questions, Metsähallitus have negotiated with the involved siidas. Otherwise siidas do not have a formal role as representatives of reindeer herding, as Sámi reindeer herding is not a formally recognized category in the Reindeer Herding Act.<sup>245</sup>

There is one final common feature between the two countries: the role of Sámediggi (in English Sámi Parliament) in reindeer herding management has been relatively modest.<sup>246</sup> In Norway, Sámediggi has – since 1996 – had a limited official status in reindeer herding management in the sense that it nominates the representatives for the Board of Reindeer Herding Management and for the Area Board. Also, a proportion of the funds distributed annually through the Reindeer Herding Agreement are managed by Sámediggi, although Sámediggi, as such, is not participants in these negotiations. In Finland, Sámediggi do not have an official role in reindeer herding management. The role of Sámediggi is mainly to supervise the Sámi interests in the execution of the reindeer herding legislation, and to appeal against the decisions that violate the Sámi constitutional rights.

There has been some obvious dissonance between the Norwegian Association of the Sámi Reindeer Herders (NBR) and the Sámediggi over the authority in reindeer herding management in Norway, and there are differences of opinions regarding certain principled and practical questions. NBR has an official status in negotiating the reindeer herding agreement biannually with the civil servants of the Ministry of Agriculture. The basic concerns

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<sup>245</sup> However, Sámi Reindeer Herding Districts are entitled for an extra representative in the Board of the Finnish Association of Reindeer Herding Districts.

<sup>246</sup> Sámediggi was founded in Norway in 1989. In Finland, Sámediggi was established in 1995, preceded by the permanent Sámi Delegation since 1972.

relate to channeling and distributing the resources granted annually for reindeer herding from the state budget, and to the authority to appoint members to The Board of Reindeer Herding Management. According to the majority of the Sámediggi members, reindeer herding is a Sámi means of livelihood and should be managed through Sámi representative institutions. However, part of the reindeer herders and the representing agents, including NBR, are reluctant to submit themselves to the authority of the Sámediggi, where non-reindeer herding population forms majority. The matter is very complex and evades unambiguous categorization.

### 3.4 Discourses of reindeer herding management

In this chapter, I will examine the discursive formation of reindeer herding management, the way it appears in the regulations, policy statements, and annual reports of the responsible institutions. These administrative documents contain definitions of the central conceptions of reindeer herding from the administrative perspective, including the occupational rationale and central goals. In addition, the main generative principles on which administration is built can be read from the documents.

Generally speaking the term *management* has several connotations which refer to a) control or domination b) handling c) directing or carrying business or affairs d) making and keeping compliant e) achieving one's purpose and f) wise or careful conduct.<sup>247</sup> The term refers regularly to *rational, goal-oriented action* within a given framework of optional alternatives. According to this terminology, the rationale of reindeer herding is defined as, "transformation of renewable natural resources, in the form of reindeer pastures, into meat for common market."<sup>248</sup> In plain and simplistic terms, the object of reindeer herding is production of meat within a given territorial framework.

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<sup>247</sup> The Merriam-Webster Dictionary, 1995

<sup>248</sup> Hætta Kalstad 1999, 22. Translation from the original text: "Forvaltning av rein: en transformasjon av fornybare naturresser i form av beiter til kjøtt for et marked".

According to this economist perspective, the target of reindeer herding management is to secure the optimal production of meat within a limited resource base without endangering the sustainability of the pastures. Hætta Kalstad calls it *management for productivity*.<sup>249</sup>

The objectives and means of modern reindeer herding management are clearly pronounced in the statements of the Norwegian Government – St.meld.nr. 28 (1991–1992) and in Innst.S.nr.167 (1991–1992) – which form the basis of the national policy for reindeer herding. The principal targets are: 1) ecologically 2) economically and 3) culturally sustainable reindeer herding. The main categories for evaluating, and tools for steering reindeer herding are consequently defined as: *economically profitable meat production* and *ecological sustainability*. *Cultural sustainability* is inserted in the targets, but is subjected under the first two. The selected focus of reindeer herding management is on the economic factors and on the control of the productivity of the pastures.

It is apparent that in Norway, the goals for reindeer herding management are a lot more explicitly defined and pronounced compared to Finland. This is partly due to the fact that reindeer herding is integrated into national economy. It has entailed the application of prevalent economic institutions and language in reindeer herding management. Correspondingly, the representative agents of reindeer herders also have to comply with the same rhetoric and concepts.<sup>250</sup> It has resulted into some paradoxical situations in which the language of the official representatives – such as NBR – has partly alienated from the herders' argumentation.<sup>251</sup> As an example, one can probably consider the emergence

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<sup>249</sup> Hætta Kalstad 1999, 123; 1997, 109

<sup>250</sup> Bjørklund & Brantenberg (1994) refer to this with the term *Norwegian reindeer herding*, marking the cultural difference between the conceptions of Norwegian (representing modernization) and Sámi.

<sup>251</sup> Gaski (1997, 20) refers to this with the dilemma of the minority. According to him “if we want any results whatsoever, we always have to explain our issues in such a way that the powers that be, the majority cultures, understand us. But then there are potential dangers; when we have learnt the language of power, we may begin to forget the thought patterns that form the foundation of our own language. Then our ‘differentness’ can develop into purely a rhetorical veneer, turning us into a kind of political actor without a cultural base.”



of BES – a separatist movement from NBR in 1987.<sup>252</sup> This is naturally not a one-way development. Over the years, the representatives of Sámi reindeer herders have, in turn, affected the comprehension and language of the official reindeer herding management, although the transfer of ideas to this direction has been significantly slower.<sup>253</sup>

In Finland, reindeer herding is in many ways a curiosity as a means of livelihood, which is only marginally present in the rhetoric of national economy. As a consequence, the volume of argumentation is minor and, moreover, less refined in content. The Minister of Agriculture, Fish and Game Department designs the targets of the reindeer herding management in Finland. The principles are maybe most decisively pronounced in the memorandums of the latest working committees for reindeer herding.<sup>254</sup> The general goals of reindeer herding management in Finland are similar to those in Norway. However, the concept “culturally sustainable reindeer herding” is missing or alternatively replaced by the concept of “socially sustainable reindeer herding.” This ostensibly minor detail could, however, be understood as a statement for emphasizing the occupational side of reindeer herding in favor of the cultural aspects; in other words a non-cultural or mono-cultural approach to reindeer herding is implied.

Questions of Sámi ethnicity and the Indigenous People’s Rights, and their bearing on reindeer herding management, are issues on which the argumentation of the authorities in the two countries differs the most. In Norway, reindeer herding is recognized to be the significant material foundation of Sámi

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<sup>252</sup> According to Turi – a long-term chairman of NBR – the emergence of BES was a sum of many factors that were connected with the massive changes induced by the integration of reindeer herding in modern society. One of the important elements was related to the modern negotiating methods that NBR had assumed in their contact with the public administration. It was regarded by many Sámis as renouncement of the traditional Sámi ways and as a concession to the hegemonic way of conduct. (Berg 1994, 141–143)

<sup>253</sup> Return of *siida* as the primeval unit of administration is an example of the interaction between the Sámi reindeer herders and the national administration.

<sup>254</sup> Työryhmämuistio 1999:6; Työryhmämuistio 1999:9; Työryhmämuistio 1999: 20

culture. In fact, the early decisions of the government to begin financially supporting reindeer herding were justified with the need to support the living conditions of the Sámi.<sup>255</sup> In contrast, in Finland a similar concern for improving the living conditions of the Sámi was expressed in the report of the Sámi Committee (1952). However, it did not result in active measures reserved particularly for Sámi, at least in regard to reindeer herding. The absence of cultural target from the national reindeer herding management policy in Finland seems to be in line with the policy of the management regime in refusing to regard Sámi reindeer herding as a particular case with certain specific rights or requirements. Yet, the category of “Sámi reindeer herding” has appeared into the latest plan of action of the Association of Reindeer Herding Districts in Finland.<sup>256</sup> In this plan, Sámi reindeer herding is, for the first time, mentioned in cultural sense apart from the Finnish reindeer herding culture. The plural term “reindeer herding cultures” is, in many respects, a pioneer statement in the reindeer talk of the official reindeer herding management in Finland.<sup>257</sup>

### *Management for productivity*

In the economic management discourse, reindeer herding is regarded primarily as a modern occupation or industry. Accordingly, the leading economic principle of *management by results* is applied to reindeer herding as well. Results are expressed in terms of *values produced within the industry (occupation) through the utilization of the production factors. Work and capital* are regarded as the principal production factors.<sup>258</sup> The term, ‘capital,’ refers primarily to reindeer (as privately owned production animal), but also to the status value of

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<sup>255</sup> Samekommittee 1959

<sup>256</sup> Porotalouden toimintasuunnitelma 2000–2006

<sup>257</sup> Reindeer herding is a constitutional Sámi right since 1996, but the Finnish officials, in the Ministry of Agriculture, have been reluctant to accept it in their rhetoric and conceptual system. (See footnote 221)

<sup>258</sup> Totalregnskap... 2000, 5

the assets, meaning various constructions (cabins, fences, etc.) and vehicles utilized in reindeer herding work.

The main objective of reindeer herding is pronounced in a slightly different way in the two countries. In Finland, it is defined as *maximizing the net income from the reindeer*.<sup>259</sup> In Norway, they speak instead of *optimizing and stabilizing the total and individual volume of reindeer herding* into a level, which provides a satisfactory income for the practitioners.<sup>260</sup> Both definitions include the comprehension, according to which the renewable resources (i.e. the pastures) form the ecological fringe conditions for reindeer herding. Reindeer are predominantly a free-grazing animal and acquire nutriment from natural pastures.<sup>261</sup> The chief management objective is to adjust the production to the natural foundation.<sup>262</sup>

According to the management rhetoric, the predominantly applied tools are *the economic and juridical instruments*. Steering with the economic instruments implies various kinds of production subsidies and economic incentives – in other words, managing through the allocation of funds. From the outset, it is assumed that reindeer herding responds to the regular steering methods in the same way as any modern means of livelihood does. As stated above, the central operative instrument in Norway

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<sup>259</sup> Porotaloustyöryhmän muistio 1999, 91

<sup>260</sup> Totalregnskap... 2000, 5

<sup>261</sup> Supplementary feeding has become popular in Finland since the 1980s, as a result of an active campaign by the Association of Reindeer Herding Districts and Fish and Game Research Institute (e.g. Nieminen & Pokka & Heiskari 1987; Nieminen & Heiskari 1988; Heiskari & Nieminen 1990; Nieminen & Risto 1990; Nieminen & Maijala & Soveri 1998) combined with the effects of unfavorable climatic conditions, increasing crowd into pasture etc. In many districts supplementary feeding, which initially was meant to be a temporary solution has become an established practice, and reindeer are significantly dependent on supplementary fodder. This is an extremely complex matter, where the causes and effects are deeply intertwined and partly hard to separate. Talking of my research field supplementary fodder is practically taken unused, mostly out of principled reasons. In Norway, the use of supplementary fodder has become more common in some parts of the reindeer herding area, and is mostly connected with the loss of pastures and crowded pastoral conditions. In other parts this practice is publicly despised of by the reindeer herders, being called contemptuously as “Finnish reindeer herding”.

<sup>262</sup> In Norwegian the equivalent term to natural foundation – naturgrunnlag – is a central concept of the management rhetoric. In Finnish there is not a fully equivalent expression, and moreover the entire topic is far less handled.

is the annual Agreement of Reindeer Herding. The major target of reindeer herding policy is that “through allocation of economic subsidies, an acceptable level of income is yielded to the practitioners, and the ecological sustainability of pastures is attained”. The juridical tools, in turn, refer to control of reindeer herding through national legislation, rules and sanctions for reindeer herding. In practice it concerns first of all control of total number of reindeer per district. In Norway, the use of economic tool has been far more extensive than in Finland.<sup>263</sup> However, the situation is currently changing in Norway, as well. In the recent report of the Economic Committee,<sup>264</sup> as well as in the comments of the administrative authorities<sup>265</sup> it is suggested that application of juridical instrument should be intensified, as the results of the economic instruments have not been satisfactory. In particular they refer to the developments in regard to total number of reindeer in Finnmark.

All in all, use of national subsidies as management tools is, in Finland, relatively underused, and the total amount of subsidies is minor compared to that in Norway. In fact, the occupational subsidy was introduced only in 1995, together with signing the EU agreement, and is intended to cover some of the transition costs, not a permanent subsidy. Additionally, there are some fundamental differences in allocating the national subsidies between the two countries. In Finland, the occupational subsidy is exploited with the pronounced aim of “creating economically sustainable work units,” not as an incentive for ecological sustainability. Occupational subsidy is granted on the basis of the number of reindeer in personal possession. In actuality, the occupational subsidy has tended to encourage increasing the personal herd size in order to obtain the maximal support.

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<sup>263</sup> I have not come across any extensive economic comparison of the actual situation between Norway and Finland.

<sup>264</sup> Totalregnskap ... 2005.

<sup>265</sup> E.g. The Secretary of State, Leif Helge Kongshag, states in *Reindriftnytt* (2005:2) concerning the reduction of reindeer in West-Finnmark that “We have been applying more constructive measures in the beginning through voluntary actions. However, the results have been unsatisfactory. Since the situation in Finnmark is grave with all too many reindeer, we must start using stronger instruments as soon as possible. (By these instruments he refers in another occasion to coercive measures and sanctions.)

However, additional sanctions are applied, assuring that the ordained norms for the total number of reindeer per district or herding unit are not exceeded. Nevertheless, there seems to be an obvious discrepancy between the overall aim of ecological sustainability and the effect of occupational subsidy as a management tool.

According to general understanding, the established mode of management in Norway is based on state's agreement to support reindeer herding provided that rationality and efficiency of production are ensured. It is also assumed that production targets should be obtained without prejudice to other livelihoods.<sup>266</sup> In other words, the agreement can be understood as *an exchange of control for financial support*. There is an obvious emphasis on *rationality* in the reindeer herding management rhetoric. It has resulted in the requisition of rationally utilized workforce and rationalized working methods. By this is meant regulated work units, optimal working contribution, effective use of technical innovations, etc.<sup>267</sup> As a result, concepts like *production unit*, *pastoral-labor year*<sup>268</sup> and other quantitative standards, derived from the management of agriculture, have been introduced with the purpose of monitoring and intensifying the productivity of reindeer herding.<sup>269</sup>

The management rhetoric is based on an understanding that reindeer herding is a form of *private enterprise* with accorded qualities. According to the definition, *reindeer herding is about*

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<sup>266</sup> Paine 1994, 159

<sup>267</sup> Beach 1981, 295

<sup>268</sup> In Norway, the pastoral year corresponds to 250 reindeer, in Finland it varies regionally from 180–200 reindeer. The parameter is used for deciding the annual operating grants for reindeer herding districts in Norway, and for deciding over unemployment benefit and other social security allowances in Finland.

<sup>269</sup> Several researchers have questioned the reference of the term rationality to reindeer herding including the underlying assumptions. E.g. Beach (1981) asks for whom is the management in modern complexity rational; is it rational for the community, the nation, standard of living of the herders or preservation of the Sámi culture. He refers to the traditional regulatory systems of the Sámi reindeer herding society, and notes that the herders have always based their herding form on rationality. Paine (1994) describes in detail the different reasoning of rational conduct between the Sámi reindeer herders and the administration officials. He states that the unsatisfactory result of the current reindeer management politics derives from different rationality between the administration and the actors.

*managing privately owned capital (the reindeer) on a common resource base (the pasture).* This particular quality has traditionally been regarded as the endemic structural weakness of reindeer herding. The introduction of occupational units in reindeer herding in Norway represents clearly this line of thought. According to the Committee Report (1999:6) the Finnish Ministry of Agriculture clearly favors the orientation of private enterprise. The decision for making single reindeer herders accountable as private economic units represents this tendency well. The need for introducing private bookkeeping is justified with the EU requirements for monitoring the economic profitability of reindeer herding. Notwithstanding the sensibility of this claim in general context, one cannot escape the fact that it is another step towards prioritizing the quantitative economic values of reindeer herding.

Production of economic profit is not, however, the one and only objective of reindeer herding management. Since the Second World War, reindeer herding has been part of the overall national welfare-state policies. Besides the general welfare-state measures equal to all citizens that have affected reindeer herding, certain policies targeted exclusively at the reindeer herding population have also been realized.<sup>270</sup> According to Beach,<sup>271</sup> in the ideology of the welfare state, poverty has been made illegal. By this account, he refers to the formal and compelling aspirations for executing the welfare-state politics. According to this logic, the requisition of the *subsistence minimum* and *even distribution of income* between the herders has been transferred to reindeer herding management. This is manifested, for instance, in setting quotas for the number of reindeer per person and allocating subsidies or compensatory social subsidies (such as unemployment benefit for reindeer herders with fewer animals).

The congruence of the ideology of equality with the rationality of reindeer herding has not been studied in detail. It is usually stated that reindeer herding societies are democratic in the sense of allowing all members, at least in principle, an equal possibility to try one's hand at reindeer herding.<sup>272</sup> However,

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<sup>270</sup> Porotilalaki 590/1969

<sup>271</sup> Beach 1981, 293

<sup>272</sup> Paine 1994, 142

according to the picture I have developed, having followed reindeer herding practices; it does not seem to be founded on a simple conception of equality. Rather, it is founded on a principled equality of opportunity, wherein the success of an actor depends on his/her personal capacities, diplomacy, heritage and luck.<sup>273</sup> It is a question of a continuous adaptation process within the framework of personal capabilities, the collective membership of *siida*, and the relationship with other *siidas*. In broad terms, one could argue that, instead of simple equality, a certain degree of competition, including an uneven distribution of capital (the reindeer), is found propitious in Sámi reindeer herding. As a consequence, the use of economic tools for the target of an even distribution of income within reindeer herding is prone to yield some confrontations.

As stated above, in Norway reindeer herding is, defined as a Sámi means of livelihood. As a consequence, the economic target of reindeer herding management is argued to have two value bases: the value of *the economic production* and *the value of the cultural production*. These value bases relate to each other as well as to the overall ecological aspect of reindeer herding. In other words, ecological sustainability creates the foundation for the economic sustainability, and together they form the foundation of the cultural sustainability.<sup>274</sup> The cultural sustainability is thus conditioned and subjected under the two.

### *Resource management*

As stated earlier, the principal concern of reindeer herding management is argued to be management for productivity<sup>275</sup> with economic profitability and rationality of production as the key constituents. The economic discourse is, however, strictly conditioned by the ecological discourse. The production of

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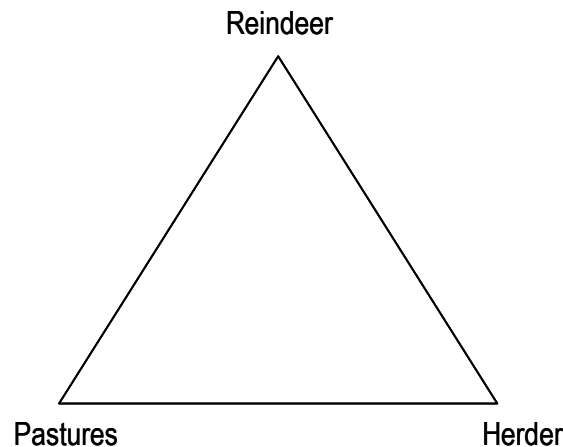
<sup>273</sup> Reindeer luck (*boazolihkku*) is a Sámi concept that Juhan Turi (1987, originally published in 1910) introduced in literature. Nils Oskal has investigated the matter in detail. By the term he refers to the conception, where success in reindeer herding is not believed to result only from personal capability, but also from a particular kind of luck, which has several attributes. (Oskal 1995, 86)

<sup>274</sup> Totalregnskap... 2000, 118

<sup>275</sup> Hætta Kalstad 1999, 124; 1996, 25

reindeer meat is crucially dependent on the adequacy of pastures. Accordingly, the carrying capacity of available pastures is regarded as the prime restricting factor in the formula of production. The particular interconnectedness of the economic and ecological aspects in the context of reindeer herding is discernible in the rhetoric of reindeer herding management. It means that, among other things, sustainability of pastures is one of the claimed key targets in applying operative economic tools.

According to regular production rhetoric, *reindeer, pastures and reindeer herders* were regarded as the principal *factors of production*.<sup>276</sup> In the recent rhetoric, they are referred to as *the resource foundation* of the industry.<sup>277</sup> Their relation is frequently portrayed in a shape of triangle, where the commensurate proportion of each factor produces an equilateral triangle. (Figure 5)



(Kemppainen & Nieminen & Rekilä 1997, Riseth 1991)

**Figure 5.** The resource foundation (production factors) of reindeer herding.

The choice of tools utilized by the reindeer herding management derives from the prioritized management principles. The basic pursuit is to distribute the resources between the practitioners. This is sought primarily through *structural rationalization*. As a consequence, *the proportion of reindeer to herders* is taken under observation, and ensuing regulation measures are produced. The central agencies in reindeer herding management have developed

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<sup>276</sup> Riseth 1991, 23; Kemppainen & Nieminen & Rekilä 1997, 61

<sup>277</sup> Totalregnskap... 2000,4



standards for optimal size and quantity of herding units, with the model subtracted from agricultural management. Besides controlling the composition and quantity of herding units, optimizing human labor is also exerted. This has resulted in the introduction of standardized work units, detached from the kinship bond characteristic to the traditional Sámi reindeer herding. It is purported that, with the help of these regulations, the preset subsistence norms are reached.

This has led to a policy in which management emphasis is predominantly on *the total amount of reindeer per district*. It is the most important controlling variable used by the reindeer herding management of the two countries. Corresponding control of pasture resource is exercised. Scientific methods are used for defining the condition of pastures, their nutrition value, and the calculated bearing capacity. Setting the maximum number of reindeer per district is regarded primarily as a biological question. The viewpoint is founded on scientific knowledge of reindeer's physiological needs and nutritive requirements in various seasons. Evaluation of pastures is based on monitoring the selected biomass and on a calculated statistical relation between *mean animal weight* (calf, 1.5 year old buck, or 2 year old female) and *animal density*. According to the reindeer herding management agencies, in addition to this, certain extra factors are considered at the regional level, such as encroachments and general deviations in expected mean animal weight. Additionally, the prevailing natural conditions are assessed as well as the overall development of total number of reindeer and the information from public consultation within each district.<sup>278</sup> According to the management agents, the impact of these factors is applied based largely on experience and intuition.<sup>279</sup> However, they seem to carry a minor weight in the actual decision making in proportion to the numerical values. As a result, orders for the maximum total amount of reindeer per reindeer herding district are obtained.

The practical regulation measures exploited by reindeer herding management agencies are *compulsory, regulated*

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<sup>278</sup> See Työryhmämuistio MMM 1999:20, Ims & Kosmo 2001b, Kosmo 1991, Nieminen 2001

<sup>279</sup> Alaruikka 1934, Mattila 1998, Ims & Kosmo 2001a

*slaughter* of animals per reindeer herding unit or district. This has enhanced the introduction of *calf slaughter* and a *mandatory slaughter percentage*. In Norway, slaughter demands are sustained by allocated subsidies. Production subsidy is dependent upon set production quota (delivery of reindeer meat), on set weight limits, on a progressive slaughter percentage, and on a topmost limit of subsidized herd size per occupational unit. In addition, through operational subsidies, calf slaughter and early slaughter are rewarded.<sup>280</sup> A maximal subsidy is obtained by adhering to the given regulations.

Several researchers in anthropology, management studies, and community planning have questioned the composition of the three factors forming the resource foundation and their internal relation. Sara (1993) refers to Björklund & Brantenberg (1981) and suggests that the relation of the three factors in the triangle should be replaced in order to include the organizational dimension of these resources.<sup>281</sup> According to these researchers, organization of labor is a focally important aspect of reindeer herding and should be considered in addition to the other factors. (Figure 6a). In addition, they point out that, due to the stochastically changing yearly variation of weather conditions, insects and predators, and to subsequent variations in the conditions of seasonal pastures, one can not speak of one single relation between the three factors but of many relations.

Another remark is that, besides the quality of pastures, the relations of the reindeer herder to his/her working companions and to other herding units is also an important factor. Sara emphasizes the significance of it and, referring to Björklund and Brantenberg, states that the right to reindeer herding in a certain locality is neither simply inherited from one's parents nor granted by the authorities, but achieved through sharing the work with working companions over a long period of time.<sup>282</sup> Furthermore, he points out the role of *knowledge* and *tradition* in the relation to

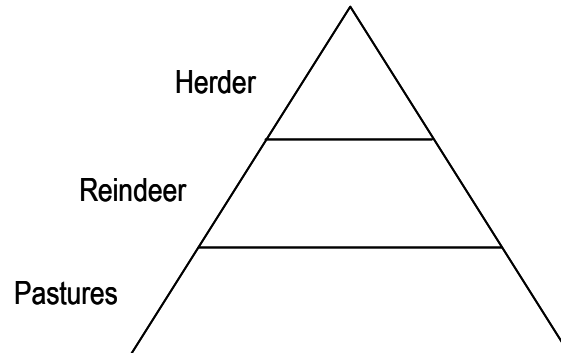
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<sup>280</sup> Totalregnskap for reindrifsnæringen 2000,

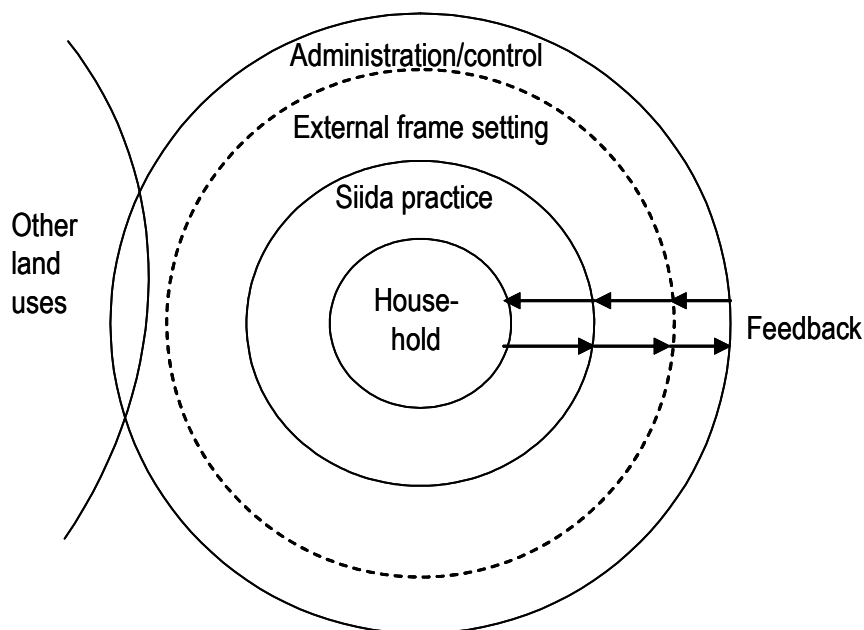
<sup>281</sup> Referring to Björklund and Brantenberg (1981), Sara emphasizes the organization of labor as an important aspect of reindeer herding management in addition to pasture conditions. (Sara 1993, 30)

<sup>282</sup> Sara 1993, 32; Björklund and Brantenberg 1981, 14

the production factors. The utilization of the subordinated resource by the reindeer herder, as pictured in Figure 6b, is dependent on his/her and the workgroup's knowledge. The level of knowledge has implications for the grade of utilization of a resource.<sup>283</sup>

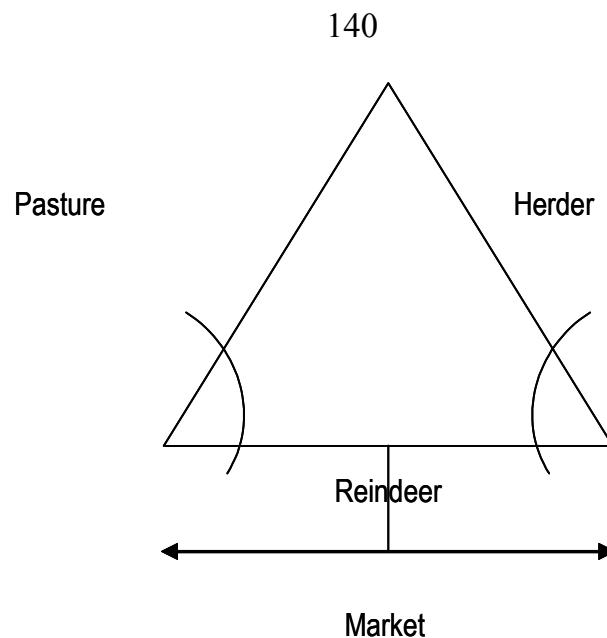


**Figure 6a.** Elaborated presentations of the production factors in reindeer herding by Bjørklund & Brantenberg (1981).



**Figure 6b.** Alternative presentation of the production factors by Sara (1993).

<sup>283</sup> Sara 1993, 115



**Figure 6c.** Production factors represented by Paine (1994).

Paine (1994) subscribes to the theoretical starting point of the three principal production factors in reindeer herding management. He argues, however, that with the state's intervention to reindeer herding management in Norway since 1970s, a certain "clipped" model describes today's situation better (Figure 6c). The state regulates the total number of reindeer herders and reindeer as well as the market. Consequently, according to him, one could argue that the pastoral responsibility has been assumed by the state, and that the internal check and balance system of reindeer herding has been upset. Many of the current problems in reindeer herding, like for instance the disproportionate number of reindeer in relation to pastures, which occurs from time to time here and there, derives among other things from this fact. Criticizing the current situation, Paine visions a future model for reindeer herding management with a *flexible self-adjustment* to the pastures as a limiting factor. As a result, the incommensurate values of the triangle, symptomatic for today's reindeer herding (i.e. excessive herd growth), could be corrected, and the pastoral responsibility is restored to the herders.<sup>284</sup> According to Paine, there is a paradoxical situation where some of the measures that were initially set for regulating reindeer herding in fact have contributed to the current problems in Finnmark. In Western Finnmark, the urgent general aim of management measures is to

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<sup>284</sup> Paine 1994, 195–196

significantly reduce the total amount of reindeer. Regardless of rigorous effort, the management authorities have not reached the goals for sustainable reindeer herding that have been set.

## **4 NATURE MANAGEMENT AND ENVIRONMENTALISM – The cases of Northern Lapland and Western Finnmark**

In this chapter, I will investigate the current practices of arranging nature management and the overall institutional development in Northern Lapland. As a contrast for the investigation, I apply corresponding developments in Western Finnmark. The focus is on three specific dimensions: 1) creation of legislative grounds for planning and management 2) categorization of nature through legislative and management practices and 3) organization of the roles and responsibilities between the actors in the management procedures. In other words, my aim is to examine what is the legal foundation of managing, how nature is converted into manageable entities, and how the primary functions are defined and divided between the institutions. The idea is to look at the ways in which the institutions take care of and implement the international conventions, agreements, and treaties, which have been drawn up in the wake of environmental concern. The intention is to reconsider simultaneously how the focal ideas of environmentalism have affected the institutionalization process. The emerging administrative institutions naturally have several other functions, as well. However, in this case, I will approach it from this particular angle.

In association with it, I draw the main outlines of the ideologies, discourses, and the institutional practices that have contributed to the formation of nature management. National nature management policy and the accompanied institutional practices can be seen at the same time as the manifestation of some forms of environmentalism and as a parallel course of development that is influenced by environmentalism. It is connected to the emergence of the great global ideal and frame of thought. But at the same time, it has also an adjacent development of its own in regard to fulfilling national goals and obligations. In approaching this matter, I apply the theoretical concept of *apparatus* from Foucault.<sup>285</sup> The purpose is to apply the concept

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<sup>285</sup> Foucault 1980, 194–195

on an abstract level to serve as an ideated guiding principle for demonstrating the interconnectedness of the inherent components: *the environmentalist ideology, environmental discourses, and environmental management*. These are central elements in formulating and enhancing environmental governance in practice. With the help of critical literature on environmentalism, I try to detect the recurring argumentations, statements, and characteristic definitions that constitute the cornerstones of the hegemonic discourse. I read the texts from the perspective of an epistemological break in the overall comprehension of the situation and ways of defining major responsibilities and subject positions, which bear on organizing nature management.

On the whole, this chapter is meant to build the context and the chief interpretative resources of the argumentation concerning reindeer herding and nature management. It will be used in the analysis of argumentation. The intention is to build the contextual understanding and make understandable the foundation of the confrontations. In addition, it is intended to offer background information for understanding recent modeling and restructuring of nature management in Northern Lapland and Finnmark.

## **4.1 Building the institutional framework for nature management**

### **4.1.1 Modern nature management emerges**

Largely speaking, establishing central authority in nature management related to these specific areas proceeded fairly slowly until the 1960s. From then on, two factors supported the development and precipitated the process in particular: 1) implementation of private land ownership in a larger scale<sup>286</sup> and 2) introduction of welfare-state policies and social security institutions (such as employment policy, national education system, subsidized housing programs etc.). As a result of these

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<sup>286</sup> The Land Parceling Procedure and Water Division procedures (Isojako ja Vesipiirirajankäynnit) were started in 1960s in Northern Lapland, and the Land Sales Act (1965) was implemented in Inner Finnmark (Jordsalgslov).

procedures, the national juridical system based on private property was extended to these remote areas, and the communities were integrated more tightly into national economy and politics. Moreover, the period is characterized by spread of industrialization<sup>287</sup> and the overall modernization with accorded value systems and ideas, which gradually became discernible in the remote areas, as well.

On the whole, one could say that modernization and industrialization brought along increasing controversies in land use and brought to a head the earlier ones. It also brought along incipient civic environmental activism and, along with it, connections with the growing global environmental concern. Two major environmental movements, which took place in the region almost contemporaneously, are examples. In Northern Lapland, the Wilderness Movement was activated around 1986, and started an active campaign for preserving the remnants of old growth forests from industrial forestry. The movement was primarily aimed at stopping logging activities in the timber line forests, and targeted the attention at a backwoods area called Kessi.<sup>288</sup> In this sense, the protest was directed against one of the key functions of Metsähallitus by that time. After a considerable political upheaval, the Committee was set for investigating the question of wilderness preservation and designing a proposal for the Wilderness Act. The Committee Report came out in 1988.<sup>289</sup>

Civic environmental activity had become organized in Finnmark a few years earlier. It was directed at the plan (1979–81) to build a hydropower station on Alta River. Nature conservationists actively opposed the plan and a massive campaign was launched which brought together people and groups with different orientations around 1982. Different from Finland<sup>290</sup>, the movement was, from the beginning, closely

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<sup>287</sup> Massa 1994, 128

<sup>288</sup> Lehtinen 2004, 138–140

<sup>289</sup> Komiteanmietintö 1988: 39

<sup>290</sup> In Finland, some Sámi and Sámi reindeer herders participated in the Wilderness Movement. This suggests that the aim of nature conservation and reindeer herding (as the material foundation of Sámi culture) are partly overlapping. However, nature conservation aspects remained more visible arguments in the movement.



connected to the Sámi Rights Movement. The Alta river conflict embodied concretely and symbolically the beginning of the environment struggle in Finnmark as well as the overture of the Sámi struggle for the recognition of their rights within the Norwegian administrative and political system. While starting as a local land use dispute over the consequences of hydropower construction, the Alta-River struggle ultimately turned into a question of the ethnic rights of Sámi.<sup>291</sup>

Both cases signified the emergence of a widened environmental consciousness; environmental matters had become a source of public concern. These established public movements introduced methods of public action including active lobbying and civil disobedience into negotiations for use of nature. In this way, negotiations for use of nature became public and were closely articulated on to socioeconomic and political questions. This was a decisive change to earlier nature management, which was regarded predominantly as an official duty. It is an interesting curiosity that the two particular objects of conflict that initially served to identify the beginning of environmental consciousness in Northern Lapland and Finnmark – Kessi and Alta River – never ended up being protected. They both remained within the sphere of active economic exploitation by the industrial society. However, the activities in connection with these issues resulted in important administrative renovations which, in many respect, were of a pioneering nature. In Finland, the Wilderness Act was ordained in 1991, and in Norway, Sámi Parliament Act was ordained in 1987. Moreover, these cases clearly served as concrete coalition points for the increasing awareness and understanding among different layers of society, which accelerated the transformation process concerning attitude and management of the use of nature.

It is evident that this was also the point when Metsähallitus (Forest and Park Service in Finland) began to assert its role as the responsible authority in natural resource management. In association with it, the assignments of Metsähallitus were defined in a more detailed form and the collection of duties was

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<sup>291</sup> Thuen 1995, 153

substantially expanded. In 1987, Metsähallitus published a new strategy for the use of nature in the northernmost municipalities.<sup>292</sup> The targets were claimed to be 1) forestry and 2) management and use of other natural resources. In addition, the responsibilities for *nature conservation* and *recreational usage* were recognized. This manifested a clear change of direction of the administrative institution, which earlier had identified its role predominantly in timber production. Accompanied with it, Metsähallitus introduced the redistribution of administrative districts in 1989. In accordance, the District of Northern Lapland was founded to combine the northernmost municipalities of Enontekiö, Utsjoki and Inari. On the basis of the Wilderness Act that was enacted in 1991, further provisions for the objectives, especially concerning the western part of the District of Northern Lapland (i.e. Enontekiö municipality), were made in 1992. According to Veijola (1998), this was actually “the return of Metsähallitus’ interest towards these areas which, since 1910, were dominated by the interest of forestry but were abandoned in 1970s for Enontekiö part.”<sup>293</sup> The local office of Metsähallitus was re-established in Enontekiö in 1994, while the closest office had, until that time, been located in Muonio. According to Metsähallitus’ own interpretation, the intensified administrative effort and presence were results of “the growing interest in these areas because of nature conservation, exploitation of natural resources, and increased interest in the traditional means of livelihood.”<sup>294</sup>

In 1993, there was a great organizational change in the line and orientation of Metsähallitus. The former administrative body was made into a business enterprise. This development was surprisingly simultaneous and identical with the development in Norway, where the Directorate of State Forests (Direktorat for

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<sup>292</sup> Metsähallituksen hallinnassa Enontekiön, Inarin ja Utsjoen kunnissa olevien maiden ja vesien käytön strategia 12.6.1987 Tmo 39/317–87.

<sup>293</sup> Veijola 1998, 112–114

<sup>294</sup> Veijola 1998, 114. The Act for Traditional Means of Livelihood (Luontaiselinkeinolaki 610/1984), which was stipulated in 1984, facilitated economic subsidies for people practicing these means of livelihood and resulted in a substantial growth of interest and investments in them (Heikkilä & Magga 1995).

Statens Skoger) was replaced by Statskog SF (Forest and Park Service in Norway) with the purpose of managing and developing state property and natural resources.<sup>295</sup> I will discuss the actual content and bearing of this event in the course of following chapters.

Moreover, by this time the national environmental administration began to develop into a separate administrative sector, which also entailed a partial separation of environmental management from other local governing bodies, and new discourses concerning environment thus began to emerge. Concerning management of natural environments and use of nature, this was particularly significant because it marked the beginning of a concentrated conservation effort. Implementation of nature conservation advanced considerably in early 1980s. In 1981, an office of protected area management was established under Metsähallitus. In 1982, there were a total of 16 new national and natural parks established. In 1983, responsibility of nature conservation was transferred to the established Ministry of Environment and the Regional Environment Centers,<sup>296</sup> which, thereafter, supervised Metsähallitus in these matters. In the reorganized business organization of Metsähallitus in 1992, nature conservation came to form a separate unit together with wider societal duties.

Unlike in Finland, concern for conservation of wilderness-like nature did not lead to establishment of designated Wilderness Areas in Norway. Instead, a program for establishing new national parks was launched. The renewed Nature Conservation Act in 1970 made it possible to establish national parks. Initially national parks were established primarily on mountain or tundra ranges. In 1986, the National Nature Conservation Strategy<sup>297</sup> was designed with the purpose of making nature conservation more effective and systematic. However, the development remained relatively slow until 1992, when the New Government Proposal

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<sup>295</sup> <http://www.statskog.no/omstatskog> 3.9.2001

<sup>296</sup> In Finnish, Alueelliset Ympäristökeskukset

<sup>297</sup> NOU 1986:13

for National Parks<sup>298</sup> was issued. According to this, altogether 54 greater protected areas would be established from 1993–2010.

The overall development concerning establishment of environmental administration resembled, in general, the situation in Finland. In 1992, the Directorate of Management of Nature (Direktorat for Naturforvaltningen) was established under the Ministry of Environment, the task of which was to gather up, supervise, and make more effective nature conservation activities. However, there is one significant difference between the situations in Finland and Norway. Whereas in Finland, implementation of management plans for protected areas was given to Metsähallitus, in Norway, the Environmental Offices of Principal Government were made responsible for drawing the management plans for the protected areas and national parks, and to oversee that nature conservation was implemented properly in municipal administration.<sup>299</sup>

#### **4.1.2 Major legislative work-ups**

The foundation of modern nature management is constructed through three sets of laws: 1) legislation for private land ownership 2) legislation for land use management and planning, and 3) legislation for nature conservation. The proceeding spheres of activities are management of ground, management of land use, and management of nature conservation. Different administrative bodies have been made responsible for performing these management duties respectively. The founding principle is clearly similar in the two countries, although the practical adaptations are clearly divergent. (Figures 7 and 8.)

The major constitutive work-up for instituting nature management is the notion of private land ownership and, more specifically, the notion of the state being the owner of all non-

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<sup>298</sup> St.meld.nr.62 (1991–1992)

<sup>299</sup> In addition, there are regulations concerning conservation obligations that are directed at those areas that are beyond the designated protection areas and are governed according to Land Use Planning and Building Act.

private land.<sup>300</sup> In Northern Lapland and in Finnmark alike (until 2006) the state<sup>301</sup> claims authority to approximately 90% of total area. According to the prevailing juridical system, ownership generates authority to decide and rule. Management is thus not the entitled right of land users. However, customary usage rights are considered to pose certain restrictions to management. In accordance with modern legislation and the principle of ‘good governance’<sup>302</sup> the subjects are entitled to participation in planning procedures together with other stakeholders (not all necessarily immediate users themselves).

The Act of Metsähallitus<sup>303</sup> transferred the authority to manage the (so-called) state-owned land to the governing bodies of Metsähallitus on national, regional, and local levels. More precisely, the executive ground management office is the Laatumaa business unit within Metsähallitus Group. It performs land sale assignments ordered by other units, Ministries, or other administrative agents. The Board of Directors of the enterprise carries the main responsibility in business decisions.<sup>304</sup> In Norway, the situation is different. Land is managed according to Jordsalgslov (the Land Sales Act).<sup>305</sup> Earlier the Land Sales Office (in Norwegian, Jordsalgs kontor) was independent from Statskog, but was in 1993 affiliated with it, and the state owned land estate was sold to the latter.<sup>306</sup> From then on the management responsibility was at Statskog, Regional Land Sales Office. However, Regional Land Sales Boards (in Norwegian, Jordsalgstyre) guide the decision-making. It represents the interests of major occupational groups, such as agriculture, forestry, nature tourism and reindeer herding. Laatumaa and the Land Sales

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<sup>300</sup> Metsähallitus claims to be the *governor* of state-owned land. In contrast to it, in Norway, state’s land property was sold to Statskog.

<sup>301</sup> [of Finland and Norway]

<sup>302</sup> Hallintolaki 434/2003, The White Paper, EC 2001

<sup>303</sup> Laki Metsähallituksesta 1169/1993

<sup>304</sup> Following the renewed Act of Metsähallitus in 2004 (Laki Metsähallituksesta 1378/2004), decision-making in land sale affairs concerning areas categorized as “national heritage” was transferred from Metsähallitus business balance sheet to public services’. The corresponding decision-making authority is from then on the Parliament of Finland.

<sup>305</sup> LOV 1965-03-12 (Jordsalgslov)

<sup>306</sup> in 1996

Office are thus responsible for executing primary ground management duties such as land rental and sales, including building of recreational cabins. Management of these matters is of essential importance from the point of view of the use of nature. Land sale is, in many ways, an irreversible activity that may significantly alter the prevailing conditions of land use. This matter is still more urgent, as land sale has become an important part of the business activities of the conglomerates of Metsähallitus and Statskog. With the turn-over from land sales activities, for instance, purchase of new areas for nature conservation are financed. However, these offices are not single-handedly responsible for the major decisions concerning the management of ground. For instance, mining industry, power production, building of roads and other infrastructure, and the military have a relatively strong land use authority allowed by the legislation. Designated as national interests, their power exceed, to some extent, that of Metsähallitus and Statskog.

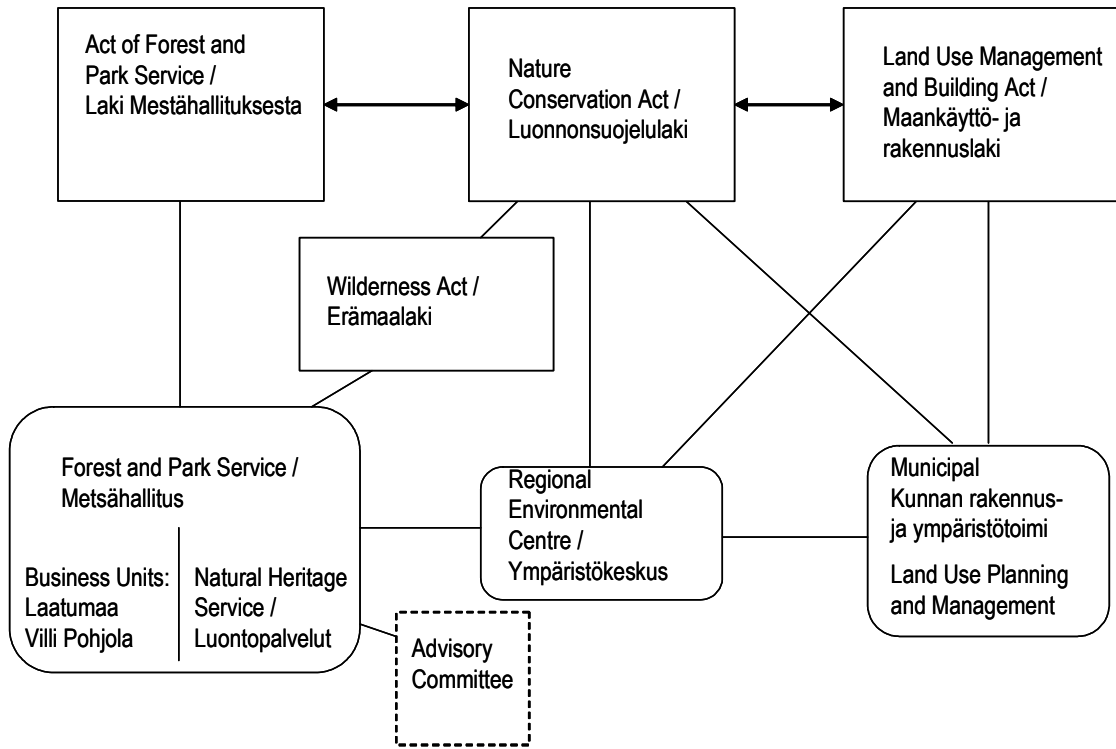
Although in principle, the state is the owner of all non-private land, the ultimate right and responsibility for planning and drafting land use strategies is delegated to the municipal authorities based on the Land Use and Building Act.<sup>307</sup> According to it, the regional administration agencies (in Finnish, Maakuntaliitto / in Norwegian, Fylkeskommune) and the municipalities are responsible for designing land use plans complying with the general land use target of the national planning authorities (Ministry of Environment). In Finland, the renewed Land Use and Building Act, from 1999, has transferred a considerable planning authority to municipalities.<sup>308</sup> The regional plans are juridically binding only in a limited sense, and mainly have an advisory role in actual planning. However, municipal land use planning binds the diverse parties. Correspondingly, the land sales decisions of

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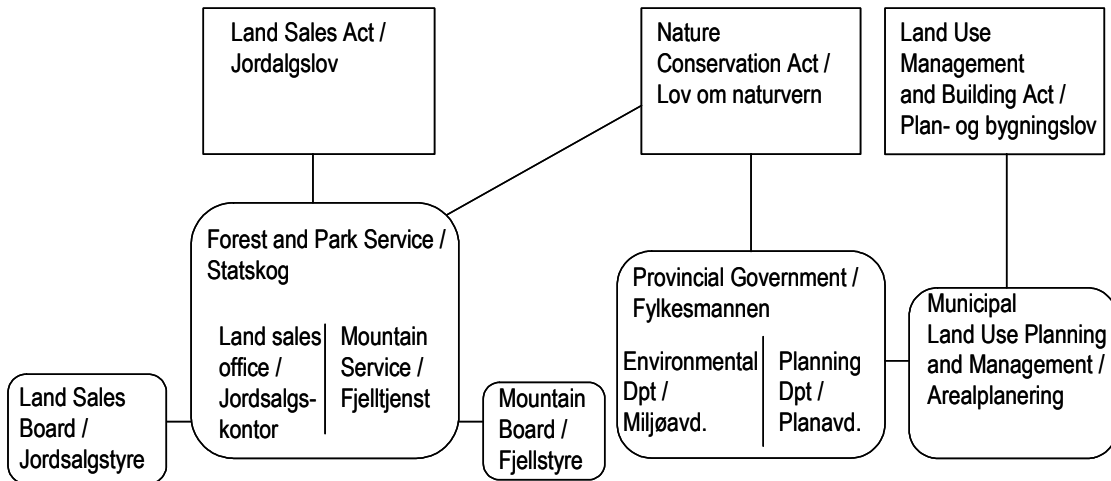
<sup>307</sup> Maankäyttö- ja rakennuslaki 132/1999, Plan og Bygningslov 1985-06-14 nr 77

<sup>308</sup> In Norway municipalities perform the planning task under the guidance and surveillance of the Provincial Government (Fylkesmannen), which is the statutory address for appeals and mediator of conflicts between municipal agencies and the partners. In Norway the Ministry of Environment validates the municipal land use plan and solves the final disputes. In Finland municipal land use plans are no longer submitted to the Ministry of Environment.

Metsähallitus and Statskog are subordinated to the municipal planning authorities.



**Figure 7.** Nature management and planning authorities in Finland.



**Figure 8.** Nature management and planning authorities in Norway.

In Northern Lapland, the Wilderness Act<sup>309</sup> transferred authority in land use planning concerning the designated wilderness areas and other protected areas to Metsähallitus. Execution of wilderness planning and practical management is under the control of the regional office of Luontopalvelut (Natural Heritage Services) and is directed by the Ministry of Environment, who also validates the plans. Since 50% of the land area in Northern Lapland is designated as wilderness areas (and 16% as other protected areas), this point is of particular significance. Because in Norway, wilderness act does not exist as such, the primary organizational bases of nature management is fundamentally different. The municipal planning authorities thus hold considerably more authority in land use planning, which affects use of nature. For instance, decisions for opening new areas for recreational cabins and off-road traffic licenses are made by municipalities.

The third central law, which serves as the primary foundation for managing the use of nature, is the Nature Conservation Act.<sup>310</sup> National parks, nature parks and other protected areas are formed based on this act. As was stated earlier, nature conservation focuses predominantly on maintaining bio-diversity. It means securing the variety of natural species and their habitats and the variety of biotopes. This claim draws its justification and form from the Convention on Biological Diversity (CBD).<sup>311</sup> In addition, a number of other conventions and treaties are referred to, such as the Convention on Wetlands of International Importance Especially as Waterfowl Habitat,<sup>312</sup> Convention on the Conservation of European Wildlife and Natural Habitats,<sup>313</sup> The Rio Declaration of Environment and Development,<sup>314</sup> Agenda 21,<sup>315</sup> etc. In line with it, national and regional nature

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<sup>309</sup> Erämaalaki 62/1991

<sup>310</sup> Luonnonsuojelulaki 1096/1996, Naturvernlov 1970-06-19-63

<sup>311</sup> Convention in Biological Diversity. Rio de Janeiro 1992.

<sup>312</sup> Convention on Wetlands of International Importance Especially as Waterfowl Habitat. Ramsar, Iran 1971.

<sup>313</sup> Convention on the Conservation of European Wildlife and Natural Habitats. Bern 1979.

<sup>314</sup> The Rio Declaration of Environment and Development. Rio de Janeiro 1992.

<sup>315</sup> Agenda 21. Rio de Janeiro 1992.



conservation programs or strategies are set out.<sup>316</sup> Implementation of nature conservation follows these orders. In addition, the included EU-directives prescribe environmental management strategies, e.g., Habitats Directive, Bird Directive, and Natura 2000 Network. Additionally, in each country there are a number of single laws, which direct land use and management practice. The acts for hunting, fishing, reindeer herding, off-road traffic, and for open-air recreation, are the most significant in this case. However, nature conservation is interpreted as binding to all environmental and land-use activities.

Besides legislation that refers directly to land or natural resources and to sale, use, or conservation, cultural aspects are, to a certain extent, articulated on to management targets. *Preserving national or worldwide cultural heritage* is an obligation from the international conventions of UNESCO and European Council, and UN programs. The Act of Preserving Cultural Heritage<sup>317</sup> obliges the management authorities to consider the registered cultural remnants and landscapes in land use. The responsible authority for cultural heritage is the National Board of Antiquities<sup>318</sup> and Ministry of Environment. In Norway, there is the Sámi Committee for Cultural Heritage, which is responsible for care of Sámi cultural landscape and sites. In particular, the Sámi Committee for Cultural Heritage has in Norway appeared to be an actively used channel for enforcing the Sámi interest in nature management. However, the integration of this dimension into nature management has not happened entirely without problems. Preserving cultural heritage often implies protection measures, which pose restrictions on other means of exploiting the area. Moreover, the Convention of Indigenous People's Rights<sup>319</sup> sets additional sources of concern for nature management. Sámi, as indigenous people, and their traditional means of livelihood, possess a protected status that is guaranteed in the

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<sup>316</sup> The Finnish Government has approved seven nature conservation programmes: 1) national parks and strict nature reserves 2) mires 3) bird wetlands 4) eskers 5) herb-rich woodland 6) shores 7) old-growth forests.

<sup>317</sup> Muinaismuistolaki 295/1963, Kulturminnelov 1978-06-09-50

<sup>318</sup> Museovirasto (Finland), Riksantikvaret (Norway)

<sup>319</sup> ILO Convention nr. 169 (1989) of the Indigenous and Tribal People

constitution<sup>320</sup> and by the ILO 169 treaty ratified by Norway. In the Wilderness Act of Finland, guaranteeing the material foundation of Sámi culture is one of the pronounced aims.<sup>321</sup> In Norway, one of the pronounced principles of Statskog is to guarantee that no harm is caused to the possessors of traditional usage rights.<sup>322</sup> However, since Sámi rights have not, in most cases, been implemented in lower legislation, their implementation often leads to intricate interpretation problems, especially if it is a question of conflicting interests. (For the summary of all the acts involved, see Appendix 3.)

Nature management is currently under manifold challenges and modifications in the two countries which have implications for my work. First and foremost, the fundamental basis of organizing nature management is currently under reconstruction. I am referring to the transformation processes that are currently under way regarding the implementation of the Indigenous People's Right to Land. The responsibilities involved are carried out in a different way in the two countries. In Norway, it has resulted in the passing of a new act – Finnmarkslov – at the end of 2005.<sup>323</sup> According to the law, Statskog will be replaced by a new administrative body called Finnmarks Eiendommer (Finnmark's Property), which will be responsible for nature management. At this stage, it is too early to speculate about future development. However, several decisive changes are most likely on the way that will alter both the premises and implementation of management.

In contrast, in Northern Lapland the development is remarkably slower in this respect. Preliminary proposals for thoroughly reorganizing the management structure were presented in 2001.<sup>324</sup> However, questions concerning the status and the multiple interests of the non-Sámi local population in relation to land use in Sámi Home Region have turned the matter into an

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<sup>320</sup> GL 110a §; PL 17.3 § and 121.4 §, HM 14.3 § and 50 a §

<sup>321</sup> Erämaalaki 62/1991

<sup>322</sup> Statskog online, <http://www.statskog.no/omstatskog>.

<sup>323</sup> LOV 2005-06-17-85 om rettsforhold og forvaltning av grunn og naturresurser i Finnmark fylke (Finnmarkslov). It was preceded by a long history of investigations. Since 1987 several extensive committee works have been published concerning the Sámi land rights question. (NOU 1984: 18, NOU 1993:34, NOU 1994: 21, NOU 1997: 4)

<sup>324</sup> Saamelaistoimikunnan mietintö 2001

intricate and sensitive political issue, as was pointed out earlier. Despite certain obvious transformations, the general attitude toward the Indigenous People's Rights appears not to be fully consolidated as such in Finland. This applies, for instance, to the officers in the Ministry of Agriculture, as their hearing statement to ILO treaty and Vihervuori proposal show.<sup>325</sup> At the same time, Metsähallitus again rearranged the organizational model in the beginning of 2006. In association with it, the regional Natural Heritage Units were integrated into one district comprising the whole of Lapland. Correspondingly, the District of Northern Lapland remained only in the business unit of forestry. What kind of significance it will have for the special status and nature of this district remains to be seen.<sup>326</sup>

A notable development feature concerning Finnmark is the rapid change in its national park policy, which is obvious especially in the newly established national parks.<sup>327</sup> It is characterized by a more submissive attitude to local land use (especially reindeer herding) and to nature tourism, and an introduction of a wide participatory planning procedure – similar to the one in Northern Lapland. This is an obvious response to the growing demand for open-air recreational areas or intrinsic to modern lifestyle, but also of the spread of environmentalist ideas. Furthermore, the proposed new Building and Land Use Management Act<sup>328</sup> appears to contain elements of a new administrative culture. Correspondingly, coordination over administrative borders is suggested both in municipal and regional government with the aim of attaining more integrated planning practices. Also, the participatory approach is facilitated in order to ease the relatively slow and bureaucratic planning processes. However, the decentralized administrative model, with its hierarchical echelons and advisory committees, is maintained, which prevents the

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<sup>325</sup> 3181/309 MMM 1989, MMM Dnro 3813/044/99

<sup>326</sup> Furthermore, substantial plans have been made concerning establishing a Regional Land Use Management Board (in Finnish, Maaneuvosto) in Northern Lapland. According to the plan, Metsähallitus is obliged to follow the principled line of the board and submit major decisions to the board. The board will consist of Sámi and non-Sámi local residents. Still, the question of land ownership is currently excluded from the plan.

<sup>327</sup> MD Pressemelding – Statsbudjettet 2004 (8.10.2003)

<sup>328</sup> NOU 2001:7

emergence of a coordinated planning model currently in place in Finland. In addition, it suggested that regional plans are made juridically binding and the regional administration<sup>329</sup> would take the place of provincial administration as an appeal direction. Moreover, it is suggested that concern for cultural heritage should be integrated more closely to land use and planning procedures in order to attain a more comprehensive management procedures.<sup>330</sup> Besides, the practiced land use policy of several municipal land use agencies is criticized for being too loose and short sighted, especially in relation to recreational cabin areas. It is suggested that management of natural environments should be concentrated in the hands of external authorities, such as Provincial Government Office.<sup>331</sup>

#### **4.1.3 Categorized nature**

Formation of the apparatus of environmental governance entails categorization of nature into manageable administrative units. In this case, three categories are of primary importance: 1) wilderness areas, 2) national parks, nature reserves, and other protected areas, and 3) outfields (utmark) / LNF-areas.

Protection of nature is one of the established forms of using nature and a distinct foundation for managing it. It implies designation of nature into management units following the national legislation and international conventions for nature conservation. In correspondence, a network of national parks, strict nature reserves, and other protected areas are designated.<sup>332</sup> These categorizations include clear definitions of both the territorial range and the objectives, which in general seek to preserve areas of natural habitats characteristic of the national landscape, and habitats, landforms, and features that are endangered. The established nature reserves also have certain socially related objectives. Within the limitations set by the

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<sup>329</sup> Fylkeskommune

<sup>330</sup> NOU 2001:7

<sup>331</sup> Vistad & Tennon & Svartstad & Andersen 2005

<sup>332</sup> The Principles of Protected Area Management in Finland... 2000, 8

requirements of conservation, the established network of protected areas should also aim to facilitate research and monitor work, environmental education, and outdoor recreation.<sup>333</sup> Among other things, such designations as *national parks*,<sup>334</sup> *strict nature reserves*,<sup>335</sup> *mire reserves*,<sup>336</sup> *herb-rich forest reserves*,<sup>337</sup> and *coniferous forest reserves*<sup>338</sup> are used. In Norway, there are two additional management categories for nature that do not have corresponding units in Finland. *Landskapsvernområde*<sup>339</sup> signifies a less strict nature reserve – in other words, areas with certain particular landscape values.<sup>340</sup> In these areas, for instance, typical agricultural activities are allowed unlike in strict nature reserves. *Ingreppsfrie naturområder (encroachment-free natural environment)* signifies land areas which are free from heavier technical encroachments.<sup>341</sup> This is based on national policy for preserving pieces of unspoiled nature for the future.<sup>342</sup>

Wilderness area or wilderness reserve is also a type of area that partially serves a protection aim. It has, however, been designated on the basis of separate legislation from Nature Conservation Act, and has been appointed some additional objectives. The pronounced goal of wilderness management in Northern Lapland is “to protect the natural state (wilderness character) of the designated sites, to protect the needs of

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<sup>333</sup> *ibid.* 7

<sup>334</sup> Övre-Anárjohka nasjonalpark, Stabbursdal nasjonalpark, Seiland nasjonalpark

<sup>335</sup> Mallan luonnonpuisto, Annjalonjin luonnonsuojelualue, Saanan luonnonsuojelualue

<sup>336</sup> Iiton soidensuojelualue, Jietanasvuoman soidensuojelualue Lätäsenon-Hietajoen soidensuojelualue, Pöyrisvuoman soidensuojelualue, Saaravuoman-Kuoskisenvuoman soidensuojelualue, Sotkavuoman soidensuojelualue

<sup>337</sup> lehtojensuojelualue, Vassbotndalen naturreservat (rike løvskoger)

<sup>338</sup> Goskamark, Isberglia, Latharimoen, Skoganvárri, Tverrelvdalen

<sup>339</sup> Auskarnes landskapsvernområde, Vassbotndalen landskapvernområde

<sup>340</sup> According to Falleth & Hovik & Stokke (2003) the category of ‘landskapsverneområde’ derives from the British conception on nature conservation, where agriculture and local development were seen as elementary parts of protection, in contrast to the North-American view, where nature was supposed to be protected from human impact (Nepal & Weber 1995).

<sup>341</sup> Three encroachment-free categories are specified: encroachment-free area zone 2, encroachment-free area zone 1, and wilderness-like area depending on the distance from technical encroachments. (<http://www.dirnat.no/> 24.8.2005)

<sup>342</sup> St.meld.nr.39 (2000-2001), St.meld.nr.25 (2002-2003), St.prp.nr.1 (2004-2005)

traditional means of livelihood, and to safeguard the material foundation of Sámi culture.” In addition to these goals, *multiple uses of nature* should be promoted. Wilderness areas are typically divided into zones in which distinct policies are prioritized. This conception of wilderness area is based on a Nordic/Finnish interpretation and needs, as I will point out later.

In contrast to the situation in Finland, the focal land categories in Norway are formed through the division to *innmark* and *utmark*. Innmark (inland) signifies the population centers, built-up areas, and agricultural fields, whereas utmark (outfields, or outland) covers the rest. Outfields is thus a rather unspecified category, which actually covers 96% of the land area in Norway. As a consequence, according to community planning researchers,<sup>343</sup> there is no comprehensive administrative policy for managing outfields to the same extent as there are policies for managing cities or rural resorts. According to the researchers, there are divergent practices of managing outfields between the Southern/Middlemost part of Norway and Northern Norway. Whereas in the southern and middlemost part of the country the use of nature is managed according to the private property rights and customary usage rights, in the northern part it is managed more from the territorial interests of the nation-state. In general, outfields seems to be perceived as a resource for specific means of livelihood (in Norwegian, *næringsforråd*), the management of which is the responsibility of respective occupational agents. However, as the researchers note, the situation is rapidly changing as a result of growing interest in outfields.

Because wilderness legislation does not exist as such in Norway, the most urgent management responsibility and definitions are made by the municipal planning authorities based on the Building and Land Use Management Act and by Statskog based on special legislation. In municipal land use planning, the natural environments (i.e. utmark) are mostly designated as LNF-areas, an abbreviation of Norwegian terms for agriculture, natural appearance, and open-air recreational use, which are the prioritized land use forms in these areas. Reindeer herding is

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<sup>343</sup> Arnessen & Riseth & Skjeggedahl 2003

submitted under agriculture, and the biggest winter pasture areas are often designated as LNF-areas, which are submitted to a special planning procedure at the regional and municipal levels. LNF-area is typically a category for those areas that are left after built-up areas and nature protection areas have been designated.<sup>344</sup> Management of these areas is usually characterized by the specific needs and facilities of each municipality. Management is thus submitted to the political decision making of municipal governments. The proposed new Building and Land Use Management Act<sup>345</sup> contains some changes into the current situation, suggesting that the authority of municipalities in planning the use of nature (outfields) be widened.

Concerning my research field, Western Finnmark, land is predominantly designated as LNF-areas.<sup>346</sup> There are some sub-qualities attached to the LNF-areas that are classified into areas with sparse building right or no building right. Also, the three dimensions of agriculture, natural appearance, and open-air recreational use can be emphasized in some parts separately. In the new Building and Land Use Management Act, it is proposed that the three designations should be complemented with another category R, which signifies reindeer herding. This would facilitate designation of certain districts of land as predominantly reindeer herding districts in which the interest of reindeer herding would be of primary importance in land use planning. Conversely, however, it includes the stipulation that some other districts may be restricted from reindeer herding in the sense that other

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<sup>344</sup> Vorkinn 2001, Skjeggedahl 2001

<sup>345</sup> NOU 2003:14

<sup>346</sup> Due to seasonal migration management of summer, spring, autumn and winter pastures are significantly important for reindeer herders. The summer pastures are mostly situated on the seacoast, and in the vicinity of cities or bigger population centers. Because of more pressure on land use in these municipalities the majority of management conflicts between reindeer herders and other local land users, appear to take place in the seacoast municipalities. This is a complicated issue, as reindeer herders mostly are registered in the Inner-Finnmark municipalities and have limited possibilities to influence the local politics in the seacoast municipalities.

(See Alta Kommuneplanens arealdel 2002–2014. There is no validated land use plan in Guovdageaidnu municipality at the moment, and the existing draft serves only as a guiding line.)

concerns are predominant.<sup>347</sup> Management of the actual use of nature (outfields) is divided between the municipalities and Statskog in a manner that is explained in next section (4.1.4). Statskog, as the governor of the land or the representative of states' land ownership interest, functions primarily within the framework of existing categorizations based on land ownership and legislation (as described above). In addition, special legislation and customary land use rights based on immemorial usage form the foundation of management.

Regardless the categorization of nature it should be pointed out that reindeer herding is a statutory right everywhere throughout the designated reindeer herding area unless otherwise ordered. In Norway, reindeer herding districts are, since the beginning of 2000s, obliged to design land use plans with specification of reindeer herding activities sites on the map. The target is to spread information for the other environmental management agencies, but also to increase the effectiveness of land use in areas of great demand. In these maps, land is divided into seasonal pastures, migration routes, calving sites, sites for copulation, fences, round-up and slaughter sites, transportation routes, etc. This poses new challenges, as it is not feasible to identify all areas important for reindeer herding, according to the reindeer herders, particularly since there is some yearly change in use patterns due to, among other things, weather conditions, composition of the siida, movements of other siida, and external traffic and disturbances.

#### **4.1.4 Central actors and division of tasks**

Related to my research context, the responsible administrative agent for nature management in Northern Lapland is the Wilderness Management Section, which is an organic part of the administrative praxis of Natural Heritage Service of Metsähallitus, in the District of North Lapland. In contrast, the involved field in Finnmark is more complex and consists of 1) Statskog (of Finnmark) authorities (Land Sale/Jordsalg authorities and

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<sup>347</sup> NOU 2003:14



Mountain Service / Fjelltjenst administrative units) in management of outfields, 2) authorities of the Environmental Office of the Provincial Government / Fylkesmannen Miljøavdelning in management of national parks and nature reserves, and 3) municipal planning authorities in management of LNF-areas.

Generally speaking nature management is set up for implementing state's statutory duties as the owner or the governor of the land.<sup>348</sup> The prime task of management authorities is 1) to implement the orders for nature conservation, 2) to manage the use of resources and energy in relation to the carrying capacity of nature, 3) to regulate the diverse land use interests between different users and user groups, 4) to provide recreational facilities and promoting the recreational use of nature, and 5) to license and control fishing, hunting and off-road traffic.<sup>349</sup> The management objectives are structured to meet the requirements of the international environmental agreements primarily regarding sustainable development and biological diversity. The task of management authorities is to fuse together the environmental obligations with community and land use planning, and to facilitate general societal development. In this sense nature management is one of the most powerful societal regulating forces of the local societies.

From the point of view of reindeer herding the most urgent management duties are those connected with: 1) access to nature/natural resources, more specifically: traffic on motorized vehicles in wilderness, 2) permit to build cabins and other constructions for facilitating recreational use, 3) other land encroachments such as modern infrastructure, 4) control and licensing of game and fishing activities, 5) regulating predators population 6) forestry, 7) mining, and 8) maneuvers of the armed forces. It is power vested in making decisions on these activities that affects most acutely the physical conditions of reindeer herding.

Metsähallitus has the primary authority, or is the central executor, in most of the above-listed matters concerning the wilderness areas, excluding mining industry and army maneuvers. The management of wilderness areas and nature conservation is

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<sup>348</sup> within the framework of municipal land use planning

<sup>349</sup> also understood as conflict management or prevention of conflicts

supervised by the Ministry of Environment, while other activities of Metsähallitus, such as economic activity, are supervised by the Ministry of Agriculture. Concerning the direction of predatory populations, the Natural Heritage Service of Metsähallitus performs the monitoring and controlling duties under the supervision of the Ministry of Environment. Management of fishing and hunting are executed in collaboration with the local Fishing and Hunting Associations. However, Metsähallitus is responsible for selling the licenses. Since 1992, local advisory councils (in Finnish, Enontekiön kuntakohtainen neuvotteluryhmä) were installed. Their role in decision-making is mainly advisory.

In contrast in Norway, these decisions are submitted to separate decision making bodies. Authority regarding off-road traffic of motorized vehicles and cabin building on outfields primarily rests with municipal planning authorities under the surveillance of provincial administration. Statskog, Land Sales Office follows the municipal land use plans. Management of hunting and fishing are currently divided between the Land Sales Office and Land Sales Board within the framework of the customary usage rights that are regulated by specific laws and regulations. Concerning national parks and protected areas, these matters are managed, in principle, by Provincial Government under the surveillance of Directorate for Nature Management. Statskog Mountain Service is responsible for control of fishing and hunting licenses and off-road traffic, maintenance of fish and game population, facilitation of recreational use, and monitoring the population of endangered species, including the directions for predators.

I have presented the central management duties and the responsible agencies in the form of a table below (Figure 9).

Task		Management agency
	Northern Lapland (Finland) (wilderness area)	Finnmark (Norway) (outfields)
Cabins	Metsähallitus: - Natural Heritage Service - (Laatumaa) (Municipal land use plan)	Municipality: - land use plan Statskog: - Land Sales Office
Off-road traffic	Metsähallitus: <sup>350</sup> Natural Heritage Service	Municipality (Provincial Government)
Hunting - Ptarmigan - elk	Metsähallitus: - Natural Heritage Service Local Hunting Associations	Statskog: - Land Sales Office - Land Sales Board <sup>351</sup> - Mountain Service <sup>352</sup> Local Hunting Associations
Fishing	Metsähallitus: - Natural Heritage Service - Local Fishing Associations	Statskog: - Land Sales Office - Mountain Service Local Fishing Associations
Predators	Regional Environmental Center Metsähallitus - Natural Heritage Service (Municipality: damage evaluation)	Provincial Government - Environmental Office Statskog: - Mountain Service
Mining	Ministry of Trade and Industry	Mining Administration <sup>353</sup>
Roads	Road Administration <sup>354</sup>	Road Administration <sup>355</sup>
Military use	The Defense Forces of Finland <sup>356</sup>	The Defense Forces of Norway <sup>357</sup>

**Figure 9.** Table of the central tasks and the responsible authorities in the nature management in wilderness areas (Northern Lapland) and outfields (Finnmark).

<sup>350</sup> Regional Environmental Center (Ympäristökeskus)

<sup>351</sup> Jordsalsstyre

<sup>352</sup> Fjelltjenst

<sup>353</sup> Bergvesen

<sup>354</sup> Tielaitos

<sup>355</sup> Veivesen

<sup>356</sup> Puolustusvoimat

<sup>357</sup> Militærvesen

As an important starting point, *enhancing local democracy* is articulated on to the environmental obligation. In Agenda 21 – agreed upon in the UN conference of Rio de Janeiro in 1992 – the communities are summoned to provide the local population with new facilities for a dialogue and collaboration in community planning and execution with the authorities. According to the prevailing interpretation, the prerequisite for sustainable development is local participation and responsibility. The concept of *sustainable local development* is launched perpetuating this approach.

This global obligation has been extensively implemented into the national legislation. As a result, a widespread transformation of the grounding ideas in land use management and planning has taken place in Finland. In Norway, the corresponding development is still going on.<sup>358</sup> The extensive projects of public participation in Northern Lapland, which Metsähallitus has launched in connection with management of wilderness areas, natural parks and natural resources, are examples of this big change. In fact, on a national scale, Metsähallitus is one of the pioneers in implementing and developing the new method.<sup>359</sup> *Participatory approach / participatory planning*<sup>360</sup> represents in many respects a new administrative culture in land use management, which has earlier been dominated by a more formal authority of the administrative regimes. By the starting point, the method of participatory planning presupposes organized interest groups as legitimate representatives of the defined local needs. These organizations are responsible for producing and expressing exact claims for land. As a model serves the lobbyist model, where international, national and local non-governmental organizations negotiate, and make bargains with the administrative authorities.

In Norwegian society, there is a long tradition of public participation in the form of advisory committees or boards, at different administrative levels. However, in practice this has

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<sup>358</sup> In Finland a new Land Use Management and Building Act was passed in 1999 and came into effect in 2000. NOU 2003: 14

<sup>359</sup> Finnish Road Administration (in Finnish, Tiehallinto) has applied some degree of participatory planning since 1970s.

<sup>360</sup> Loikkanen & Simojoki & Wallenius 1997, 1999; St. meld.nr.62 (1991–92), Plan for tiltak i nasjonalparker 1997–2001

of participation for many stakeholders, including reindeer herders. In the proposal for a new Land Use and Management Act,<sup>361</sup> new methods are sought that would facilitate a more flexible and contemporaneous participation in planning. In the context of national parks, an extensive participatory approach similar to that in Northern Lapland has been introduced.

Altogether, there is a vast range of partners in the management procedures. On the surface, the comprehensive field of actors can be divided into management officials, experts, and the public. The introduction of a participatory approach in planning, together with a large hearing procedure and impact assessment, has expanded the public attendance as well as the role of expertise in environmental management. It is not within the reach of this thesis to draw a full analytical outline of all the participants or interest groups and their mutual accounts. Instead I have chosen to introduce the major agents and the corresponding argumentative lines related to the nature management in the chosen field. The focus is thus on the argumentation concerning or having reference to reindeer herding. Reindeer herding represents a particular case of locality. I will discuss this subject at length in the course of Chapters 5 and 6.

## **4.2 The contextual comprehension of nature management and ideational links with environmentalism**

Referring to what has been stated in the previous section; I will present in this section the main characteristic features of the environmentalist frame of thought concerning how it has influenced national ways of organizing nature management. I will first provide the broad outlines of the general development. I will then introduce the major recurring rhetoric that have contributed to formation of environmentalist discourse and institutional practice, and that also define and condition the ways of constructing nature management. (The detailed discursive

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<sup>361</sup> NOU 2003: 14

practices of nature management are the object of investigation in Chapter 5.) Next, I will investigate the particular questions in relation to management of wilderness-like areas, and finally, in relation to reindeer herding and nature management.

#### **4.2.1 The broad outline – from nature conservation to environmental concern**

It is a generally acknowledged fact that environmental concern has its roots in the preceding ideas of nature conservation, which had emerged along with the progress of industrialization in late 1800s in Western Europe and North America. The process was contemporaneous and there was a two-way exchange of ideas. Similar claims for preserving nature were put forward by single active propagators and activist groups on each continent. On the whole, the ideology of nature conservation has many orientations and manifestations. Usually, two clearly discernible strands are described in terms of general attitude to nature.<sup>362</sup> “Nature improvers” and “nature lovers/admirers” are the often-used descriptive definitions of the corresponding approaches.<sup>363</sup>

In the first approach, conservation of nature and economic prosperity of human society are seen as complementing each other. According to this approach, nature should be conserved as a natural resource for human need.<sup>364</sup> The idea was manifested in Germany already in the mid-1700s by such scholars as Hartig, Gotta, Hundeshagen and Pfeil. In association, the concept of “sustained yield” was launched, to measure and regulate the exploitation of forest resources on a sustainable basis.<sup>365</sup> Later, especially in USA, this ideology achieved a strong rhetoric status in defining the priorities of the socioeconomic development

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<sup>362</sup> E.g. Williams speaks also of the confluent features of the two frames of thought. (Williams 2003, )

<sup>363</sup> Williams 2003, 58–60

<sup>364</sup> This conception is based among other things on Locke’s conception of Utilitarianism.

<sup>365</sup> Lehtinen 2006, 24

policy.<sup>366</sup> The movement called *progressive conservationism* emerged propagating for a utilitarian model. In this approach, natural resources – in this case primarily referring to forests – were supposed to be used for the greatest benefit of society. This view entailed also the conception of scientific management of resources, as the guarantee of wise use.<sup>367</sup>

In the other approach, emphasis is instead on the immaterial values of nature as a psycho-spiritual resource for human beings, and as an absolute value without human beings. Idea of protected areas is accompanied with this frame of thought and has led to foundation of national parks throughout the world. In the USA a corresponding *nature preservationist* movement emerged largely as a critique of the former progressive conservation movement.<sup>368</sup> Later on, during the course of 1920s, the romantic-transcendentalist idea of *wild nature* in contrast to industrially exploited nature was developed further into *wilderness ideology*,<sup>369</sup> and resulted in the establishment of wilderness areas all over the world, with broadly similar designations. In USA it dates back to 1929, but the Wilderness Act was not passed until 1964.

The ideology of nature conservation was visibly articulated on to the arising nationalist movements in Nordic Countries and North America, but assumed different national emphases in each country.<sup>370</sup> Lehtinen (1991) and Hallikainen (1998) have made a study of the emergence of the ideology in Finland. According to them, A.E. Nordenskiöld together with several biologists, foresters, and geographers were the pioneers of the idea of nature conservation in 1880.<sup>371</sup> Besides the initiatives of several prominent botanists, also national tourist and sport associations promoted actively the establishment of national parks and

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<sup>366</sup> George Perkins Marsh (1891–1882) is often quoted being the founder of this approach in USA. Marking this particular feature the orientation is often called also as “resourcism”. (Naskali 2002, 88)

<sup>367</sup> Frederick Jackson Turner (1861–1932) and Gifford Pinchot (1865–1946) were the most prominent promoters of these views (Naskali 2002, 89).

<sup>368</sup> Nash 1989, Callicott & Mumford 1997

<sup>369</sup> Aldo Leopold (1887–1948) and Robert Marshall (1901–1939) contributed to the formation of this ideology significantly (Naskali 2002, 92).

<sup>370</sup> See Nash 1989

<sup>371</sup> Lehtinen 1991, 145; Lehtinen 2006, 25

protected sites.<sup>372</sup> The first nature preservation area in Finland was designated in 1916 in Kilpisjärvi in Enontekiö municipality. Propositions for national parks had already been made in 1880<sup>373</sup> and 1910<sup>374</sup> but were not formed until the Nature conservation Act was issued in 1938.<sup>375</sup>

According to Berntsén (1977), in Norway the idea of nature conservation was actively promoted in 1890s and beginning of 1900s by Y. Nielsen (historian, geographer and ethnographer), Thb. Heyerdahl (leader of expedition), and N. Wille (botanist). The Nature Conservation Act was issued in 1910, with the establishment of a few nature reserves, but it was not until 1962 that the first national parks were established.<sup>376</sup> At the beginning of 1980s, Næss published his book concerning ecological lifestyle that described a specific philosophy called ecosophy.<sup>377</sup> It was a substantial contribution to the emergence and development of a global ideology of deep-ecology – a particular orientation in nature conservation.

The central ideas that were propagated by nature conservation were transferred, in some form, to the emerging environmentalist frame of thought as well. At the same time, nature conservation has also continued to live side by side with environmentalism as a parallel ideology or set of ideas. For instance, environmentalism seems to have inherited the innate bipartisanism of the early nature conservation movements. Correspondingly, the interplay between two dominant and partly antagonist views of *protection* and *economic exploitation* is characteristic of environmentalism. In other words, it appears in the form of two dominant discourses that are partly competing – that of productive exploitation of nature and that of nature as an object of preservation on idealist grounds.

In the first place, the emergence of environmentalism marked a material change of approach to nature compared to nature conservation. Most visibly, it signified a shift in the focus

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<sup>372</sup> Sippola & Rauhala 1992, 68–69

<sup>373</sup> Komiteanmietintö 1976:88

<sup>374</sup> Komiteanmietintö 1910:7

<sup>375</sup> Laki luonnonsuojelulauseista 83/1938, asetus 84/1938

<sup>376</sup> Berntsén 1977

<sup>377</sup> Næss 1981



of concern from *nature* to *environment*. The birth of the concept 'environment' is usually dated back to 1960s and 1970s with the emerging environmentalist awakening and environmentalist movements. According to Haila & Jokinen (2001), 'environment' which earlier had referred to the entity surrounding a person, creature, or matter, by that time, came to refer to the material foundation of human life comprising all the aspects defining the existence of society.<sup>378</sup>

According to Hajer (1995), Dryzek (1997), and Haila & Jokinen (2001), the early environmental movement consisted, in fact, of several parallel contingent movements that were spatially specific manifestations of the phenomenon rather than a unitary movement. A combining factor to these movements was the existence of a tangible, locally acute environmental problem, and a shared concern that the life exigencies of humankind were threatened. In addition, the early environmental awakening also contained a distinct moral protest towards the modern, industrialized society and lifestyle, as Grove-White (1993) and Haila & Jokinen (2001) point out.<sup>379</sup> Ecological problems were seen as a consequence of industrialism and capitalist development, and activists urged reconsideration of these philosophies. The single protest movements led soon to a more integrated ideology and to the institutionalization of environmental concern.

Haila & Jokinen (2001) point out that, although environmental administration began to sprout in several countries during the late 1960s, it was not until 1980s that environmental concern was properly institutionalized<sup>380</sup> and became a recognized ground for political decision-making. Brundtland's Commission's Report<sup>381</sup> of 1987 is generally referred to as having initiated the formulation of a new perception of environment, in succession to the early environmental awakening of late 1960s, and early

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<sup>378</sup> Haila & Jokinen 2001, 9

<sup>379</sup> Grove-White 1993, 19; Haila & Jokinen 2001, 23

<sup>380</sup> For instance in Sweden the first administrative agent in environmental management (Naturvårdsverket) was established as early as 1968. In Norway the Ministry of Environment was established in 1972, whereas in Finland it was founded relatively late, in 1983. Before that the environmental matters were divided between the Ministry of Agriculture and Ministry of Internal Affairs. (Haila & Jokinen 2001, 33)

<sup>381</sup> Report of World Commission on Environment and Development 1987

1970s.<sup>382</sup> Later on, the Earth Summit of Rio de Janeiro in 1992 is pointed to as having sealed the ultimate approval of the environmental concern, in its global dimension, as the operative grounds for large-scale political decision-making.<sup>383</sup> Environmental cause then rapidly entered national politics and the political and administrative institutions involved. Ecological perspectives quickly became a dominant frame of reference for approaching societal problems, and ecological factors were approved as viable grounds in political decision-making in their own right.<sup>384</sup>

The overall transition in political orientation and decision-making, which the emerging environmental turn brought about in the Western societies, has been compared to a (slow) revolution. In Brundtland's Commission Report, it is referred to as *a new reality*.<sup>385</sup> From the viewpoint of social constructionism, this statement is quite illustrative; a new kind of reality had indeed emerged, which relies in substantial part on ecological knowledge and argumentation. In congruence, ecological knowledge attained a decisive position in Western societies. It introduced altogether new concepts and theoretical frameworks for analyzing nature and human–nature relationships. In social constructionist terms, environmentalism became the central frame of reference through which reality was interpreted and signified with a stress on the ecological interpretative resources.

According to Milton (1993), for those who espouse its principles, environmentalism is *a quest for a viable future, pursued through the implementation of culturally defined responsibilities*. The general nature of these responsibilities distinguishes environmentalism from other such quests. They stem from the recognition that “the environment” – loosely identified as the complex of natural phenomena with which we share the universe and on which we depend – is affected by human activity, and that securing a viable future depends on such

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<sup>382</sup> Hajer 1995, 8–10; Hajer & Fischer 1999, 1; Haila & Jokinen 2001, 27

<sup>383</sup> Hajer 1995, 12; Fischer and Hajer 1999, 1

<sup>384</sup> Hajer 1995 relates to the issue with the term *ecological modernization*, by which he wishes to emphasize the wide social extent of the ideology.

<sup>385</sup> Hajer 1995, 9

activity being controlled in some way. At the same time, however, she notes that this description is imperfect because it fails to grasp the complexity of the phenomenon. According to her, there exist many visions of a viable future and diverse answers to the question that ask for whom or what it should be viable.<sup>386</sup>

Six years later, Fischer & Hajer (1999) suggest that “it was not the acquisition of the environmental perspective *per se* that labels the new era, but *particular interpretations of it, a particular take* on the environmental question”.<sup>387</sup> In fact, in analyzing environmentalism as the general frame of reference for political decision-making in modern societies, it is obvious that ecological knowledge is not solely employed. Economic values are quite visibly applied in the reasoning, as well. The enormous success and fast spread of the construction of thought is actually, according to several social and cultural scientists, explained through the fusion of ecological concern with economic growth.<sup>388</sup> As Fischer & Hajer (1999) and Sachs (1999) clearly point out, the introduction of the conceptual framework of *sustainable development* in particular served the purpose of fusing the two goals. Development and economic growth are two built-in ideological components of the concept of sustainable development. As an expression, environmentalism has separated itself deliberately from the critique of unrestricted industrial progress, and from the request of a fundamental review of the ideology of development, which were the integral constituents of the early environmental awakening in the 1970s. This *re-articulation* – a kind of rehabilitation of the ideology of environmental concern – was the final impetus for its success and fast adaptation in modern societies.<sup>389</sup>

Several researchers have paid attention to the political nature of environmentalism. According to Haila & Levins (1992), environmentalism seems to carry a twofold signification of an ideology and a political action (movement). In fact, environ-

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<sup>386</sup> Milton 1993, 2–3

<sup>387</sup> Fischer & Hajer 1999, 2 [italics added]

<sup>388</sup> Fischer & Hajer 1999, 2; Sachs 1999, 31

<sup>389</sup> Fischer & Hajer 1999, 2–3; Sachs 1999, 28–29

mentalism (ecological concern) has superseded the traditional sources of dissent arising from class, race, or sex differentiation as the generally accepted grounds for arguing the claims for social reformation.<sup>390</sup> Fischer and Hajer (1999) suggest that sustainable development is actually *a political strategy*, with stress on the programmatic nature of environmentalism.<sup>391</sup> Hajer (1995) additionally defines environmentalism as a political discourse, a way of solving social dissension.<sup>392</sup>

#### **4.2.2 The discursive practices of environmentalism**

It is a commonplace practice in cultural studies today to consider societal phenomena as socially constructed. In conformity, environmentalism can be understood as a modern representation of the world and contemporary challenges. According to Milton (1993), environmental discourse is not just communication about the environment, but also the process whereby our understanding of the environment is constituted through such communication. She goes on to speak of environmentalism as a discourse meaning the field of communication through which environmental responsibilities are constituted.<sup>393</sup> Dryzek (1997) has a similar approach in that he defines discourse as a shared way of apprehending the world. Embedded in language, it enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts. Each discourse rests on assumptions, judgements, and contentions that provide the basic terms of analysis, debates, agreements, and disagreements in the environmental area no less than elsewhere. He adds that each discourse views the world in a particular way, which may not always be easily comprehended by those who subscribe to other discourses. Usually, some interchange across the discourse boundaries occurs however difficult it may be at times.<sup>394</sup>

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<sup>390</sup> Haila & Levins 1992, 7–8

<sup>391</sup> Fischer & Hajer 1999, 6

<sup>392</sup> Hajer 1995, 32

<sup>393</sup> Milton 1993, 8

<sup>394</sup> Dryzek 1997, 8

Discourse approach provides tools for talking about environmental matters at the same time as they condition the way we define, interpret, and address them. Referring to what has been stated in Chapter 2, discourses are culturally constructed in the sense that they are bound up with certain temporally and spatially defined contexts; in other words they are historical.<sup>395</sup> This is not to say that environmental problems are fictional, or that they could be explained away with an alternative definition, as Milton (1993) notes.<sup>396</sup> On the contrary, we are evidently dealing with very “real” problems that have serious material references and consequences. With the choice of this theoretical approach however, I wish to stress a certain relativity of approach in contrast to the generally accepted approach in which the factuality of environmental problems is taken for granted, and ecology is trusted for providing objective rules of conduct for organizing society in a manner that relies on nature and is beyond human error and shortcomings.<sup>397</sup> Ecology most obviously provides invaluable knowledge and information of the essential problems and challenges of our time. Yet, it should be recognized that, in parallel with other knowledge, ecological knowledge is contextual knowledge that is valid within a specific frame of reference, containing particular signification and value systems.

In general, the conception of politics and environmentalism seems to divide natural scientists from social scientists. In natural sciences, politics is usually considered to be beyond the object of science, the aim of which is to produce objective knowledge and, therefore, to maintain an independent position in relation to social and political systems. Consequently, ecological knowledge is trusted to provide objective solutions for environmental problems, and its adaptation into practice is not a frequently questioned issue. The term, ‘political’ is often used in a derogatory manner

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<sup>395</sup> Foucault 1989, 25

<sup>396</sup> Milton 1999, 5

<sup>397</sup> Haila & Levins 1992, 14. Hajer (1995, 16) speaks of a realist approach, which according to him assumes incorrectly that the natural environment that is discussed in environmental politics is equivalent to the environment “out there”. According to him this assumption fails to recognize that we always act upon our images of reality and are dependent on certain discourses to be able to express ourselves. McNaughten & Urry (1998) refer to the same phenomenon with the term “environmental realism”.

that is associated with something ambiguous, something that is exposed to human emotions and ambitions. This basic divergence of approach, which reflects different conceptions of science and basic theoretical starting points, appears to be an important source of disagreement between representatives of different disciplines and cause some conflict.

From social scientific point of view, very few things are free from their social and political contexts. Social phenomena – as the objects of study – are enmeshed within the network of various social and political forces. Studying the effects and interplay of these forces forms the main questions and research set-up. On the other hand, scientific institutions, with their practices, concepts, categories and priorities, are products of a cultural signification process that has granted science the status it possesses in our society. Scientific procedure is, in that way, a convention within the ground rules of which single research results attain their validity. If we accept this relativity of starting point, it is evident that science is not exterior to politics. From this angle, everything, beginning with the choice of research subject, methods, material, relation of the researcher and the field, way of expressing the results, language, concepts, categories, and the way of adapting the results, is political and has political results or implies political signification.

Harding (1992) points out that there are, in fact, two notions of politics present when the relation of science and politics is negotiated. One is the older notion of politics as the overt actions and policies for advancing the interests of some groups. This kind of politics “intrudes” into “pure science” through conscious and clearly articulated actions which influence what science gets done and the how the results are interpreted. This kind of politics is seen as acting on the sciences from outside, as “politicizing” science. Another notion of politics in science is power, which is exercised less visibly not on but through the dominant institutional structures, priorities, practices, and language of the sciences. This politics functions through normalizing procedures. In accordance, the existing scientific policies and practices are

represented as value-neutral, normal, natural, and not political.<sup>398</sup> According to Harding, in this sense, the natural sciences stand on the same line with the humanist and social sciences; they cannot escape from the influence of social assumptions and projects, which inevitably shape the results of research. As she points out, what the (natural) sciences actually observe is not bare nature, but always only nature-as-an-object-of-study which is always already fully encultured.<sup>399</sup>

### *Environmental knowledge*

Environmentalism involves essentially production of knowledge. According to the basic tenets of social constructionism, every communication involves, in one way or another, production of knowledge. In the course of the communication processes, knowledge is actively reproduced, reinforced, and modified.<sup>400</sup> Production of knowledge assumes a particular significance, as *scientific knowledge* appears to be the expressly validated foundation of environmentalism. According to Hajer (1995) and Haila & Jokinen (2001), ecological knowledge has contributed materially to the formation of the environmental awakening, paving way for environmentalism.<sup>401</sup> Ecology is the title of the biological discipline, which is specialized in nature's economy.<sup>402</sup> Later, specialized disciplines like wildlife ecology, range ecology, community ecology, population ecology, evolutionary ecology, behavioral ecology, conservation biology etc. have emerged and completed the growing demand of knowledge.<sup>403</sup> In addition, specialized disciplines or academic programs such as environmental physiology, population genetics, ecotoxicology, environ-

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<sup>398</sup> Harding 1992, 569

<sup>399</sup> Harding 1992, 571

<sup>400</sup> Hall 1997, 45

<sup>401</sup> Hajer 1995, Haila & Jokinen 2001

<sup>402</sup> Haila & Levins 1992, ix. The authors give three additional significations to the term ecology: ecology as *nature*, as *the idea*, and as *the movement*.

<sup>403</sup> Knowledge is not naturally only produced for the demand, but has also generated demand in itself.

mental chemistry, environmental assessment, statistics etc., have provided the required data.

Although the predominance of natural scientific knowledge is obvious, the emphasis is clearly on the problems arising in the living environments of human beings and, first and foremost, their significance for the human existence or livelihood, as Haila & Levins (1992) have emphasized.<sup>404</sup> It is often referred to as an anthropocentric or utilitarian approach to nature.<sup>405</sup> Consequently, topics like “maintaining the productivity of nature” and “responding to the limits of the natural resources” have become competent representations of the environmental concern. In addition to this, parallel claims of preserving nature as an absolute value have kept up in continuation to the early preservationist ideology posing at times hard criticism on the tenets and established procedures of environmentalism.

It is obvious that the demand for ecological knowledge has increased tremendously through the establishment of modern environmental management practice. For example, implementation of environmental impact assessments, risk analyses, and extensive planning procedures have clearly accentuated the role of scientific knowledge. Furthermore, the introduction of a participatory approach in environmental planning has resulted in a substantial growth of *articulated speech*, in the form of various kinds of statements ranging from expert opinion to considerations of local interest groups. Articulated speech has become the chief instrument of the environmental management negotiations.

Evidently there is also a power aspect involved. As Foucault states, discourses are always inscribed in plays of power. The knowledge that discourses produce connects with power, regulates conduct, makes up or constructs identities and subjectivities, and defines the way certain things may be represented, thought about, practiced, and studied.<sup>406</sup> Accordingly, it could be said that, in several cases, the negotiations of environmental management have become arenas of *power contest* in which there is a struggle going on for the right to define reality. More

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<sup>404</sup> Haila & Levins 1992, 27

<sup>405</sup> Naskali 2002, 92

<sup>406</sup> Hall 1997, 10



practically, it concerns such topics as the definition of the state of the environment, actual concerns, norms to be applied, and the role or compilation of stakeholders in individual cases. Various cultural-specific knowledge systems serve as interpretive resources for the accounts that the participants of environmental negotiations produce. Experts' knowledge of various environmental-related disciplines competes with the statements of the local people in decision-making concerning the natural resources locally.

### *The concept of environment*

To start with, the concept of environment carries epistemological questions of the relationship between nature/environment and human, and between nature and environment. According to Fischer and Hajer (1999), environment(alism) can be understood as a particular way of relating to the nature, with a relatively short history.<sup>407</sup> As I pointed out earlier, environmentalism results from a specific interpretation of the ecological crisis and the ensuing human responsibilities. Condensed into main points, environmentalism implies signification of nature as environment, which a) is a *resource* for economic production (natural resource) b) is *threatened* by overuse, pollution or extinction, and c) should be *managed* by environmental management professionals utilizing scientific knowledge and methods.

Associated with the question of environment, Haila & Jokinen (2001) discuss “whether there is one environment or many environments.”<sup>408</sup> Referring to Ingold (1993), they remark that there are two principal approaches to environment, which diverge considerably from one another. In everyday life and speech, the term environment usually refers to the immediate life world surrounding the people in question. The exact content given to the concept corresponds to what people experience as important in the environment. In this sense, the concept of environment is based on the individual, but socially (community-

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<sup>407</sup> Fischer & Hajer 1999, 6

<sup>408</sup> Haila & Jokinen 2001, 14

wise) constructed and shared signification systems which, in turn, are built on everyday experience. For that reason, there can be no comprehensive unanimity of the concept, considering that even personal conceptions of the environment may contain some mutually contradicting elements. The alternative view starts off from the supposition of the uniform features connecting the different environments. Correspondingly, the environment is understood as an entity which is characterized by and formed of certain relatively stable, regulative laws. According to the mentioned researchers, Ecology/Environmental Science are examples of the approach, in which the earth is regarded to be a comprehensive system, examining the environment from the outside angle, and seeking to find universal indicators for monitoring the relationship between human beings and the environmental phenomena.<sup>409</sup>

According to Ingold (1993), environment is a category by which nature – the former environment of our life world – is externalized to become the research object of scientists. He claims that the notion of global environment does not mark humanity's reintegration into the world, but signals the culmination of a process of separation. This is connected, in a broad perspective, with the extensive modernization processes of the Western societies.<sup>410</sup> Giddens (1995) connects the rise of environment consciousness to reflexive (late) modernization. According to him, environment denotes nature, which is thoroughly intervened by human beings; in other words, thoroughly socialized nature or the end of nature.<sup>411</sup> According to Sachs (1992), nature, when becoming the object of politics and planning, turns into "environment." Environment is thus a special construction of nature specific to our epoch.<sup>412</sup>

Hajer (1995) has applied the term ecological modernization, by which he points out that environmentalism, in many respects, is an important constituent of modernization, or the modernizing

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<sup>409</sup> Haila & Jokinen 2001, 41

<sup>410</sup> Ingold 1993, 31

<sup>411</sup> Giddens 1995, 110

<sup>412</sup> Sachs 1992, 32

process(es) of our societies.<sup>413</sup> In accordance, we could say that inter-human relationships and social aspects form an important part of the environmental questions concerning the definition of the problems as the defined solutions as well.

### *The story-line of sustainable development*

The topic of *sustainable development* has become one of the most important symbols and constitutive elements of the environmentalist discourse. However thin the explanatory force of the concept of sustainable development has worn in common use over the decades, as several researchers have noted,<sup>414</sup> it is nevertheless the most viable interpretative resource in environmental discourses. The concept of sustainable development, as we know, was launched in 1987 by the Brundtland's Commission's Report, which defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."<sup>415</sup> Later, partly in order to complete the narrowness of the approach, partly to counter some of its obvious ambiguity, further precision into ecological, economic, social, and cultural dimensions of sustainability has been introduced.

The concept of sustainable development has been criticized as being scientifically inconsistent. However, from the perspective of discourse research, sustainable development has provided environmentalism with a successful *story-line*. The story line has functioned as a unifying agent amid the bewildering variety of separate discursive components. As Hajer (1995) pointed out, it has enabled the creation of a global discourse-coalition around environmental issues: A story line's potential lies in the fact that people do not draw as much on comprehensible discourse systems for their cognition, rather these are evoked through story-lines. As it is, the story line of sustainable development has evoked a great change in interpreting the reality

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<sup>413</sup> Hajer 1995, 24

<sup>414</sup> e.g Sachs 1999, 33

<sup>415</sup> WCSE 1987

(environment) as well as a major change in sociopolitical conduct.<sup>416</sup> With all the contentious weakness and ambiguity,<sup>417</sup> the term, ‘sustainable development’ has proven a very functional concept that has set out a common language for talking not only about environmental problems,<sup>418</sup> but also for relating the environmental problems with economic issues. However, as Fischer and Hajer noted, most likely it is not only the language, but also the ensuing political strategies that have made the environmentalist framework so influential.<sup>419</sup>

The main message can be compressed into “*adjusting the existing economic and institutional practices to the ecological fringe conditions with the target of protecting the economic growth.*”<sup>420</sup> In other words, continuous economic growth is confirmed as the all-encompassing goal, and the main concern is directed at facilitating it without endangering future growth. The approach suggests that sustainability and economic growth can go hand in hand as long our knowledge is sophisticated enough to reveal the limits of nature, thus permitting us to exploit resources safely to that limit.<sup>421</sup> Correspondingly, sustainable development is often described as *harvest of natural surplus*.

If the early environmental awakening had called for a substantial social change in order to counter the environmental problems, environmentalism with sustainable development as the key argumentation turned the attention to *adjustment practices*. In accordance with the environmental rhetoric, major institutions are capable of learning and should, therefore, be able to reinvent themselves as to become co-producers of a new sort of development that would be more environmentally sustainable.<sup>422</sup> This

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<sup>416</sup> Hajer 1995, 13–19

<sup>417</sup> Brooks (1992) recorded in 1992 already over 40 different working definitions of the term sustainable development after Brundtland’s Report had introduced it in 1987. (Hajer 1995, 1)

<sup>418</sup> Fischer & Hajer 1999, 2

<sup>419</sup> Hajer 1995, 14; Fischer and Hajer 1999, 3

<sup>420</sup> Fischer & Hajer 1999, 2–4

<sup>421</sup> According to MacNaughten and Urry (1998, 214), the Brundtland’s Commission presented sustainable development as an apparent win-win situation where environmental sustainability came to be seen as good for economic development, and economic development as good for environmental sustainability.

<sup>422</sup> Fischer & Hajer 1999, 3

conception incorporates the notion of governance as the logical medium for complementing the undertaking, which virtually generated the emergence of complex management bodies and procedures.

Among the critical analysts of the concept of sustainable development, Sachs (1999) pointed out that the described state of affairs has signified the shift of focus of sustainability from nature to development. It means a change of the perceptual frame of reference; instead of nature, development becomes the object of concern and instead of development, nature becomes the critical factor to be watched. Furthermore, on a theoretical level, this change of perspective has led to the reinterpretation of nature as capital.<sup>423</sup> Through this conceptual operation, it has become possible to compare natural capital with economic capital, to assess the costs and benefits of substituting one with the other, and to combine the two in an optimal fashion. In light of the cost-benefit logic, anything (nature, human life etc.) turns into a variable which can be traded off against something else.<sup>424</sup>

Talking of nature as *a natural resource* is a product of a particular interpretation, as Luke (1999) pointed out.<sup>425</sup> It signifies, among other things, the appropriation of nature for economic production and evaluation of different forms of usage through their economic yield. Accompanying this are certain implicit modes of thinking, which have accordingly been naturalized as the leading principles of modern environmental management. According to Fischer and Hajer (1999), since the term, 'natural resource' signifies the use of nature according economic principles, the mean value of nature becomes the value of its economic use, which in turn leads to difficulty in noting immaterial values.<sup>426</sup>

Haila and Levins (1992) suggested that sustainable development should actually be approached as a metaphor. It is a metaphor that refers to an alternative direction of development to

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<sup>423</sup> referring to El Serafy 1991

<sup>424</sup> Sachs 1999, 33

<sup>425</sup> Luke (1999, 103) speaks of discursive work-ups, which transform nature into 'natural resources'.

<sup>426</sup> Fischer and Hajer 1999, 4

the current development lines.<sup>427</sup> Fischer and Hajer (1999) agreed with the term metaphor, but preferred using the expression *generative metaphor* – or storyline – around which key economic and environmental interests could converge. Its biggest contribution is probably setting out a common way of talking about environmental issues.<sup>428</sup> In this sense, sustainable development is a political concept aimed at directing the course of societies in certain directions, rather than a theoretical basis for organizing practical environmental management issues.

Altogether, it is obvious that sustainability is a culturally defined concept allowing many diverging interpretations, depending on the starting point, premises, object, and subject. Alternative interpretations of the concept have been provided, thus meeting the demands of the local contexts. *Sustainability of the Arctic Regions* is an example of such an elaboration, which has become an integral part of the internationally validated environmental discourse. Besides focusing primarily on the urgent environmental threats affecting the Arctic nature and the adequacy of natural resources,<sup>429</sup> an additional concern is directed at the state of indigenous peoples and their opportunity for maintaining the traditional means of livelihood and culture.<sup>430</sup> In the Sustainable Development Program,<sup>431</sup> the Arctic Council has defined the sustainable development, emphasizing, among other things, that “sustainable development must be based on sound science, traditional knowledge of indigenous and local people, and prudent conservation and management of resources. In addition, it must benefit from and strengthen the innovative and educational processes of northern communities.”

*Indigenous People's Rights* are thus articulated on to sustainable development representing a particular aspect of the pursued social and cultural dimensions of sustainability. In the Convention for Biological Diversity from 1992, indigenous

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<sup>427</sup> Haila & Levins 1992, 276

<sup>428</sup> Fischer & Hajer 1999, 2

<sup>429</sup> Arctic Environmental Protection Strategy (AEPS) 1991

<sup>430</sup> Arctic Human Development Report (ADHR) 2004

<sup>431</sup> Arctic Council, Terms of Reference for a Sustainable Development Program 5.2.1998, Arctic Council Framework Document (Chapeau) for the Sustainable Development Program 13.10.2000

people and traditional knowledge are recognized as one of the preconditions for sustainable development. Moreover, *local democracy* has been articulated on to sustainable development. In Agenda 21 – agreed upon in the UN conference of Rio de Janeiro in 1992 – the communities are summoned to provide local populations new facilities for dialogue and collaboration in community planning and execution with the authorities. According to the prevailing interpretation, the prerequisite for sustainable development is local participation and responsibility. The concept of *sustainable local development* is launched perpetuating this approach.<sup>432</sup>

As a step towards realizing the vague content of the concept of sustainability, a series of indicators have been designed. It has been the intention to produce comparable factors for monitoring the state and change of nature. The early stages of this process have shown the complicated dilemmas arising from this method, e.g., related to operating the complex factors and processes. The system is best suited for monitoring certain clear-cut physical phenomena like climate change and degree of pollution. The closer we get in designing indicators for societal and cultural factors, the more difficult the task becomes. The complex social and cultural phenomena are not easily transformable into unambiguous, quantitative indicators that would provide reliable information. The use of this method has, in effect, favored the operation of natural scientific knowledge at the expense of social scientific or cultural knowledge in environmental decision making. If anything, the ambiguity of the concept of sustainable development has contributed to the massive volume of articulated text around the topic, and has enabled some speculation with the content. Furthermore, it has accentuated the role of articulated (mostly written) text in the intercourse and, correspondingly, differentiated the roles of those having in possession or access to this text from those who have not.

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<sup>432</sup> Young 1997, 2

### *Moral, risk speech with superficial consensus*

Looking at the environmental discourses, three recurring features emerge: 1) it is typically *risk speech*, 2) there is a strong *moral tone*, and 3) they draw from a conception of *a superficial consensus*. As was stated earlier, the ideological impetus of environmentalism lies in the environmental awakening of the late 1960s and early 1970s. The notions of an ecological risk, threat to the ecosystem, or ecological crisis were inherent parts of the early environmental awakening. This mode of argumentation passed on to the environmental discourses in which the metaphor of a threat or a risk became dominant as Haila & Levins (1992) and Hajer (1995), for example, have pointed out. While environmentalism has provided a common framework for talking about single ecological problems,<sup>433</sup> it has also entailed an approach in which the ecological problems are situated within a larger framework of human life and survival in this planet.<sup>434</sup> Correspondingly, the general rhetoric reads that, ‘nature (composition of interdependent ecosystems) forms the precondition of human life, and is currently in one way or other threatened by the impact of human behavior.’

The scope of environmental rhetoric is characteristically global. The initial environmental concerns were with pollution, population growth, wilderness preservation, and depletion of natural resources. Over the time, additional concerns about energy supply, animal right, species extinction, global climate change, depletion of the ozone layer in the upper atmosphere, toxic wastes, protection of whole ecosystems, environmental justice, etc., have emerged.<sup>435</sup> As a result, single local accidents or catastrophes are often interpreted as symbols of these major threats.<sup>436</sup> Correspondingly, local responsibilities are extended to a global level. This has brought about new dimensions to local environmental problem solving and the argumentation associated with it. Presumption of risk has, therefore, characterized the

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<sup>433</sup> Haila & Levins 1992, 8; Hajer 1995, 13

<sup>434</sup> Haila & Jokinen 2001, 28

<sup>435</sup> Dryzek 1997, 3

<sup>436</sup> Haila & Jokinen 2001, 28



definition of environmental concerns as well as the formulation of research problems related to these issues. Risk is an effective metaphor for interpreting phenomena. It has most definitely helped in focusing on the acute problems, and raising a massive public interest in such matters. At the same time, it has, however, contributed to a certain oversimplifications and has limited alternative fruitful ways of seeing the current environmental situation and solving existing problems.

According to Eder (1996), environmentalism, at least in the Western world, has turned from a counter discourse to an institutionalized, collectively shared *ideology* among other powerful ideological discourses.<sup>437</sup> Other researchers have noted the ideological characteristics of environmental discourse as well. According to Haila & Jokinen (2001), environmental concern is characteristically a social approach similar to other ideological approaches. A focal part of it consists of a fear of a fundamental contradiction between human society and nature.<sup>438</sup> Definitions of the urgent environmental problems always contain presumptions of social order and its qualities. Also, the suggested solutions to the environmental problems contain normative notions of preferred human conduct, which are ideologically configured.

Ideological tones lend themselves easily to moral statements. Following the normative quality of the international agreements, environmental protection has become a moral issue, and opposing it for whatever reason is reciprocally labeled immoral. This positioning is often done indirectly, while moral positions are produced implicitly within the discourse, which makes the matter difficult to address – lest one risks her/himself being classified immoral. All in all, it appears that the environmental concern and the included responsibilities are interwoven in and validated by our value system today. In fact, environmental issues appear today as a legitimate argumentation in their own right, which

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<sup>437</sup> Eder 1996, 183; Nieminen et al. 1999, 14; Nieminen 2003, 148

<sup>438</sup> According to Haila & Jokinen (2001, 4) a person who has assumed the ideology of environmental concern (environmentalism) interprets single events and defines their signification, as well as own behavior in relation to them from the environmental aspect.

seems to suggest that environmental values have become a part of the public epistemic discourse,<sup>439</sup> at least in Western societies.

Concerning the consensus, which is the third point on the list, several researchers<sup>440</sup> have pointed out that, although the environmental discourse is often represented as a relatively integrated whole, it consists actually of several diverse, even contradicting, discourses. However, on the surface there seems to be a superficial overall consensus on the main line of argumentation. Hajer (1995) applies the Foucauldian concept *discourse coalition* to analyze and describe how this consensus is formed around certain topics. According to him, discourse coalitions are shared ways of talking about environmental matters but include members with widely differing social and cognitive commitments. The most obvious example is probably consensus of the concept of sustainable development between people and institutions that might actually have widely differing perceptions of what environmental politics otherwise are about.<sup>441</sup>

One obvious characteristic of the environmental rhetoric is the fact that it appears to be designed in a particular way that emphasizes the uniformity of stakeholders' interests in regard to protection of environment. As Hajer (1995) has illustrated in his book, the core environmental rhetoric is constructed on the idea of 'common destiny' and 'common interests of mankind.'<sup>442</sup> The same approach is applied in a local perspective, as well. Fischer and Hajer (1999) took up the concept of sustainable development and stated that, while being a (commendably) reform-oriented *inclusionary* concept, it has sought to facilitate a non-adversarial approach to environmental politics. Since there is an overall general consensus around the concept, there is no longer need for conflict, only for collaboration.<sup>443</sup> The well-known win-win strategy that is frequently appealed to in practical environmental

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<sup>439</sup> Foucault 1980 defines episteme as the strategic apparatus which permits of separating out from among all the statements which are possible those that will be acceptable within a field of sciences.

<sup>440</sup> Grove-White 1993, Milton 1993, Hajer 1995, Fischer & Hajer 1999, Haila & Jokinen 2001

<sup>441</sup> Hajer 1995, 14

<sup>442</sup> Hajer 1995, 8

<sup>443</sup> Fischer & Hajer 1999, 4

problem solving is an example of this approach. However, as Fischer and Hajer (1999) added, every consensus has its price. According to them, this discourse has led to a reduction of the reflexive potential of environmental politics.<sup>444</sup>

Summing up, in discourse analytical terms, we could speak of environmentalist discourse as *a hegemonic discourse* that is maintained by the general opinion. Hegemonic discourses have the power to dominate communication processes by introducing the dominant knowledge system and compelling other participants to apply the same signification system. The authorization of the hegemonic discourse is seldom questioned or discussed. While plenty of attention may be diverted to singling out alternative details, the justification of the whole construction is not usually contested.

Correspondingly, the fundamental ideas of environmentalism and the ensuing environmental management practices contain certain naturalized ways of thinking which, although globally are wide-spread, are not necessarily shared in the grass-roots level all over. As mentioned before, environmentalism is characteristically a *global* apprehension of the world, and an extension of the problematique and solutions.<sup>445</sup> Several researchers have fixed attention to the particularities of the social dynamics around the concept.<sup>446</sup> For instance, Guha (1996) criticized Americans in particular for typically insisting that the language of environmentalism is *universal* even though its presence may be more or less marked in different societies at different times. According to him, support for this view comes from two main sources, one of which is science and the other of which is ethics. He noted that both science and ethics – significant contributors to the episteme of environmentalism – are generally and by definition regarded as universal. Consequently the environmental values, in so far as they are based on science, are regarded as universal. Furthermore, protection of the various elements of non-human nature is made a moral imperative for human beings on an ethical basis.<sup>447</sup>

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<sup>444</sup> Fischer & Hajer 1999, 4

<sup>445</sup> Fischer & Hajer 1999, 1

<sup>446</sup> e.g. Guha 1996, Beach 1998, Marcussen 2003

<sup>447</sup> Guha 1996, 112

### 4.2.3 Management problem

Environmental management is both a product and a manifestation of environmentalism. The idea of rational management is embedded in the ideational construction of environmentalist frame of thought. Thus, environmental questions are typically defined as management problems. According to Dryzek (1997) and Fischer & Hajer (1999), environmentalism is built on a focal conception according to what problems, once recognized and publicly acknowledged, can be solved by the use of science, technology, and management institutions. This has signified the authorization and rapid extension of expertise in environmental sciences.<sup>448</sup> Establishing exclusive institutions for environmental management is an evident outcome of it. According to Luke (1999), an entire school of *eco-managerialism* with accorded ideology, institutions, and political practices had emerged.<sup>449</sup>

Environmental management can be defined as “concentrated social acts for regulating and directing human conduct in order to safeguard the prerequisites of human life and maintain the regeneration capacity of eco-system.”<sup>450</sup> Management usually entails a notion of rational planning. Escobar (1996) and Marcussen (2003) have pointed out the connection of improved management of natural resources and rational planning with the “modernist” project. According to Sachs (1983), to plan is to mobilize and economize resources to meet objectives formulated by societies and their representatives. The planning concept is based on the idea of rationality, whereby reality can be structured and controlled, changed at will, and the outcome predicted. It is not a novel invention, as Marcussen noted, but was part the “science-based” development of the previous centuries in the industrialization process in the West. But, connected with the development philosophy, it has become one of the characteristic and most powerful tools of our time. In particular, this is discernible in terms of the approach to Third World, where environmental concern and societal development are closely

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<sup>448</sup> Dryzek 1997, 10; Fischer & Hajer 1999, 4

<sup>449</sup> Luke 1999, 101

<sup>450</sup> Haila 1995, 8

interwoven into various kinds of “planned intervention” projects. However, similar features also characterize the development discourse in the Western societies.

Over time, eco-management seems to have become a major industry, especially accompanying the worldwide spread of wilderness thinking, as Guha (1996) has pointed out.<sup>451</sup> A lot of time and effort is directed at producing tailor-made knowledge for management purpose, at educating professional personnel, and at disseminating information and understanding, i.e. educating the public.

Dryzek (1999) pointed out four major discourses<sup>452</sup> that characterize the global environmentalist discourse. According to him, of these the discourse called “*environmental problem solving*” dominates the governing practice.<sup>453</sup> This discourse treats the ecological problems as tractable within the basic framework of the political economy of industrial society, as belonging in a well-defined bow of their own. The basic story line is that of problem solving, where human interactions with the environment generate a range of problems to which human problem-solving devices need to be turned. There are different

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<sup>451</sup> Guha 1996, 127

<sup>452</sup> Dryzek labels the major environmental discourses as: 1) environmental problem solving, 2) survivalism 3) sustainability 4) green radicalism. According to him, environmental discourse begins in industrial society, and so has to position itself in the context of the long-dominant discourse of industrial society, which we can call industrialism. Industrialism, in turn, can be characterized in terms of its overarching commitment to growth in the quantity of goods and services produced and to the material well-being which that growth brings. He claims that environmental discourse cannot simply take the terms of industrialism as given, but must depart from these terms. This departure can be reformist or it can be radical. A second dimension for categorizing environmental discourses, would take note of the fact that the departures from industrialism can be either prosaic or imaginative depending on whether the political-economic chessboard set by the industrial society is taken as given or re-definable. (Dryzek 1999, 13–15)

<sup>453</sup> According to him, this approach takes the political-economic status quo as given, but in need of adjustment to cope with environmental problems, especially via public policy. Such adjustment might take the form of extension of the pragmatic problem-solving capacities of liberal democratic governments by facilitating a variety of environmentalist inputs to them; or of markets, by putting price tags on environmental harms and benefits; or of the administrative state, by institutionalizing environmental concern and expertise in its operating procedures. (Dryzek 1997, 60)

conceptions about how best to organize human problem solving. The three main ways human beings coordinate such efforts are by bureaucracy, democracy, and markets. Corresponding to these three coordination mechanisms are, according to him, the three discourses: *administrative rationalism*, *democratic pragmatism* and *economic rationalism*.<sup>454</sup>

According to Dryzek,<sup>455</sup> administrative rationalism emphasizes the role of expert in social problem solving, and stresses social relationships of hierarchy rather than equality or competition. Administrative rationalism seeks to organize scientific and technical expertise into bureaucratic hierarchy in the service of the state. Governing is about rational management in the service of a clearly defined public interest, informed by the best of available expertise. The state, as a collective actor, is the primary agent but this does not imply that all individuals working for the state have an equal capacity to act. Technical experts and managers have a greater capacity than does anyone else.<sup>456</sup> This model shares features with the focal conceptions of the Progressive Conservation Movement,<sup>457</sup> which was the dominant approach in the management of nature in North America at the beginning of 1900s. According to Guha (1996), it represented the state intervention in the management of the natural resources with an idea of centralized government under the guidance of scientific expertise. The idea of scientific forestry was the exemplary model, and it has been applied to the management of other natural resources as well.<sup>458</sup>

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<sup>454</sup> Dryzek 1997, 13–14

<sup>455</sup> Dryzek 1997, 63

<sup>456</sup> Dryzek 1997, 74

<sup>457</sup> See Section 4.1

<sup>458</sup> Guha 1996, 113

According to Dryzek, democratic pragmatism<sup>459</sup> deviates and partly conflicts with the conception of administrative rationalism by stressing interactive problem solving, which involves participants from both within government and outside it. Such interaction can occur in the context of committee meetings, legislative debates, hearings, public addresses, legal disputes, rule making, project development, media investigations, and policy implementation and enforcement. Consequently, it can involve lobbying, arguing, advising, strategizing, bargaining, informing, publishing, exposing, deceiving, image building, insulting, and questioning. The degree of democratic participation with which pragmatists are happy corresponds roughly to the limited amount found in existing liberal democracies. Democratic pragmatism involves talk and written communication, not just strategizing and power plays, and such communications works best when it is couched in the language of public interest rather than that of private interests. According to the basic conception, people motivated by public interest can best work to find a cooperative basis for management.

According to Dryzek, economic rationalism actually deviates from the two in the sense that it renounces the environmental management on the part of government administrators except in establishing the basic parameters of designed markets. Instead it is believed that markets – understood as systems based on commodity exchange in which goods, services, and financial instruments are exchanged for each other – guarantee the rational use of natural resources. The key conception behind it is the notion of private property. It is believed that private ownership is a better guarantee of responsible use than the regulated common interest. Economic rationalism assumes that the basic relationship

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<sup>459</sup> Dryzek (1997, 859) claims to treat democracy not as a set of institutions, but rather as a way of apprehending problems. Consequently he is concerned of democracy as a problem solving discourse. Democratic pragmatism may be characterized in terms of interactive problem solving within the basic institutional structure of liberal capitalist democracy. His term pragmatism refers both to signifying a practical, realistic orientation to the world (the opposite of idealism), and to the school of thought in philosophy (James, Pierce and Dewey), where life is mostly about solving problems in a situation of uncertainty. Consequently the most rational approach to problem solving involves learning through experimentation.

across individuals and collective actors is competitive. Thus, the sort of cooperative problem solving sought by the democratic pragmatists is ruled out. Concerning the existence of hierarchical structures, economic rationalists appear to consent to the authority of experts. But the experts are supposed to be economic rationalists rather than economic actors in order not to devise schemes in their personal interests but for public interest.<sup>460</sup>

### *Ecosystem management*

Ecosystem is the founding construction on which the ecological theories rely, and which provides the central frame of reference applied in environmental management. Scientists have played an important role in representing the biosphere as an all-embracing ecosystem, linking biota with processes in the atmosphere, oceans, and earth's crust. An important part in this development is played by modern technology, which has provided the means for calibrating the biosphere and displaying it in models.<sup>461</sup>

Conceptions of the ecosystem and its functioning have, therefore, become more diversified and complex, and contain several diverging theoretical views. Accordingly, ecological systems are found to be more contingent and complex than those of individual organisms. Besides, there is no single, unique community that is suitable for a particular place; instead, species enter and drop out of communities at characteristic rates that depend on the habitat and its location. Many species are interchangeable or removable without threatening the integrity of the community. The attention has, then, been fixed at the *keystone species* that play a key role in communities, and into their succession.<sup>462</sup> The concept of ecosystem has been completed by *natural variability and change*. Accordingly, the principles of site specificity and the nature of the feedback loops of natural systems have been reviewed.<sup>463</sup> Nevertheless, the basic idea of interpreting

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<sup>460</sup> Dryzek 1997, 113

<sup>461</sup> Sachs 1999, 36

<sup>462</sup> Haila & Levins 1992, 5

<sup>463</sup> Haila & Levins 1992, 23



nature as a set of rules that are intelligible and manageable by human beings has persisted.<sup>464</sup>

Scientific models of nature and its dynamics serve the ecological interpretation of environmental problems in the modern, industrialized society, and bear on the proposed solutions for coping with them. In association with it, *ecosystem management* or *bio-diversity management* has become the validated objective.<sup>465</sup> Bio-diversity management can be conceived of being a part of ecosystem management or on objective as such.

### *Protecting the biodiversity*

According to Takacs (1996) and Myerson & Rydin (1996), biodiversity has signified the introduction of a new conceptual discourse, applied to an appropriate slogan, used for promoting nature conservation and fixing attention to the extinction of species.<sup>466</sup> Conceptions of bio-diversity are based on the conception of earth as an integrated, self-producing *ecosystem*. In plain and simplistic terms, it consists of a notion of nature as a complex integrated system in which networks of feedback and recycling of elements maintain a rough balance. It is often interpreted as a harmonious entity in which each species has a specific role. The system is based on the model of pluralistic democracy, where all members are unique, have their particular duties, and are inter linked through their mutual interests. The key idea is that the resources are limited by the finite size of the earth, which forms the limits of human conduct, too.<sup>467</sup>

According to the mainstream environmental discourse, sustainability of the biosphere and our production system within it is assumed to be dependent on the complexity and diversity.<sup>468</sup> As a consequence, protecting biological diversity is argued to be the key management target. The concept of bio-diversity denotes five

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<sup>464</sup> Connolly 2003, 111

<sup>465</sup> Sustaining Life on Earth: How the convention on Biological Diversity promotes nature and human well-being <http://biodiv.org/publications/guide>

<sup>466</sup> Nieminen 2003, 147–148

<sup>467</sup> Haila & Levins 1992, 2–3

<sup>468</sup> Haila & Levins 1992, 15

important aspects in nature: 1) genetic diversity within species 2) species population ranges 3) species flexibility and vulnerability 4) habitat diversity and 5) ecosystem structure and function.<sup>469</sup> Besides the wild species, it comprises also domestic and productive animals, cultivated plants, and the processes of the ecosystems. A common definition of bio-diversity refers to life and diversity on earth, including inorganic nature. Bio-diversity is argued to be the precondition for the survival of individuals and biotic communities.

According to the Agenda 21 bio-diversity is defined as a capital asset with the potential to yield sustainable benefits if managed properly. This conception contains a second frequently argued aspect of bio-diversity as an economic resource. According to this rhetoric, bio-diversity provides a large number of *goods* and *services* that sustain our lives. Furthermore, our personal health and the health of our economy and human society is, according to this rhetoric, dependent on the continuous supply of various *ecological services* that would be extremely costly or impossible to replace. These *natural services* are so varied as to be almost infinite. One of the key objectives is thus to establish controls to prevent over-harvesting of single resource.<sup>470</sup>

Altogether, bio-diversity is seen as a critical component of the environmental change globally. Human activities are regarded to pose many threats to the environment currently. Among the most urgent threats to the Arctic (Subarctic) bio-diversity are climate change, physical disturbance/ habitat fragmentation, chemical disturbance, species introductions, consumptive use/ overexploitation, and other uses such as tourism to sensitive areas etc.<sup>471</sup>

In the key role of this discourse are the conceptions of *protection* and *sustainable use* of its components. Bio-diversity measurement is considered as an inventory of what is to be protected. This can refer to species or groups of species and their abundance. It is generally recognized that only a small proportion

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<sup>469</sup> Arctic Flora and Fauna 2000

<sup>470</sup> Sustaining Life on Earth: How the convention on Biological Diversity promotes nature and human well-being <http://biodiv.org/publications/guide>

<sup>471</sup> Arctic Flora and Fauna 2000

– maybe equivalent to 20% – of all the 5–30 million species of animals and plants on planet earth are recognized in taxonomies.<sup>472</sup> However, this state of affairs does not diminish the authority of this knowledge or the instructions based on this knowledge in environmental decision making. Instead, this state of affairs has been converted into a policy where collecting and registering detailed biological knowledge of species, habitats, etc. has been made a necessity, in fact, the precondition of the survival. Biological knowledge has accordingly been awarded a unique status.

Several social scientists have paid attention to the cultural specificity, and interpretative and conventional aspects of the concept of bio-diversity. According to Hajer, bio-diversity appears more as an ideology, containing besides the natural scientific core interpretations of the society, the relation of nature and human being, citizenship, power, and truth.<sup>473</sup> In other words it is a social construction which competes with other discourses in the society.<sup>474</sup> According to Myerson and Rydin (1996), bio-diversity refers less to new scientific discoveries but, rather, is a new conceptual discourse through which old ideas are reinterpreted.<sup>475</sup> Haila refers to the same thing, but states that the concept of bio-diversity has made it possible to fuse together the heterogeneous set of problems and provide a common framework for dealing with them.<sup>476</sup>

Takacs (1996) pays attention to the fact that bio-diversity has actually become a synonym for nature, as it is impossible to name a feature in nature which would not be included in the concept. Actually, he notes, the concept has served the purpose of reinforcing the role and expertise of the biologist in securing the diversity of nature.<sup>477</sup> In other words, it is mainly the scientists who have profited of the generally approved status of this concept. However, as Väliverronen & Hellsten (2000) and Nieminen (2003) pointed out, the environmental management

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<sup>472</sup> Krebs 1994, 434

<sup>473</sup> Hajer 1995, 65

<sup>474</sup> Nieminen 2003, 146

<sup>475</sup> Myerson & Rydin 1996, 65; Nieminen 2003, 148

<sup>476</sup> Haila 1998, 69–70

<sup>477</sup> Takacs 1996, 80; Nieminen 2003, 150

administrative agents have also profited from the “naturalization” of the concept and representation of it as an unquestioned management category.

Relating to this concern, Zerner (1996) has made a critical analysis of bio-diversity as a narrative used by international environmental institutions and programs. According to him, these stories have constructed images of natural environments and their relationships with human communities that have shaped our ideas of what the relationships were and what they should be. He pointed out that, in these narratives, bio-diversity is the privileged subject matter, while human groups and their rights are devalued or peripheralized. The power of these narratives lies in the fact that they produce authority for interventions which inevitably affect the economic, cultural, and property rights of local communities and nations – usually marginalizing them.

### **4.3 Management of wilderness-like nature**

One of the key environmental concerns is directed at conservation of wildlife and preservation of wilderness or wilderness-like areas. These serve as examples of the eco-managerialist thought. The idea of *wilderness management* was crystallized in North America. Many researchers have pointed out and analyzed the cultural connectedness of the concept and the specific significations and symbolic meanings it has assumed (e.g. Nash 1982, Oelschlaeger 1991, Lehtinen 1991, 2004, Klein 1994, Park 1995, Saarinen 1998, McDonald 2001, Naskali 2002, Haila 2003, and Castagna 2005). The concept of wilderness and the conceptual framework of wilderness management respectively seem to allow different national adaptations. For example, it allows amalgamating the elementary requirements of nature protection and natural resource management with certain nationally and culturally defined needs to form a consistent policy and administrative practice. Studies of the divergence and converge of the adaptations in Finland and North America have

been made for instance by Gladden (2001) and Kluwe (2002).<sup>478</sup> Without going deeper into the manifold conversations involved, I will just discuss the essential points of it related to my research subject.

*Wilderness thinking* represents a particular approach to nature. Notwithstanding whether the word wilderness etymologically derives from “wild”<sup>479</sup> or “weald”/“waeld” (the old English term for forest),<sup>480</sup> the notion of wilderness areas in Anglo-American context has, according to the above mentioned researchers, come to signify a place with *wild, pristine, untouched nature* implying a notion of conquest. The concept of wilderness is elementarily built on the separation of nature and culture from each other. Wilderness is said to mark the border of the civilization. It is contrasted to the human inhabited, industrialized, modern world, characterized by economic exploitation of nature. This conception is closely connected with the ideology of Romanticism, which emerged in Europe and traversed across the Atlantic to the North American continent.<sup>481</sup> Moreover, according to the researchers, wilderness has turned from a directly material object into an idea. It is regarded as a remnant of mythical, pre-human, ‘first nature’ to be saved from economic development and human intervention. According to the researchers, wilderness marks some kind of contract between ‘civilization’ and nature which, in North American context, was long seen as a threat or evil. Through this construction it became separated from civilization, but appreciated in itself. Therefore, wilderness is also an established value. It has a national value, a landscape value, bio-diversity value, and recreational value. Aplet (1999) refers to wilderness as a particularly American value.<sup>482</sup>

Wilderness management is a natural outcome of the particular way of interpreting environment. Accordingly, wilderness is first and foremost defined as an object to be preserved and managed. The idea of wilderness has been reified and legislated

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<sup>478</sup> Related to the subject, Adams (2005) has investigated adaptation of national park management between Australia and Sweden.

<sup>479</sup> Nash 1967, 1–2, quoted in Saarinen 1998, 30

<sup>480</sup> Short 1991, 6

<sup>481</sup> Nash 1982, Oelschlaeger 1991

<sup>482</sup> Watson & Aplet 1999, 9

into existence as defined, bounded, and disciplined spaces in which certain kinds of human actions and technologies are permissible (e.g. hiking, bird watching, and using portable stoves) while others are not (e.g. logging, hunting, and riding all-terrain vehicles (ATVs)).<sup>483</sup> “*Managed wild*” is, according to Lehtinen, the particular definition that describes best the wilderness idea and the inherent paradoxes.<sup>484</sup>

According to Luke (1999), the cornerstone of wilderness thinking is the assumption of parked nature. In brief terms, it means protecting certain unique sites or underdeveloped domains beyond the continuous turnover of industrial exploitation for primary production.<sup>485</sup> Conservation of certain pristine areas implies the assumption of an original state of nature both as a biological definition and as a normative concept calling for protection. There is, however, another notion intrinsic to the conception of parked nature, which is partly conflicting with the idea of conservation, but partly presupposes it. Recreational use has become another constitutive component of parked nature. Recreational use – in the sense of getting to, using, and appreciating nature as an ecological asset – is encouraged through highly organized sets of uniform practice.<sup>486</sup> This construction of thought has opened way for eco-managerialism with focus on adapting the needs and interests of recreational use to nature conservation – vitally important for maintaining the sustainability of the visited areas<sup>487</sup>.

The Finnish adaptation of wilderness areas seems to be based on a specific interpretation that combines both global (Anglo-American) and national features.<sup>488</sup> The most clearly distin-

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<sup>483</sup> McDonald 2001, 197

<sup>484</sup> Lehtinen 2004, 139

<sup>485</sup> Luke 1999, 114

<sup>486</sup> Luke 1999, 114

<sup>487</sup> Luke 1999, 101

<sup>488</sup> According to Lehtinen, legalization of wilderness conservation in Finland had been one of the aims of the civil servants in charge since the U.S. Wilderness Act was stipulated in 1964. The long preparation period motivated the civil servants of the Ministry of Environment to integrate the revitalized grass-root demands of the 1980s into the institutional efforts, and in this way revitalize the official wilderness conservation stranded in bureaucracy. Thus, the formulated alternatives were absorbed in to the institutionalized (Anglo-American) idea of wilderness conservation. (Lehtinen 2004, 141)

guishing feature is that the idea of protection is complemented with the conception of human exploitation of nature. According to Hallikainen (1998), Lehtinen (1991, 2004) and Saarinen (1998, 2002) the corresponding Finnish conception “erämaa” denotes an “underdeveloped lands between human settlements and agricultural areas that people visit to hunt, fish, and gather natural resources directly from wild nature.”<sup>489</sup> Gladden (2001) points out that the American and Finnish conceptions of wilderness areas are based on two entirely different nature ideologies. The Finns tend to perceive wilderness as a human-centered idea, while the Americans are inclined to see the same land from a nature-based point of view. These ideologies of nature focus on whether policy-makers view protecting wilderness as an end itself or primarily as a means to achieve various human ends. The American idea of wilderness assumes a pristine natural area without people, except perhaps for a few recreational visitors who enjoy the aesthetic qualities of the land but derive no economic benefits from it. The Finnish idea, in turn, refers to lightly exploited lands that may be used for tangible benefits such as harvesting wild resources for personal use.<sup>490</sup>

Correspondingly, we can say that categorization of nature into wilderness area in Finland follows the global (Anglo-American) model in general. In other Nordic countries, such a categorization does not exist as of yet. In regard to national and local custom and traditional conceptions, this categorization represents a novel invention.<sup>491</sup> Furthermore, in connection with establishing the authority of administration of wilderness areas, questions and the involved subject relations have been defined and organized in a new way. The concentrated planning effort, which was introduced along with the wilderness area planning projects, represents an example of rational management. It has granted the ultimate authority in decision-making to the government officials and at the same time manifested state’s ownership to land. The method of rational planning has also validated the position of scientific knowledge as the dominant

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<sup>489</sup> Saarinen 1998, 40

<sup>490</sup> Gladden 2001, 367

<sup>491</sup> Saarinen 2002, 28

interpretative resource in decision-making. At the same time, use of a wide participatory approach in planning follows the Anglo-American example in wilderness management. In consequence, wide layers of society are recognized as stakeholders in wilderness area planning process and are requested to put forward and watch their interests related to the area. The emerging new power play has partly reorganized traditional power relations.

Concerning the definition of the central principles and activities in regard to the designated wilderness areas, the practice in Finland deviates quite a lot from the typical Anglo-American interpretation. Gladden (2001) and Lehtinen (2004) agree that the Wilderness Act of Finland was a compromise of the different interest groups that were represented in the Wilderness Committee. The Finnish interpretation of the wilderness area came to contain, in addition to the protection aspect, also the aspect of light economic exploitation.<sup>492</sup> In the United States, areas of economic activities and protected areas were clearly separated. We could say that the Finnish interpretation of wilderness area, with the support of the conceptual framework of sustainable development, has transformed the strict notion of preservation into regulated, controlled use. The *concept of diversified use* was launched to perpetuate this purpose. The detailed content of the Wilderness Act and the evolved interpretations of it in the investigated wilderness areas are subjects of Chapter 5.

Finally, several researchers have pointed at the transnationalist character of the environmentalist discourse, especially concerning the wilderness ideology. Also, the colonialist features and impacts of it are noted. According to Guha (1996), wilderness is characteristically a North-American construction of nature, which is born in the particular cultural understanding and demand. In terms of popular support, it has been the dominant strand in modern American environmentalism.<sup>493</sup> Hays (1982) states that the rise of a wilderness movement was inseparably

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<sup>492</sup> According to Saarinen (2002, 28–30) the Finnish wilderness conception is in fact characterized by three different discourses: that of traditional wilderness, protected wilderness, and touristic wilderness.

<sup>493</sup> Guha 1996, 111



linked with the tremendous expansion of the industrial economy and consumer society in the decades following World War II.<sup>494</sup> The power of the movement lay in the fact that the concern for wilderness cut across conventional party lines resonating deeply with the historical experiences and cultural aspirations of the American people, as Guha points out.

According to Guha, the wilderness movement was taken overseas after the World War II, and it became a powerful diplomatic weapon in the quest for improving the image of United States in an international context and for exporting the idea to the rest of the world. According to him, in the shade of wilderness thinking, distinct perceptions of nature and an entire value system were exported to third world countries and other cultural contexts.<sup>495</sup> From the outset, wilderness thinking formed a contrast to the ideas of 'wise use' of natural resources, which was advocated by the Progressive Conservationist movement. According to him, wilderness thinking bifurcated into two distinct streams: deep ecology and modernists.<sup>496</sup> Both of these approaches – and the entire wilderness thinking – shares a characteristic feature in which nature is, in a way, separated from the life sphere of everyday activities and made into a distinct object of protection, admiration, or a source of recreation and spiritual uplift. As a consequence, wilderness thinking has tended to be hostile to subsistence agriculture and hunting, which is the mode of existence of hundreds of millions of people around the world, first and foremost in the developing countries.

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<sup>494</sup> As a result of the risen standard of living, advent of private automobiles, and growth of leisure time, an increasing number of Americans came to value and had access to natural environments. This development was buttressed by powerful scientific and moral arguments, provided mainly by the Sierra Club and other wilderness societies. (Guha 1996, 122)

<sup>495</sup> Furthermore there is a wide-ranging debate in North America about the qualities of the wilderness concept and its suitability to the indigenous context. See e.g. Morrow & Hensel 1992, Klein 1994, Taylor 1997, Nadasdy 1999, Usher 2000 etc.

<sup>496</sup> The deep ecologists elevate an 'anti-anthropocentric' world-view into a moral imperative and call for a dramatic reversion to a life-style that allows the recovery of wilderness and species. The modernists view wilderness as the latest stage in the progress of human civilization and as a culmination of industrialism itself. The appreciation of beauty and variety becomes then an unerring indication of a society's successful transition to 'post-industrialism', says Guha.

Beach (1998) takes up management of the use of fells in Sweden as an example of *eco-colonialism* within a nation-state. He notes that, in the name of environmentalism, big parts of nature are “appropriated,” managed, and colonized by and for the majority, i.e. *Swedish society*. The term ‘national cultural heritage’ (in this case Swedish cultural heritage), which is often used in management rhetoric, according to him, marks off the multiplicity of views, among other things the Sámi views of nature.<sup>497</sup>

#### **4.4 The major interpretative resources of environmentalism with reference to reindeer herding management – Concern for carrying capacity and overgrazing**

Referring to what was stated in Section 3.4 the question of sustainability of pastures has become one of the most important watched objects by the central reindeer herding management authorities. It is congruous with the dominant policy of management for productivity. In this conception, pastures form (together with reindeer and herders) the resource foundation of the industry. They focus predominantly on the biological qualities of the pastures and the carrying capacity of pastures is seen as the prime restriction factor in the production.

The concept of carrying capacity is derived from the above-described theoretical conceptions. In actual fact, carrying capacity can have several meanings. On the surface, we can speak of ecological, economic, and other senses of carrying capacity.<sup>498</sup> Ecological carrying capacity refers to the natural limit of a population set by resources in a particular environment. It is understood as one of the equilibrium points that a population tends toward through density-dependent effects (like lack of food, space, cover or other resources). There are also other possible equilibria produced by predators, parasites, or disease. Economic carrying capacity, then, is the population level that produces the

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<sup>497</sup> Beach 1998, 159

<sup>498</sup> Caughley & Sinclair 1994, 117

maximum output (maximum sustained yield) for culling or for cropping purposes. It is in this meaning that the animal production scientists and range managers refer to livestock carrying capacity. Furthermore, carrying capacity can be defined according to the particular land use requirements of the defined area.<sup>499</sup>

The conception of carrying capacity allows information to be presented in calculable quantities that lend themselves to management use. It is an operative application of the frame of thought of sustainable development. As a result, mathematical abstracts are often produced which contain condensed information of the various features of the state of nature and serve the monitoring purpose. An immediate application of the carrying capacity is in the administrative decision of the maximum amount of reindeer per reindeer herding district. When setting the regulations for the herding districts, the government administration agencies use basically the information provided for them by the natural scientific research institutions.

In the context of tundra natural environment, this has a particular significance. It has led the focus on threat for overgrazing. Overgrazing is a central conclusion, which derives from several theoretical assumptions and methodological choices. According to interpretations based on biological pasture investigations, the condition of reindeer pastures is severely degraded in many parts of the forest and tundra ecosystem,<sup>500</sup> which is often referred to as overgrazing. Overgrazing is not an unambiguous term or category. It can refer both to the ecological and productive qualities of the part of ecosystem in question. In ecological sense it refers normally to the incidents of vegetation degradation and erosion as a result of grazing, sometimes in combination with trampling. Overgrazing by reindeer concerns mainly lichen cover on dry heath vegetation.

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<sup>499</sup> *idem.*

<sup>500</sup> Gaare 1998; Helle & Aspi 1983; Helle 2002; Ihse & Allard 1995, Ihse & Allard & Nordberg 1998; Johansen and Karlsen 1998; Ims & Kosmo 2002; Kumpula et al. 1996; Kumpula et al. 1997; Käyhkö & Pellikka 1993; Lyftningsmo 1965; Prestbakmo 1994

Overgrazing refers to a situation where a strong grazing pressure will change a plant community into another, which may be more or less rich in species. However, according to Moen & Danell (2003), this cannot be considered a priori as overgrazing unless animal production is affected. In other words, they suggest that the term overgrazing should not be used when effects on vegetation are discussed.<sup>501</sup> This, however, has often been the case. By this comment, Moen & Danell propose to approach the matter from optimum production perspective instead of an ecological perspective.

It is obvious that, in the context of nature management, the concept of overgrazing has become a superior category which appears to dominate the negotiations for the part of reindeer herding. In this sense, it has become the key metaphor, or the key interpretative resource of the current management problem related to reindeer herding in forest and tundra ecosystems. Consequently, the lichen cover is the key indicator to be monitored for decision making. Intensive attention has been paid to this by the mass media, which most probably has precipitated the spread and legitimization of this interpretation.

Researchers often begin their scientific articles on overgrazing with notions to generally approved facts like “several well-publicized grazing-related incidents of vegetation degradation have helped to form an official opinion of over utilization of some mountain areas.” In other words, overgrazing is assumed as a self-evident starting point to research. The investigation then concerns questions such as the degree of overgrazing<sup>502</sup> or the socioeconomic reasons of overgrazing.<sup>503</sup> The results of this research often, but not always,<sup>504</sup> confirm the theory of overgrazing.

The biological pasture research often departs from certain theoretical presumptions that are used as self-evident starting points. The Tragedy of the Commons<sup>505</sup> and the Prisoner’s

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<sup>501</sup> Moen & Danell 2003, 398

<sup>502</sup> Ihse & Allarad & Nordberg 1998; Kumpula et al. 1996, 1997; Käyhkö & Pellikka 1993; Moen & Danell 2003 etc.

<sup>503</sup> Riseth 2000, 20

<sup>504</sup> e.g. Olofsson 2001, 72

<sup>505</sup> Hardin 1968

Dilemma<sup>506</sup> are frequently used points of departure. In accordance, the pastures are approached as a common property between the reindeer herders. The logic of the reindeer herders' activities is simplified into competition of pasture resource within the competition for maximizing one's herd size. Included in this premise is the fact that the pasture is common (open access, common pool resource) and the reindeer are privately owned (private capital). Overgrazing is seen as a result of a fiery and often reckless race, according to the premise that there are no natural or internal checks to this behavior.<sup>507</sup> This approach is shared by some anthropologists such as Ingold (1981), according to whom overgrazing and the resulting ecological crisis are part of the built-in mechanism of pastoralism.<sup>508</sup>

It is naturally beyond my competence to criticize or question the content of these research initiatives or their results. Most likely, they show evidence of a situation called overgrazing, occurring in some parts of the vast reindeer herding area, in some period of time. In this respect, it is one of the viable ways of presenting the aspect of reality. In other words overgrazing is a serious concern to be watched. However, I object to the way it has been made the only authorized interpretation without discussing its coverage or the alternative interpretations. What I am concerned about is the power of generalizations and public opinion in this process. Reports of overgrazing, coupled with impressive shots of well-chosen samples, have attained a large space in the media. It is evident that this has influenced the overall situation, in nature management, too.

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<sup>506</sup> Dawes 1973

<sup>507</sup> e.g., Brox 1989; Helle 2002; Kosmo 1991; Skonhøft 1998

<sup>508</sup> Ingold 1981, 27

## 5 NATURE MANAGEMENT AND REINDEER TALK

In this chapter, I will conduct a closer investigation into the argumentations concerning the role and space of reindeer herding – reindeer talk – as part of the specific nature management cases. It can be said that the discursive and institutional administrative practices adopt a concrete form in such events as the Wilderness Area Planning Project. In connection with it, actors are associated, focal themes are defined and new perspectives beyond those of the administration are developed.

I start by examining how the principled objectives of nature management are constructed on the national and regional levels, and how they frame the argumentation and decisions of the authorities on the local level. In connection, I analyze the directive documents of Metsähallitus (Forest and Park Service in Finland) – i.e. plans of action, the strategic plans, annual reports, and other public proclamations – and contrast them with the argumentation of Statskog (Forest and Park Service in Norway). Similarly, I look for the definitions of the regional specifics related to Northern Lapland and Finnmark. In addition, I will refer to the laws and orders which oblige and direct the management authorities. I aim at displaying the major argumentation principles through which the general principles and objectives of nature management are argued and legitimated. Furthermore, I investigate what are the major discourses that the argumentations exploit and draw from. In association, I look for hegemonic features in the mentioned presentations. More precisely, I look for strong statements which occur repeatedly and are presented without alternatives. In other words, they produce a naturalized state of affairs.

I will then examine the operational documents for management of wilderness areas in Enontekiö municipality, District of Northern Lapland (Finland), and see, in particular, how the role and space of reindeer herding is defined as a part of implementing the general nature management objectives. I will then continue by projecting the detected central argumentation against those of Western Finnmark (Norway) in the context of management of outfields (utmark) and national parks. The research focus is

primarily directed at the management of tundra nature. However, unlike in the District of Northern Lapland, in Finnmark it has been possible to maintain the seasonal migration pattern of reindeer herding to the seacoast for the summer. In order to get a comprehensive view of the situation, therefore, it is necessary to also include cases of nature management on their vital seasonal pastures at the Arctic Sea coast. For this reason I have included Seiland and Stabbusrddalen's National Parks and land use management plans in Alta municipality as exemplary cases.

In association, I analyze the response of the reindeer herders to the proposed management plans and single initiatives. I investigate which features the reindeer herders experience as problematic in the role and space that the management practice has allotted to reindeer herding. The intention is to inspect alternative ways of shaping the role and space of reindeer herding and to provide justifications for such alternatives. A specific effort is made to articulate the disconnected or invisible contexts on to the argumentations in order to make them more intelligible. The basics of the contextual understanding were presented in Chapters 3 and 4.

## 5.1 Argumentation of the management principles

As was stated in the previous section, the central actor responsible for nature management in Finland is Metsähallitus.<sup>509</sup> In correspondence, in Norway, Statskog is responsible for management of outfields, which consists of 'state-owned, non-cultivated land.'<sup>510</sup> The strategic outlines are drawn by the Board of Directors of Metsähallitus<sup>511</sup> and Board of Statskog<sup>512</sup>, respectively. They are based on stipulations concerning the commercial enterprises of

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<sup>509</sup> The Regional Land Use Management Plan (in Finnish, maakuntakaava) provide the general framework for land use decisions.

<sup>510</sup> The land use management plans of the municipalities (in Norwegian, arealplan) provide the general framework for managing the outfields.

<sup>511</sup> In Finnish, johtokunta (Laki Metsähallituksesta 1169/1993) or hallitus (Laki Metsähallituksesta 1378/2004)

<sup>512</sup> In Norwegian, konsernstyret, foretaksmøtet

Metsähallitus<sup>513</sup> and Statskog SF<sup>514</sup> and on the targets set by the Ministry of Agriculture and Ministry of Environment<sup>515</sup>. The Parliament of Finland annually approves the main service goals and other operational objectives of Metsähallitus. Although the stakeholders are now given a lot of opportunities to influence the practical course of action on a local level, the main principled objectives remain confined to Parliament and outside the sphere of public negotiations.

Looking at the documentary material, it is surprising how identical the main lines of argumentation between Metsähallitus and Statskog are, despite significant structural differences in institutional organization of nature management.<sup>516</sup> The general management principles are registered in the Plan of Action for Metsähallitus and Statskog respectively. In the principled plan of action<sup>517</sup> and the annual reports,<sup>518</sup> the major function is articulated as *the integration of the divergent interests between the stakeholders with the obligations of the prevalent legislation*. Moreover, the aim is evidently at integrating these diverse interests with the appointed principles of action and business needs of the respective business enterprises.

### 5.1.1 Rational management

The great leading argumentation principle of nature management, in the documents of both Metsähallitus and Statskog, is declared to be *rational management*. The task of Metsähallitus is defined in the Act of Metsähallitus in a following way:

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<sup>513</sup> Laki Metsähallituksesta (1169/1993, 1378/2004); Asetus Metsähallituksesta (1525/1993, 1380/2004); Laki valtion liikelaitoksista (627/1987, 1185/2002)

<sup>514</sup> Lov av statens omatrikulerte grunn i Finnmark (LOV 1965-03-12), Stiftelsesdokument for Statskog SF 18.12.1992

<sup>515</sup> Ministry of Agriculture (in Norwegian, Landbruksdepartementet) directs Statskog via Annual Corporation Meetings (in Norwegian, Foretaksmøtet).

<sup>516</sup> see Section 4.1.

<sup>517</sup> <http://www.metsa.fi/corporateinfo.htm> 9.7.2001, <http://www.staskog.no/omstaskog> 3.9.2001

<sup>518</sup> Ympäristöraportti 1997, Ympäristöraportti 1998, Suomalaisten elämässä. Metsähallituksen yhteiskuntavastuun raportti 2002, Statskog Finnmark 2003–2004, Statskog Finnmark Årsrapport 2002, Statskog Årsberetning 1995–2001



*Sustainable and profitable management, use and protection of the natural resources and other property administered by Metsähallitus... The conservation of biodiversity should also be taken into consideration alongside the above mentioned objectives.*<sup>519</sup>

According to the principle of business economy, which was inscribed in the Act of Metsähallitus in 1993, the company is obliged to act on an economically accountable basis and make profit. Metsähallitus is obliged to pay annual revenues to the state following the decision of the Parliament of Finland. The largest part of the revenues comes from forestry. The so-called public administration sector (of nature management) is exempted from these business goals although economic proficiency of functions are demanded from it, as well.

In the plan of action, Metsähallitus defines the profile:

*Our strength is combining the economic and ecological know-how into sustainable and high quality activity.*<sup>520</sup>

The future objectives are defined in a following way:

*Metsähallitus' main tasks are the administration of state-owned land and water areas and the provision of public services. Metsähallitus' mission is to be a major provider of forestry and nature services. In order to achieve this aim, Metsähallitus will seek growth opportunities in both the domestic and the international markets.*<sup>521</sup>

Following the environmentalist frame of thought, the corresponding strategic plan of the enterprise is called “*environmental policy*”<sup>522</sup> and is pronounced in the following terms:

*1) Management of natural resources towards multiple goals: Metsähallitus produces a wide range of services and*

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<sup>519</sup> Laki Metsähallituksesta 1169/1993 § 2 (bolding added)

<sup>520</sup> Vahvuutemme on taloudellisen ja ekologisen osaamisen yhdistäminen kestäväksi ja korkealaatuiseksi toiminnaksi.

<http://www.metsa.fi/yritysinfo/toiminta.htm> 26.06.2001 (bolding added)

<sup>521</sup> <http://www.metsa.fi/corporateinfo.htm> 15.8.2003 (bolding added)

<sup>522</sup> In Finnish, ympäristöohjelma

*products based on the utilization, management, and protection of natural resources.*

*2) **Responsibility for the environment:** We are committed to observance of statutory regulations, international agreements, and our own published environmental commitments... Our common principle is to align the goals of ecological, economic, social, and cultural sustainability... We develop the operations on the basis of our corporate values and our individual responsibility for the continuous improvement of environmental affairs. This involves developing the environmental know-how of our personnel and contractors by providing training and by conducting regular audits.*

*3) **Continuous improvement:** In order to control environmental impacts and contribute to the continuous improvement of environmental management, we define environmental objectives, targets, guidelines, and methods of monitoring environmental progress.*

*4) **Openness and co-operation** are our goals in activity.<sup>523</sup>*

In comparison, the reciprocal targets and founding values of Statskog are defined very similarly:

*1) **Protecting the biodiversity and the sustainable development** are the founding values of all our activity.*

*2) Our most important target is to **produce values of the resources for the benefit of our society.***

*3) Within the framework of our focal, socially oriented targets, the aim of the company is to **run a profitable economy** with satisfactory return.*

*4) We will behave as a **reliable serious actor** with a long-term perspective in all our activities.*

*5) Our ambition is to perform our duties in a way that we may **retain our competence** in all the fields of activities in which we will participate, etc.<sup>524</sup>*

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<sup>523</sup> <http://www.metsa.fi/corporateinfo.htm> 15.8.2003

<sup>524</sup> 1) Bevaring av biologisk mangfold og en bærekraftig utvikling er grunnleggende verdier for all virksomhet. 2) Vår viktigaste oppgave er å skape verdier ut av resurssene till beste for samfunnet. 3) Innenfor rammen av våre samfunnsmessige oppgaver er foretakets mål effektiv drift og tilfredsstillende lønnsomhet. 4) Vi ska opptre som en seriøs aktør og ha et langsiktig perspektiv på all vår virksomhet. 5) Vår ambisjon er å drive vårt arbeid slik at vi er i stand til å konkurrere med de beste på de områdene vi virker... etc.  
[http:// www.staskog.no/omstaskog](http://www.staskog.no/omstaskog) 3.9.2001

The doctrine of rational management appears to lay the foundation and criteria for all argumentation and sets the standard for categorizing qualified conduct. The grounded starting point is the conception of a competent administrative staff who are entrusted with the responsibility of management including the execution of the planning processes. The role of *competent knowledge* and *expertise* is emphasized as the precondition and proof of rational management. On one hand, it means continuous education of management personnel; on the other hand, it means engaging the consultation of external experts. It is assumed that this method best serves the public interest.

The conception of rationality that both Metsähallitus and Statskog foster in their rhetoric appears to be congruent with the prevalent idea of organizing environmental management in Western societies. Referring to what was presented in the previous section, distinct features of the major discourses that Dryzek (1997) pointed out in the global environmentalist discourse can be recognized. According to him, the discourse called “*environmental problem solving*” dominates the governing practice. In this discourse, ecological problems are regarded to be tractable within the basic framework of the political economy of industrial society. There are different conceptions about how to best organize human problem solving. In general, three coordination mechanisms and accompanied discourses have emerged: *administrative rationalism*, *democratic pragmatism*, and *economic rationalism*.<sup>525</sup>

Looking at the documents, both Metsähallitus and Statskog appear to fuse together parts of these three conceptions of rationality in their general idea of management. In the case of Northern Lapland, commitment to the principle of administrative rationalism has given rise to large reorganizations and intensification of the administrative effort regarding nature management, including new territorial designations as described in Section 4.1. Most conspicuous is the extensive planning system that it brought about.<sup>526</sup> The increased volume of concentrated

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<sup>525</sup> Dryzek 1997, 13–14, see section 4.2.3

<sup>526</sup> Besides Wilderness Area Management Plans, other Protected Area Management Plans and Management Plans for Endangered Species also Natural

planning activities accompanied by the use of a participatory approach carry features of democratic pragmatism. Economic rationalism is trusted to be the guiding principle of activity, but to be used by the administrative bureaucracy rather than emerging as a condition on its own.

Altogether, the extensive planning processes have entailed production of a considerable amount of written text. In the emerging documents, it has been possible to clearly define and articulate many principles concerning use of nature and to define accurate strategies. This has opened a space for negotiating the situation in a new way in the local context. At the same time, there is an important symbolic aspect involved. By acting as the responsible executor of the planning processes, Metsähallitus simultaneously appears to manifest its authority in governing and materialize the state's status as landowner. The explicitly articulated planning documents for wilderness area management and management of natural resources are concrete expressions of it.

Although the principled definitions are nearly identical, realization of nature management in practice in Northern Lapland diverges greatly from Inner Finnmark. In fact, two distinct operative policies are carried out. Unlike in Northern Lapland, fundamental changes for reorganizing the structure of administration have thus far, not been introduced in Finnmark. Statskog in Finnmark has recognized the need for modernizing the institutional administrative system in the 2002 Annual Report.<sup>527</sup> Yet it is declared that substantial changes are postponed until the overall process for rearranging the land ownership and governing questions in relation to Indigenous People's Rights is completed. Altogether, there seems to be a more open susceptibility to anticipating and be preparing for potential future developments concerning fundamental land use questions than in Finland. A similar process in Finland has not prevented the execution of fundamental administrative changes in Northern Lapland.

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Resource Management Plans, Regional Ecology Management Plans etc. have been drawn during the past decade.

<sup>527</sup> Statskog Årsrapport 2002, 4

### 5.1.2 Production of goods and nature services

“Sustainable and profitable use of nature and protection” are the basic recognized argumentation principles of nature management in the documents of Metsähallitus. According to the definition, Metsähallitus is a state’s enterprise<sup>528</sup> (in Finnish, valtion liikelaitos) which – unlike many other enterprises – has both private business duties and public administration duties.

#### *National objectives*

In the pronounced plan of action, the role of commercial assets and guiding business principles are clearly emphasized. Conforming to the stipulated objectives and the general market-oriented trends, Metsähallitus accentuates its role as a competent business manager and economic agent. Management objectives are articulated predominantly through the language of business economy. For instance, expressions like “actively seeking growth opportunities in the chosen line of business,” “anticipating changes in the sphere of operation,” “customer orientation,” “and welfare of the employees” are used.<sup>529</sup> Correspondingly, the definition of the central values of Metsähallitus follows this orientation:

#### ***Metsähallitus’ values are:***

- *Results through cooperation*
- *Employees well-being*
- *Focus on customers*
- *Profitability*
- *Responsible management of natural resources*<sup>530</sup>

In this conception, nature is approached in terms of *natural resources*, which are to be utilized *for the optimal profit of as*

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<sup>528</sup> Laki valtion liikelaitoksista 627/1987, 1185/2002

<sup>529</sup> see <http://www.metsa.fi/yritysinfo/toiminta.htm> 15.8.2003

<sup>530</sup> <http://www.metsa.fi/print.asp?Section=1225&Item=1679> 12.4.2005

*many as possible.* In the Natural Resource Management Plan for Northern Lapland, it is expressed as:

*Production of multiple commodities, where several services and products are produced spatially and temporally one on top of the other, side by side or alternately. The goal is **the optimal combination of products** for each range and the integration of different forms of using nature.*<sup>531</sup>

On the national level, the key field of economic operation of Metsähallitus is declared to be *forestry*. In addition, the business units of Villi Pohjola (commercial nature tourism services) and Laatumaa (land sales and lease operations) are listed together with the later established units of Foria and Morenia.<sup>532</sup> The Board of Metsähallitus is responsible for decision-making concerning the business strategy.<sup>533</sup>

When contrasting the rhetoric of Metsähallitus against the rhetoric of Statskog, the similarity is striking. For instance, Statskog uses expressions like “producer of services, profitable carrier on business, and supporter of local livelihood.”<sup>534</sup> However, there are two distinct differences. First, in the strategy plan of Statskog, the field of business operations is considerably wider. In addition to forestry, the prioritized branches of economic activity are declared to be utilization of stone and mineral resources as well as energy production (waterpower and bio-energy).<sup>535</sup> Second, Statskog underlines more explicitly its role as the promoter of local means of livelihood than Metsähallitus. Through Grunneierfondet (The Land Owner’s

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<sup>531</sup> ...monihyödyketuotantoa, missä useampia palveluja ja tuotteita tuotetaan alueellisesti ja ajallisesti päällekkäin, rinnakkain tai vuoroittain. Tavoitteena on kunkin alueen optimaalinen tuoteyhdistelmä ja käyttömuotojen yhteensovittaminen. (Sandström et al. 2000, 156) (bolding added)

<sup>532</sup> In 2002 Foria was established for selling forest planning services, and Morenia was separated from Laatumaa for the sales of soil resources.

<sup>533</sup> Laki Metsähallituksesta 1169/1993

<sup>534</sup> <http://www.statskog.no/omstatskog> 15.8.2003

<sup>535</sup> Statskog, Konsernstrategi 2001

Foundation), Statskog annually delivers considerable sums of money for projects that enhance local means of livelihood.”<sup>536</sup>

As stated above, the business operations form only one part of the functions of Metsähallitus. A series of public administration duties that, until the organizational changes of 1992,<sup>537</sup> had formed the major functioning of Metsähallitus were subsequently handed down to emerging new organizations. In addition, the new profile of the organization entailed several new public administrative duties. For executing the so-called ‘social responsibilities,’ *a unit of public administration duties* (in Finnish, ‘yhteiskunnalliset palvelut’) was established. The public administration unit lies within the sphere of public financing, but is administratively organized following the idea of business management (in Finnish, ‘liiketoimintayksikköpohjainen tiimiorganisaatio’) and is economically accountable for the ministry of Agriculture.<sup>538</sup> Combining the two functions of business entrepreneur and public administration within one corporate profile has not altogether succeeded without problems, as I pointed out in a previous publication (Heikkilä, 2000c). Clearing the line between the business sector and public administration duties went on in the enterprise for several years, and in 1998, the spheres were separated completely into different units.<sup>539</sup> Yet, it is noteworthy that the same language of productivity is applied for defining the objectives of the unit of public administrative duties, also. The central task is called “*the production of nature services.*” According to this definition, the statutory duties of biodiversity management and recreation management are declared to be the focal target of the public administration unit. Overall, the collected nature management objectives of Metsähallitus include economic productivity, nature conservation, and promoting recreational use of nature. They could be described in the form of a triangle (Figure 10).

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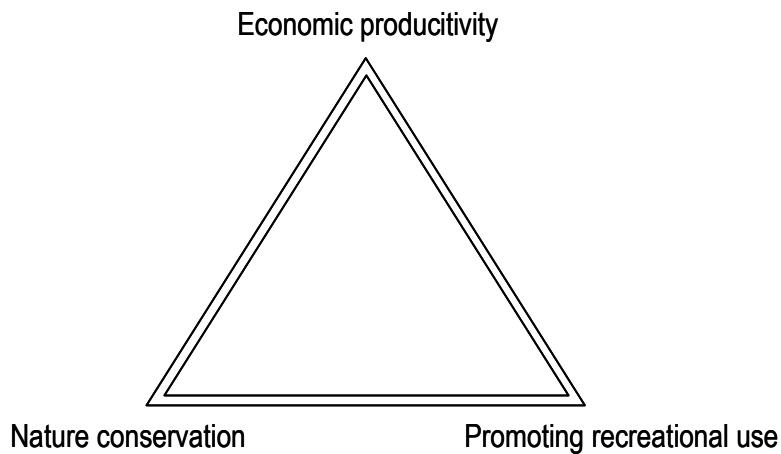
<sup>536</sup> Metsähallitus declares one of the central aims to be protection of the local means of livelihood. However, such substantial measures as is run by Grunneirefondet do not exist.

<sup>537</sup> Concerning the change, see Ympäristöraportti 1997, 6

<sup>538</sup> In the beginning of 2006 this model was replaced with a new administration model called *process-administration*.

<sup>539</sup> Ympäristöraportti 1998, 6





**Figure 10.** The tripod of nature management objectives: economic productivity, nature conservation, and promoting recreational use.

Nature conservation obligations derive from the Nature Conservation Act, internal regulations, and international conventions (which were presented in Section 4.1). Metsähallitus' role primarily concerns the implementation of these statutory duties. Instead of implementation of recreation management, Metsähallitus can exercise a limited strategic authority within the national and regional goals and targets. Initially, the earlier Act of Metsähallitus (1987) obliged the authorities "to show consideration to other functions of forest besides timber production."<sup>540</sup> Recreational use of nature was not named as such. Later, facilitating recreational use of nature along with facilitating employment was inscribed into the societal responsibilities of the administration body.<sup>541</sup> This is connected to the fact that demand for recreational use of nature grew rapidly during the course of the 1990s. It soon became one of the fastest developing industries of the Province of Lapland. In the Regional Plan, promoting recreational use of nature has been allotted a special policy.<sup>542</sup> Additionally, the National Program for Developing the Recreational Use and Nature Tourism of 2003 (VILMAT)<sup>543</sup> imposed

<sup>540</sup> Laki Metsähallinnosta 138/1987 § 2

<sup>541</sup> Laki Metsähallituksesta 264/1991 § 2

<sup>542</sup> Lapin matkailustrategia 2003

[http://www.lapinliitto.fi/aluekehitys/linkit\\_4gh.html](http://www.lapinliitto.fi/aluekehitys/linkit_4gh.html) 24.8.2004

<sup>543</sup> Luonnon virkistyskäytön ja luontomatkailun toimintaohjelma (VILMAT) 2003



considerable duties on Metsähallitus. Under growing societal demand, Metsähallitus developed a more active policy in promoting recreational use of nature. “Taking into consideration promotion of recreational use of nature” was later inscribed in the new Act of Metsähallitus (2004).

In the Annual Report of 2002, recreation management is expressed with these words: “Metsähallitus **produces the public recreational services that are ordered** by the Ministry of Agriculture.”<sup>544</sup> In the argumentation, recreation management appears not to fit with either of the two primary targets – economic productivity and nature conservation. In this sense, it appears to form the third independent corner stone of the objectives of Metsähallitus, although it is not systematically defined as such. There are some ambiguities arising that involve both verbal definitions and practiced policy. In the argumentation of Metsähallitus, the goals of public recreational usage and commercial nature tourism seem to mingle up to a certain extent.<sup>545</sup> The line between the two is not always clear, and their interests related to land use are mostly parallel. The situation is complicated further because one of the business units of Metsähallitus group, Villi Pohjola, specializes in producing a variety of commercial nature tourism services. Strategies for promoting the free recreational use of nature can easily run into promoting commercial nature tourism. The confusion is all the more apparent when the expression “producing nature services” is used in the management argumentation. Nature services can also refer in a wider sense to commercial nature tourism.

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<sup>544</sup> ”Metsähallitus tuotti maa- ja metsätalousministeriön tilaamia yhteiskunnallisia retkeilypalveluja...” (Suomalaisten elämässä 2002, 37) (bolding added)

<sup>545</sup> E.g. in Suomalaisten elämässä (2002, 27) the term “promoting recreational use of nature” (in Finnish, luonnon virkistyskäytön edistäminen) is replaced by providing the term nature tourism services (in Finnish, luontomatkailupalvelut).

## *Regional specifics*

The District of Northern Lapland<sup>546</sup> is declared to have a distinct profile and partly deviant aims in terms of the national nature management principles and objectives. First and foremost, the role of public administrative duties is accentuated in the district in relation to the business operations. As an institutional arrangement, the district of Northern Lapland is placed administratively under the leadership of the Natural Heritage Service unit,<sup>547</sup> unlike the other Metsähallitus districts. Because of the specific natural environment, a majority of the protected areas in Finland are situated in this district. Correspondingly, certain restrictions are declared to be imposed on the business operations. Second, the needs of reindeer herding and Sámi culture are declared to pose certain restrictions on business functioning, as well. However, only forestry is mentioned in connection to this. Regarding business operations, the volume and measures in forestry are claimed to be “adapted, although still running on economic profit.”<sup>548</sup>

*Northern Lapland differs from Metsähallitus’ other areas: it is a district of wilderness management managed by the Natural Heritage Services unit with various restrictions on business operations. The aim is to pay attention to the sensitive environment and to the needs of both Sámi and reindeer herders. Felling is mainly carried out manually and only on about one tenth of the area.*<sup>549</sup>

Because of the special character of nature management, the rhetoric in the Natural Resource Management Plan for Northern Lapland looks partly ambiguous. On one hand, the object of

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<sup>546</sup> consisting of the northernmost municipalities in Finland: Enontekiö, Inari and Utsjoki

<sup>547</sup> Natural Heritage Service is the English version Metsähallitus use for the unit called Luonnonsuojelu. In Finnish the term, however, means nature conservation, which carries quite another signification. The reason for the inaccurate translation is not obvious. Earlier nomination “Luontopalvelut”, meaning “nature services” was used.

<sup>548</sup> Sandström & al. 2000, 154

<sup>549</sup> “Metsähallitus – Special Regional Features”  
<http://www.metsa.fi/print.asp?Section=1237> 12.4.2005

nature conservation is clearly stressed in the argumentation. On the other hand, the economic productivity aspect is also emphasized. From the outset, the argumentation seems to carry some ideational resemblance to the rhetoric of the American Conservationist Movement, which argued in favor of nature conservation as a resource for rational usage (see Section 4.2). In correspondence, *forestry* is presented as one of the foremost means of utilizing the natural resources, and it is granted substantial space and consideration in the document text in relation to the use of other natural resources.<sup>550</sup> In the comprehensive scale of the entire District of Northern Lapland, however, forestry is a marginal activity. Actually, two of the three municipalities of which the district consists – Enontekiö and Utsjoki – lay partially above the timberline.<sup>551</sup> Forestry is argued to have considerable significance in the regional economy.<sup>552</sup> This situation may reflect some wider dissonance in the general strategy for nature management in Northern Lapland, or in formulating the overall policy and division of duties on a national scale. During past decade the administrative structure and division of duties have gone through numerous changes, while Metsähallitus Group has searched for a functional mode of operation as a business entrepreneur. Thus it appears that the integration of business operation principles with public administrative duties and with nature conservation is not entirely unproblematic.

In the Decree of Metsähallitus (1993),<sup>553</sup> referring to the Act of Use of Sámi Language,<sup>554</sup> it is ordered that “use, management, and conservation of nature have to be adjusted to safeguard the preconditions of traditional means of livelihood and Sámi

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<sup>550</sup> The presentation of forestry comprises total 22 pages, reindeer herding 7 pages, fishing 8 pages, hunting 5 pages, recreational use 4 pages. (Sandström et al. 2000, 45–99)

<sup>551</sup> According to the natural resource plan for Northern Lapland of the total land area 16% is in the use of forestry.

<sup>552</sup> not only in the local scale

<sup>553</sup> Asetus Metsähallituksesta 1525/1993 § 11

<sup>554</sup> Laki saamen kielen käyttämisestä viranomaisissa 516/1991

culture.”<sup>555</sup> Since the late 1990s and early 2000s, these questions have achieved a visible presence in the rhetoric of the District of Northern Lapland.<sup>556</sup> For instance, in the Natural Resource Management Plan of Northern Lapland the central question is declared to be “adjustment of all functions in the manner that the prerequisites of traditional means of livelihood and Sámi culture are safeguarded.” At the same time, it is declared that “approval of the local majority is the principled criteria of the plan.” Further on, it is stated that “there are several contradictory interests directed at the area, and some of these views cannot be realized in the plan.”<sup>557</sup> However, it is not clearly explained which contradictions are referred to, and which interests cannot be realized. Evaluated against the outline of the final plan, it seems obvious that this comment refers predominantly or in significant part to the claims of Sámi Parliament and reindeer herders.

The situation in Finnmark resembles in many respects the development in the District of Northern Lapland. At the same, certain basic questions deviate essentially. According to the argumentation, *the particular customary usage rights of local people* are declared to pose serious restrictions on the functioning of Statskog in nature management, especially on economic activities. According to the text, “Statskog is obliged to manage fishing, hunting, and other recreational facilities for the overall societal benefit, not solely in the interest of business. It means that, for instance, the rules of free economic competition cannot be applied to the full extent.”<sup>558</sup>

Differing from Metsähallitus, Statskog appears to give a special importance to the role of reindeer herding as *a limiting factor to its authority* in land use. In the 2002 annual report of Statskog Finnmark, there is a figure in which the various factors

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<sup>555</sup> Later, the new Act of Metsähallitus 1378/2004 § 4, contains an obligation of taking into consideration the interests of the Sámi and reindeer herding in nature management.

<sup>556</sup> In national rhetoric these questions play still a relatively minor role. In Suomalaisten elämässä (2001, 22) enhancing use of Sámi language is recognized under the subtitle “Enhancing Cultural Values”. Correspondingly, collaborative negotiations with reindeer herding are recognized concerning the regional specifics (p.14).

<sup>557</sup> Sandström & al. 2000, 13

<sup>558</sup> Statskog Finnmark Årsrapport 2002, 4

that restrict and condition the functioning of Statskog in Finnmark are presented. In the figure, reindeer herding is described with an exceptionally long arrow, which underlines its importance. Furthermore, in the text it is stated that “because of the Reindeer Herding Act and the land use rights established through immemorial usage, reindeer herding is partly beyond the authority of Statskog management.”<sup>559</sup>

Regarding this point, there is a clear difference between the argumentation of Metsähallitus and Statskog. In Metsähallitus’ documents, the particular land use rights of reindeer herding are recognized in the sense that it derives from the Reindeer Herding Act, which includes the regulation for ‘cautious land use practice in the northern part of the reindeer herding area.’<sup>560</sup> In the Natural Resource Management Plan, it is stated that particular agreements with the Association of the Reindeer Herding District or individual Reindeer Herding Districts are organized concerning the spatial and temporal arrangements of forestry in Northern Lapland. However, the negotiations predominantly concern timings of felling, not actual felling decisions. Also, following the national administrative and juridical practice in Finland, the land use rights based on immemorial usage are not recognized for reindeer herding.

The Natural Resource Management Plan is excellent example of the chosen policy line, where the economic perspective and rhetoric dominate. In accordance, a method was used in which the divergent land use forms (forestry, nature tourism, reindeer herding, and other traditional means of livelihood) were assessed and contrasted with each other with regard to their income value in the local or regional economy.<sup>561</sup> In this comparison, forestry and nature tourism appear to perform well compared to reindeer herding and other traditional means of livelihood. This bears obviously on the role assigned to individual industry in land use. Economic rationality it is not the explicitly validated justification,

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<sup>559</sup> Statskog Finnmark Årsrapport 2002, 4

<sup>560</sup> Pohjoinen poronhoitoalue (Poronhoitolaki 848/1992)

<sup>561</sup> Kurkela & Erkkilä 2000, Heikkilä 2000b, Vaarala 2000

but it seems to be a self-evident argument in legitimating the chosen policy lines.<sup>562</sup>

In my previous study for Metsähallitus,<sup>563</sup> I sought to explain the restrictions and shortcomings of this approach. I paid attention to the fact that it is hard to reliably measure the revenue impact from reindeer herding and other traditional means of livelihood. Beside the factors mentioned in Section 3.1, it is important to notice that in the case of reindeer herding it is not actually a free competition situation. For instance, the government regulates the volume of reindeer herding, and authority over its most important resource – the pastures – is subjected to the decision-making of external or rivaling industries. Furthermore, the development of the market forces has, during last decades, been particularly unfavorable for reindeer herding and other traditional means of livelihood. All in all, the accounting of reindeer herding and other traditional means of livelihood within a market economy contain some extra problems. Naturally, this does not imply that reindeer herding would not have any significance in the local economy, and that it is not possible to study and evaluate it. However, it should be considered that the existing productivity figures, as such, are neither wholly comparable nor mutually exclusive, and the existing situation does not provide adequate grounds for deciding the precedence of certain land usage forms.

Another regularly used indicator for operationalizing the economic impact is the effect on local employment. In the Annual Report of Metsähallitus from 2002,<sup>564</sup> figures for employment opportunities in the surrounding area are presented as the central indicators of the social responsibilities of Metsähallitus. In correspondence, this variable is also used for operationalizing the social dimension of sustainable development. Furthermore, these figures are also applied in justifying practical land use management decisions. For instance, in the Natural Resource Management Plan for Northern Lapland, the various means of livelihood (land use forms) are compared with one another in

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<sup>562</sup> See e.g. the public argumentation in the conflict between forestry and reindeer herding in Inari, spring 2005.

<sup>563</sup> Heikkilä 2000c

<sup>564</sup> Suomalaisten elämässä 2002, 24

relation to their occupational value. In this comparison, reindeer herding seems to perform considerably well because of its labor-intensive quality.<sup>565</sup>

Successful integration of the business interest with the public administrative duties in managing nature appears to be one of the biggest challenges for Metsähallitus. This matter is urgent, especially as seen from the local perspective. From the point of view of local people, Metsähallitus' profile as a successful business actor appears to partly conflict with its responsibility as a neutral, equitable administrator.<sup>566</sup> This contradiction is apt to undermine the status of Metsähallitus among the local population.

### **5.1.3 Statutory protection and sustainable use**

As was explained above, sustainable use of nature is the second major principle of activity in the argumentation of Metsähallitus. The interpretation of the concept appears to draw from the general global discourse of sustainable development, which was described in Section 4.2.2. As the starting point, the four dimension of sustainability – economic, ecological, cultural, and social – are listed,<sup>567</sup> but their content, mutual relationship, or reference to the particular management context are not discussed more thoroughly. There seem to be two different aspects involved in the question. According to the discourse of sustainable development, nature appears as the restricting factor to the pursued economic growth. The estimated carrying capacity of single natural resources has therefore become the exact source of concern of environmental management. In the alternative discourse, protecting the biological diversity is argued to be the demand of the ecosystem itself (besides its significance for human being or economy). Managing the use of natural resources for the economic productivity and protecting the biodiversity for ecological reasons are not completely compatible targets.

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<sup>565</sup> Selvitys Ylä-Lapin metsä- ja porotalouden yhteensovittamisesta 2003

<sup>566</sup> e.g. Jokinen 2000

<sup>567</sup> E.g. Sandström & al. 2000, 124

The argumentation of both Metsähallitus and Statskog appear to conform overall to the general, global interpretation. In the objectives of Metsähallitus and Statskog – drawing from the pertinent legislation<sup>568</sup> – sustainable use is emphasized side by side with profitable use. Second, it is stated that protection of the biological diversity has to be taken into consideration along with the other aims. In actual fact, these management objectives yield two separate policies. In the first case, nature is approached as a natural resource – or a set of resources – that serves as the prerequisite for economic production. The management target is to maintain and safeguard the productivity. In the second case, nature is defined into a range of stipulated conservation aims and duties.

The environmentalist emphasis achieved a prominent role in the argumentation of Metsähallitus in 1997. Although the principles of sustainable use and protection of biodiversity were validated already in the Act of Metsähallitus in 1991, they were made the grounding principle of all activity and a visible part of the public image building in 1997. In the background were substantial changes in the Act of Forestry<sup>569</sup> and the Act of Nature Conservation.<sup>570</sup> The new acts laid stress on ‘the different aspects of sustainability in use of forests’, and ‘on protecting the biodiversity’. Implementing and balancing the requirements of the two targets and argumentation lines – within the rules of nationally binding programs and enactment – is the great challenge of Metsähallitus.

In connection with it, a major change was started which rapidly transformed the entire definition of functions and agency of Metsähallitus. Related to it, the concept of ‘*ympäristöjohtaminen*’ was launched in order to emphasize the imperative of environmental aspects in running the business and managing nature. The term, ‘*ympäristöjohtaminen*,’ itself was a newcomer in Finnish language. It can be interpreted to mean *environmental directing, leading, managing, governing*, etc. *Systematic management* and *documentation* were the principal methods whereby

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<sup>568</sup> Laki Metsähallituksesta 1169/1993

<sup>569</sup> Metsälaki 1093/1996

<sup>570</sup> Luonnonsuojelulaki 1096/1996



Metsähallitus declared to execute the environmental governing. Environmental responsibilities were explicitly articulated with the development of a new managerial system and management culture in the organization. In this process, *quality* was articulated on as a conspicuous part of the objectives. Quality was interpreted predominantly from the environmental aspect, i.e., ‘environmentally qualified’. During 1996–1997 an extensive evaluation and dialogue process of the internal values of the enterprise along with an education project for personnel was carried out. It was accompanied by a visible internal and external publicity campaign that produced plenty of public printed material.

As a result of the powerful effort, Metsähallitus had produced a unified discourse that combined a modern corporate image and environmental responsibilities into a joint rhetoric. In it, accountability and productivity were associated with environmental responsibilities. Building of the Environmental Management and Quality Control System began in 1995, and was brought into use two years later. With the term, ‘Environmental and Quality Control System’ Metsähallitus means a policy or way of action in which it is guaranteed that environmental aspects are taken into account in all organizational activity with the help of written assignments and agreements. Building of the system began with evaluation of the environmental aspects of all *products* and *services*. As a result, specific regulations for each business unit that bind the personnel were agreed upon. The Certified Environmental Management and Quality Control System are based on ISO 14001 -standards. According to the argumentation, “developing activities and continuous improvement in environmental matters and, in that way, raising the general level of environmental protection have a central role in all activities of Metsähallitus.” The environmental aspects are defined to be connected with “safeguarding biodiversity, multiple/diversified use of forests, and landscape management.”<sup>571</sup> In another publication, “maintaining the sustainability of production of timber and organizing disposal of waste” are also mentioned.<sup>572</sup> According to the argumentation, the certification system enables systematic

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<sup>571</sup> Forestry and Environmental Management 1999

<sup>572</sup> Ympäristöraportti 1997, 9

monitoring, achievement of goals, and allocation of improvements. At the same time, it is supposed to clarify the division of tasks and respective responsibilities between the various agents.<sup>573</sup>

*The Environmental Principle* begins with the following statement:

*Metsähallitus manages, uses, and protects the land, forest, and water ownership under its administrative responsibility following the principles of ecological, financial, social, and cultural sustainability in the natural resources. We follow international agreement, environmental legislation, and public authority stipulations. We commit ourselves to continual improvement of the level of environmental protection...*<sup>574</sup>

To complete it, the following commitments are listed: 1) providing expertise in natural resource utilization and protection, 2) producing and marketing round wood (and other timber products), 3) managing protected areas, 4) creating facilities for recreation in nature and production of nature travel services, 5) acting on the real estate sales and leasing, 6) estimating the environmental risks, and 7) integrating these various aspects in management. Referring to the last issue, it is added that “by means of cooperation we safeguard, also for our part, the conditions of the Sámi culture and the traditional means of livelihood.”<sup>575</sup>

In order to fulfill the Environmental Principles, specific *Environmental objectives* were set. These objectives are implemented through project-oriented *environmental programs*.

*The Environmental Objectives for 1997–2000* contained the following points:

***1) Safeguard and promotion of the diversified use of natural resources***

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<sup>573</sup> Ympäristöraportti 1997, 14

<sup>574</sup> Forestry and the Environmental Management 1999

<sup>575</sup> Forestry and the Environmental Management 1999

- 2) **Promotion of a favorable level of protection** in regard to types of indigenous organisms and natural vascular plants.
- 3) **Reduction of landfill waste.**<sup>576</sup>

The role of extensive *planning* was emphasized as one of the most important guiding principles. It also facilitated integration of the various environmental objectives and user interests and guaranteed a functioning solution. As a result, extensive planning projects were launched simultaneously. Regional natural resource management planning began with Comprehensive Landscape Ecological planning and Wilderness Area Planning in 1995, and implementation of the Nature Conservation Plans in 1996. These projects and the equivalent management plans formed the backbone of the Environmental Program.

In accordance with the modern organizational model, *open information* and a *close social interaction with the surrounding society* were declared to be in the aim of Metsähallitus activities. It was declared that open communication and an extensive planning method would safeguard the social sustainability of activities. Accordingly, internal and public communication, contacts with interest groups, and efficient information campaigns were initiated. According to Raitio (2003), Metsähallitus had repeatedly declared that the use of an extensive participatory planning method was a completely voluntary and conscious choice in which the enterprise wanted to be a pioneer.<sup>577</sup> However, as Määttä pointed out, the specific Basic Rights Enactment was included in the Constitution of Finland in 1995<sup>578</sup> more or less at the same time as efforts of Metsähallitus were underway. It contained an obligation to enhance public participation in administration.

In connection with the planning projects and in support of them, extensive documentation and knowledge production projects were launched, as well. Most important was the creation

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<sup>576</sup> Forestry and the Environmental Management 1999 (bolding added)

<sup>577</sup> Raitio 2003

<sup>578</sup> Hm 14a§: ”Vastuu luonnosta ja sen monimuotoisuudesta, ympäristöstä ja kulttuuriperinnöstä kuuluu kaikille. Julkisen vallan on pyrittävä turvaamaan jokaiselle oikeus terveelliseen ympäristöön sekä mahdollisuus vaikuttaa elinympäristöään koskevaan päätöksentekoon.” (Määttä 2003, 115 )

of a comprehensive geographical information system, (PATI), with multifaceted, up-to-date information on the natural resources at all times. It included, among other things, an extensive project for investigating the biotope systems in the District of Northern Lapland. According to Metsähallitus, the previous nature investigation was completed in the 1940s. The purpose of the comprehensive information system is to serve as a coordinating tool in all land use and planning and protection activities.

To all appearances, Metsähallitus has produced a clearly defined and sensitive argumentation for defining and directing their activities. This “*discourse of environmental governance*” constitutes the sphere of action and reinforces the organization’s status as a competent authority. At the same time the discourse aims at creating a favorable public image of the enterprise. The discourse produces strong *expertise* in use, management, and protection of natural resources. The argumentation accentuates Metsähallitus’ image as a *competent, responsible and reliable* actor.

With reference to Statskog, the overall argumentation principles to those described above in reference to Metsähallitus. An intensive organizational and enterprise image-building campaign seems to be composed of fairly similar kinds of elements.<sup>579</sup> Also in this respect, the formats of the two argumentations are surprisingly identical. However, two major differences are discernible concerning Statskog’s proclaimed functions in Finnmark: 1) although the obvious need for organizational development and improvement is confirmed in the strategic documents, no decisive steps have been taken in Finnmark thus far, and 2) on the whole, compared to the argumentations of Metsähallitus, the role of nature conservation is minor in the argumentation of Statskog, in which the argumentation principle of sustainable use is favored above the role of nature conservation.

There is an evident explanation for both of these features. Referring to the previous statement, Statskog Finnmark has pronouncedly anticipated the potential future change in the

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<sup>579</sup> See e.g Statskog Årsberetning 1999, 2000, 2001

foundation of nature management that is on the way. Therefore, markedly less effort is invested in organizational change and development of functions. It implies also that less printed material is produced in which the objectives, plan of action, and priorities are defined. Second, it is obvious that because the planning duty in nature conservation is assigned to the Provincial Government's Environmental Office and not to Statskog's field of action, questions of conservation have obtained a minor status in the rhetoric of Statskog. Furthermore, on the average, the basis of business activity of Statskog seems to be more versatile compared to Metsähallitus. Statskog is engaged, for instance, in production of natural stones and energy production. In consequence, Statskog declares publicly to have a sound financial basis. Metsähallitus remains silent in this matter and emphasizes instead the considerable sum of the annual obligation of producing state revenues in their argumentation.

In June of 2005, Statskog changed its name to Norsk Utmark (Norwegian outfields). According to the statement of Prime Minister Bondevik, "the new name will indicate that the most important objective of the enterprise is to manage state property in a way that provides as much as possible facilities for enjoyment to all people seeking recreational and free-time activities."<sup>580</sup> This statement can be seen as a major refocusing of the objective of the enterprise and its public image. Whereas the earlier name, Staskog, contained the reference to forest (in Norwegian, skog), the new name obviously accentuates outfields as a source of recreation.

#### **5.1.4 The principle of common use**

Looking at the material, the most fundamental and strongly validated principle for organizing nature management appears to be *common use*. This argumentation derives its origin on one

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<sup>580</sup> "det nye navnet ska vise at en av foretakets viktigaste oppgaver er å tillrettelegge statens eiendommer slik at de er til gljede for mennesker som søker rekreasjon og friluftaktiviteter "

hand from the national legislation and international conventions and on the other hand from national custom and preferences.

The juridical foundation is in the conception of state's land ownership (see Section 3.1.2). In congruence with this conception, land is called and treated as "national property" or "common property." This conception is almost a self-evident fact today in most of the western societies. Yet, it is established as a result of a historical process, although this fact has mostly fallen into oblivion. As a result, the concept of "common land" appears as an unquestioned foundation of administration. On the whole, the pronounced objectives of the management institutions strongly accentuate the aspect of commonness. Common use denotes principally to *open access or shared benefit*.<sup>581</sup> It is understood as versatile utilization of nature as an object of use and protection. For example, the following extract from The Natural Resource Management Plan explains this conception in the following way:

*The unique natural environment of the District of Northern Lapland has become ever more clearly the common national property of all Finns with the growth of population and increased mobility of people.*<sup>582</sup>

It can be said that the principle of common use presents itself in the form of three management strategies for the management of tundra nature: 1) statutory protection of nature by the national and global standards (as biodiversity, and as a cultural or national landscape), 2) diversified utilization of the natural resources, and 3) promotion of the free recreational use of nature. These

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<sup>581</sup> 'Felles bruk' is the recurring term in Norwegian management documents

<sup>582</sup> Ylä-Lapin ainutlaatuisesta luonnosta on kehittynyt entistä selvemmin myös kaikkien suomalaisten yhteistä kansallisomaisuutta maan väkiluvun nousun ja ihmisten lisääntyneen vapaa-ajan ja liikkuvuuden mukana. (Sandström & al 2000, 21) (Bolding added). See also 'Statskog is the guarantor that everybody in Norway can practice hunting, fishing and other outdoor recreational forms regardless of their income or social status. In the role to be landowner of the community Statskog will contribute to reaching the national goals of use and conservation.../ In Norwegian, Statskog er garantisten for at alle i Norge skall kunne utøve jakt, fiske og annet friluftsliv, uavhengig av inntekt og sosial status. Som felleskapets grunneier skal Statskog bidra til å oppfylle nasjonale mål for bruk og vern...' (Statskog Årsrapport 2004, 29)

approaches contain three aspects of community: nature as a *common object of conservation*, utilization of *public natural resources for the benefit of society/ as many as possible*, and *nature as a common object of outdoor recreational use*. Unity of interests is expressed with alternative terms: “our common property,” “nature of Finland,” “our nature,” “national landscape,” or “citizens’ property/public usage right,” all of which are found in the management documents. Take, for example, the following extract from the Environmental Report 1997:

*Metsähallitus manages/takes care of our common nature.*<sup>583</sup>

As it appears, the term, ‘common’ refers predominantly to *national*, but alternately, in a nature conservation context, it may refer also to *global*.

First, a conception of nature as “the common object of conservation” originates from the global environmentalist discourse and the international conventions of nature conservation. As was stated above in Section 4.2.2, in the foundation of environmentalism is a concept of common earth/globe, and the corresponding conception of a common destiny of humankind and common threats. Consequently, common regulations and targets are set for “safeguarding biological diversity” or “ecosystem services,” which are defined as the prerequisites of human life on the planet. The jointly agreed-upon conventions oblige all national regimes to equally implement nature conservation programs corresponding to the international regulations and targets.

As was also stated above in Section 4.2.1, the early nature conservationist movement, which preceded the emergence of the environmental concern, had already brought to the public the concept of “national landscape.” The establishment of national parks was demanded for the purpose of protecting nationally valuable landscapes and sites as pieces of “original nature”, as objects of recreational use, and as objects for natural scientific research. The national value of nature has, since that time, kept its

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<sup>583</sup> In Finnish, Metsähallitus hoitaa yhteistä luontoamme. (Ympäristöraportti 1997, 6)

position in the argumentation of nature management authorities. In fact, it has been formalized by the establishment of such operative categories as “*natural and cultural properties.*” Preserving national and worldwide cultural heritage was prescribed by the UNESCO Convention of World Heritage in 1972. By signing the Convention, each country pledged to conserve not only the World Heritage sites situated on its territory, but also to protect its *national heritage*. The Convention also encouraged the State party to integrate the protection of the cultural and natural heritage into regional planning programs and adopt measures which give this heritage a function in the day-to-day life of the community. By regarding heritage as both cultural and natural, the Convention continues to remind us of the ways in which people interact with nature, and of the fundamental need to preserve the balance between the two.<sup>584</sup>

In nature management, “natural heritage protection” is also applied in a wider sense, referring not only to preservation of the particular cultural and natural properties registered in the World Heritage List or National programs but also to the management of national and natural heritage. In association with this, the name of the public administration unit in Metsähallitus that is responsible for nature protection and recreational services is translated into English as Natural Heritage Service, although in Finnish it is Unit of Nature Conservation (in Finnish, Luonnonsuojelun tuloksikkö).

The concept of “Cultural and Natural Heritage” does not only entail a unifying aspect, but also allows attention be paid to diversities and preservation of the properties of cultural minorities. In connection with this, a program for preserving Sámi Cultural Heritage was established and has attained an established position in protecting the Sámi perspectives in land use planning in Norway. However, its application in Finland has been relatively minor thus far. Although the underlying principled idea is undoubtedly beneficial, some inherent formalities have reduced its applicability in practice. For instance, the specific sites have to be categorized at the outset as “culturally valuable properties.”

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<sup>584</sup> <http://www.unesco.org/whc/4conves.htm> 1.6.2000



This entails a formal procedure by which scientific – usually archaeological – evidence is required for identifying and justifying the property. As a result, it has been primarily used for preserving more restricted objects, such as ancient residence sites, corrals, sacred stones, graves, etc. As a result, wide ranges of land that may have important but less definite cultural significance or that lack concrete relics are left out in the absence an appropriately labeled category.

Second, the definition of nature as “*a set of public resources for shared utilization*” underlines the concept of state-ownership of land and, consequently, acknowledges Metsähallitus as “the governor of state property.” Correspondingly, Metsähallitus typically refers to itself in public rhetoric as “*the responsible manager of the common property.*” Sustainable and profitable use of natural resources is the proclaimed objective through which Metsähallitus argues it functions. Through this definition, the argumentation of Metsähallitus becomes articulated on to the global environmentalist discourse and the related concern of the adequacy and rational utilization of natural resources.

Inherent in this frame of thought, in which nature is approached as a resource, is a focus on economic productivity and free competition. It is an instrumentalist approach that considers natural resources to be public factors producing added value in the form of various products and services. In this perspective, diversified use of nature is the self-evident starting point, as long as it guarantees the maximum potential profit. The task of nature management is to safeguard and facilitate diversified use. In addition to this, Metsähallitus extends its role to *promoting diversified utilization of nature*, and functions as a business entrepreneur in the economic utilization of nature.

*The conception of diversified use* begins with the conception of *equal rights*. In other words, it means that all users are supposed to adjust to other forms of land use. Unlimited use of nature is, however, not possible anywhere. For example, in tundra nature, there are many inherent restrictions caused by the climate, topography, etc., and the conservation stipulations pose additional restrictions. In addition, there are traditional and customary forms

of land use that have established particular land use rights in relation to particular areas.

Third, the conception of nature as “the common object of recreational usage” derives from Everyman’s Right.<sup>585</sup> It is a customary practice prevalent in Nordic countries that has become a kind of ‘public right.’<sup>586</sup> It facilitates, in principle, open access to natural environments and utilization for recreational purposes, such as hiking and moving in nature on foot, skis, rough terrain bicycles, dog sledge, and includes short term camping, berry picking, etc. On a European or worldwide scale, this is quite an exceptional privilege, which allows the use of private as well as state owned land property within the agreed-upon norms. Correspondingly, a chain of national parks and wilderness areas have been established with the aim of protecting nature for recreational use. Unlike in many other parts of the world, where entrance fees or other regulating measures are in use, in the Nordic countries recreational use of national parks and wilderness areas is based on open access. In nature management, open access based on Everyman’s Right is presented as a national value that cannot be abolished or restricted.

As a result of urbanization, industrialization, and population growth on the national and global scale, the total range of areas suitable for recreational use has also diminished significantly, particularly in the vicinity of densely populated areas. The same question concerns areas suitable for nature conservation. As a result, the corporate responsibility for protection of classified ecotypes, habitats, species, and cultural landscapes is targeted at the same areas. This has resulted in increased pressure on remaining natural environments, which partly overlap with the responsibilities concentrated on nature conservation and recreational sites. This refers especially to the areas often known as “the last wilderness areas of the world”.

The concepts of national property and national heritage are also efficient rhetorical tools in the internal and external image management of the states and state enterprises. To all appearances, unity of interests is not only the general principle for

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<sup>585</sup> In Finnish, Jokamiehen oikeus; in Norwegian Allemannsrett

<sup>586</sup> In Finnish it is described as “yleisluontainen oikeus”

managing all activities in Metsähallitus, but also a special value as such.

*We manage state's land areas and waterways according to the targets of the society. We produce high-quality and diversified services of for use of natural resources and conservation. We combine in our work and our Forest-Finn roots into an international sphere of activity.*<sup>587</sup>

In 1997–98, Metsähallitus carried out an intensive image-making campaign in the public media with a self-presentation of manager of national property:

*Metsähallitus – manager of your national property*<sup>588</sup>

A special emphasis was placed on the viewer by underlining management of ‘your property’. This discourse produced particular subject positions. To begin with, it aimed at dissolving the border between the administrative authorities and citizens. But it went even further, turning the power-relation upside down by presenting the administrators as the employees of citizens. Furthermore, the visible use of the “we/our” category can be seen as an effort to make people committed to the principles and goals of management by creating a sense or feeling of common interest.

*Equality, justice, impartiality, and democracy* sit well in the rhetoric of common use, as shown in the next section. Common use and its adjacent attributes are an important part of the hegemonic discourse and thought in the Western world and entail democratic management methods. They appear as universal infallibilities that work for the public good. As a rule, it does not make sense to question them and, from the nation-state perspective, they form a correct and competent way of speaking. From this perspective, it is unthinkable that these ideas and the inherent measures would be incompetent in some other context,

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<sup>587</sup> ”Hoidamme valtion maa- ja vesialueita yhteiskunnan tavoitteiden mukaisesti. Tuotamme laadukkaita ja monipuolisia luonnonvarojen käytön ja suojelun palveluita. Yhdistämme työssämme metsäsuomalaiset juuremme kansainväliseen toimintaympäristöön.”

<http://www.metsa.fi/print.asp?Section=52&Item=210> 27.8.2005

<sup>588</sup> Metsähallitus – kansallisomaisuutesi hoitaja. (HS 13.5.1997, 19.5.1997)

or yield unfair results. However, they may attain in other circumstances supplementary significations that were not necessarily intended. For instance, commonness of natural property is challenged by the practitioners of the traditional means of livelihood, who claim to be possessors of immemorial usage rights.

## **5.2 Reindeer herding in the operative practices of wilderness management**

Next, I will examine the operative management documents concerning how the principled objectives are operated into particular nature management measures, and what kind of role and space is assigned to reindeer herding. The objects of analysis are, first and foremost, the two designated wilderness areas in the District of Northern Lapland. Thereof, I will project the situation against management of national parks and outfields in Western Finnmark. In connection with it, I read the documents of: 1) The Management Plans for Pöyrisjärvi and Käsivarsi Wilderness Areas 2) the National Park Management Plan for Stabbursdalen, and the Establishment Plan for Seiland National Park, 3) the Operative Plan of Action of Statskog Finnmark for management of use of nature, and the minutes of The Land Sales Board in Finnmark (Jordsalgstyre) for management of ground, and 4) the Land Use Management Plan of Alta municipality. In addition, I read the appeal documents, through which the argumentation is made more accurate and disputed matters are finally settled.

Following the directive documents, the described tripod of nature management objectives – *economic productivity, nature conservation, and promotion of recreational use* – set the primary conditions for nature management. The emphasis varies quite a lot depending on the designation of the area in question. In broad and simple terms, nature can be categorized into areas with strict protection aims, areas reserved predominantly for economic production, and areas where these two aims are adjusted in some degree. The object of study in this research is precisely the last category. I investigate how nature management is implemented in

areas with mixed objectives. Management of wilderness areas, national parks, and outfields/LNF-areas all combine and implement these targets in different ways, and define the role and space of reindeer herding as a part of the overall objectives.

### *Wilderness areas*

The designation of the wilderness area obliges merging the three targets of nature management together on a qualified scale. In the Wilderness Act, the statutory objectives of the Wilderness Areas are defined in following terms:

*The wilderness areas are established for the purpose of maintaining the wilderness-like nature, safeguarding Sámi culture, and the traditional means of livelihood, and enhancing the diversified use of nature and the facilities for developing it.*<sup>589</sup>

The purpose is to combine conservation of nature and different usage forms, and permitting small-scale economic exploitation as long as it does not significantly affect the wilderness-like state of nature. As discussed in Section 4.3, the Finnish conception of wilderness areas contains some apparent modifications compared to the Anglo-American definitions of wilderness areas and the related principled objectives. The main difference concerns attitude to economic exploitation of nature.

According to the official definition of Metsähallitus, “the wilderness areas are **not protected areas in a strict sense.**”<sup>590</sup> They are not based on the Nature Conservation Act, but are designated on the basis of separate legislation. However, wilderness areas are typically connected to and encircle some minor protected areas such as Protected Mire Areas and Strict Nature Reserves. Together they form relatively large wilderness-like ranges. According to the definition, “wilderness areas

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<sup>589</sup> Erämaa-alueita perustetaan alueiden erämaaluonteen säilyttämiseksi, saamelaiskulttuurin ja luontaiselinkeinojen turvaamiseksi sekä luonnon monipuolisen käytön ja sen edellytysten kehittämiseksi. (Erämaalaki 62/1991 §1)

<sup>590</sup> The Principles of Protected Area Management... 2000, 8 (bolding added)

partially serve the statutory conservation aims, such as habitat management and preservation of endangered species, but have other important aims, too.” Active exploitation of nature is the visibly emphasized objective for managing the wilderness areas. To all appearances, the concept “wilderness-like” is not interpreted strictly as a conservation category. As several researchers have pointed out, the corresponding conception in Finnish – *erämaa* – in fact, denotes customary fishing and hunting sites. Further, it has attained the more universal significations of wide, uninhabited, pathless, and in natural state.<sup>591</sup>

In the Government Proposal the goals for the wilderness areas are described in a following way:

*The particular goals of establishing the wilderness areas are to safeguard and enhance diversified use of nature and the traditional means of livelihood, safeguard the natural foundation of Sámi culture, safeguard the outdoor recreational facilities that nature in Lapland offers, maintaining the forests in natural state, and promoting natural-like forestry in the tree line forests.*<sup>592</sup>

When drawing the bill, safeguarding the continuation of the traditional and customary means of exploiting nature was seen as important, and achieved a prominent role in the definition of the Act. According to the Committee Report, designation of wilderness areas will improve the facilities for practicing reindeer herding and other traditional means of livelihood. Improving the facilities for reindeer herding is connected primarily with the prohibition or reduction of felling and the safeguarding of pathlessness.

*The impacts of protection on forestry remain relatively minor. Instead, **facilities for practicing reindeer herding***

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<sup>591</sup> Lehtinen 1991, Hallikainen 1998, Saarinen 1998

<sup>592</sup> Erämaa-alueiden säilyttämisellä pyritään erityisesti luonnon monipuolisen käytön ja luontaiselinkeinojen turvaamiseen ja edistämiseen, saamelaiskulttuurin luontaisen perustan säilyttämiseen, Lapin luonnon retkeily- ja virkistyskäyttömahdollisuuksien turvaamiseen, metsien säilyttämiseen luonnontilaisina sekä luonnonmukaisen metsänhoidon edistämiseen metsänkasvun ääri-alueilla. (v.p. 1991- HE n:o 42, Esityksen pääasiallinen sisältö)

*and other traditional means of livelihood, hiking and outdoor recreation will improve or at least remain unchanged.*<sup>593</sup>

Facilitating hiking and recreational use of nature are declared to be important to the local people as well as for the people from more distant places. The scenery, pure nature, and peaceful surroundings are, according to the Report, the basic factors that attract people to the area. From the social and national health perspective, the main significance of wilderness areas lies in the fact that they provide a healthy way of relaxing and invigorating oneself in nature. This is stated to be especially significant for today's over-stressed people.<sup>594</sup>

The only identified form of economic exploitation is forestry. In association with it, concepts like "natural-like forestry" (in Finnish, *luonnonmukainen metsänhoito*) and "natural-like felling" (in Finnish, *luonnonmukaiset menetelmät*) are introduced in the Wilderness Act.<sup>595</sup> Commercial nature tourism is not listed in the proposal. The important point here is that Metsähallitus enterprise itself is an active economic agent in exploitation of nature as well. Forestry is the most original sphere of activity of Metsähallitus. Furthermore, one of the business units of Metsähallitus Group – Villi Pohjola (Wild North) – is actively engaged in nature tourism business. In this sense, it can be said that Metsähallitus has certain conditional economic interests towards nature in the wilderness areas.

Furthermore, it is evident that economic exploitation of nature and conservation are not the only functions of wilderness areas. Nature is also recognized to be the material foundation of culture and people's identities. Safeguarding the foundation of Sámi culture is now enforced by the Constitution of Finland,<sup>596</sup>

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<sup>593</sup> Alueiden säilyttämisen vaikutukset metsätalouteen ovat verrattain vähäisiä. Porotalouden ja muiden luontaiselinkeinojen sekä retkeilyn ja virkistyskäytön mahdollisuudet sitä vastoin paranisivat tai säilyisivät ainakin nykyisellään. (Komiteanmietintö 1988:39, 21 and 99) (bolding added)

<sup>594</sup> Komiteanmietintö 1988:39, 21

<sup>595</sup> See Puikko in Komiteanmietintö 1998:39, 143–155 and Lehtinen 2004, 140–141 about emergence of the concept and its relevance on wilderness areas.

<sup>596</sup> HM 14.3 § 1995/969, HM 51a § 1995/973, PL 17.3 § ja 121.4 § (1999/731), HE 306 1993 vp.

but was separately noted already in the Wilderness Act. It was also stated in the Committee Report that reindeer herding is one of the most important material foundation of Sámi culture.<sup>597</sup> In the Wilderness Act, reindeer herding is included in the category of traditional means of livelihood, although it is separately identified in the Government Proposal.

The pronounced general starting point is that the wilderness management plan would not bring about any remarkable changes in current usage patterns and rights.<sup>598</sup> In this respect, the Wilderness Act is interpreted as “a minor law” which is superseded by other laws, such as the Reindeer Herding Act, the Off-road Traffic Act etc. The stated objective is “wilderness-like nature.” Allowed activities are evaluated on the basis of their impact on wilderness-like nature. There is an embedded assumption as to what current uses of nature are, in general, sustainable. The primary aim is to consolidate the situation, perform monitoring, and prevent potential degradation of nature. In this light, the only major order contained in the Wilderness Act concerns protection from sales and major encroachment such as permanent roads.<sup>599</sup>

It is noteworthy that the ambiguous objectives described above allow different adaptations in different wilderness areas. According to the strategic plan of Natural Heritage Service in Northern Lapland, certain areas are nominated as “the strategic operative areas in developing recreational use”<sup>600</sup>. The Wilderness Area of Käsivarsi is among those strategic operative areas. Because of the special geographic characteristics<sup>601</sup>, Käsivarsi has become a desirable destination of recreational usage and nature tourism. Metsähallitus anticipates further growth of demand, and is set on promoting recreational usage forms and providing respective facilities. In contrast to it, the Pöyrisjärvi Wilderness Area is characterized as “the wilderness area of local people”<sup>602</sup>. This means that no decisive measures are directed at promoting recreational usage or nature tourism. Yet, in the management plan

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<sup>597</sup> Komiteanmietintö 1988:39, 46–48

<sup>598</sup> Komiteanmietintö 1988:39, 98 and 100

<sup>599</sup> Erämaalaki 62/1991 § 4 and 5

<sup>600</sup> In Finnish, retkeilyn painopistealueet

<sup>601</sup> It is the only alpine area in Finland.

<sup>602</sup> In Finnish, paikallisten erämaa (Pöyrisjärven erämaa-alueen... 2001, 13)



it is declared that the total amount of visitors also to Pöyrisjärvi Wilderness Area is anticipated to increase as the area becomes better known in public.<sup>603</sup> It is a known fact, that establishment of a protected area – national park or wilderness area – as such, makes a natural site more known and increases their appeal as objects of recreation.

Besides the site-specific differentiation, each Wilderness Area is also internally divided into zones with specially prioritized targets. According to it, the Käsivarsi Wilderness Area contains following zones: “zone of intensive recreational usage”, “zone of commercial nature tourism”, and “core zones” or “zones reserved for traditional means of livelihoods”. In contrast to it, in the Pöyrisjärvi Wilderness Area zoning is clearly more indistinct, mainly because of the less complex user interests directed to the site. Only one zone – “the core zone” – is proposed, which is meant to remain free of possible routes or other recreation constructions in the future. (Besides, it is noteworthy that by the starting point the borders of the wilderness areas were outlined, in a way that already left the potential areas of economic exploitation outside.<sup>604</sup>)

### *National parks*

The basic starting point of national parks deviates from the definition of wilderness areas on essential points. According to the prescription of the Government in Norway for the renewed national park policy [St.meld. 62 (1991–1992) “Ny landsplan for nasjonalparker og andre større verneområder i Norge”], the purpose of establishing new national parks and extending existing ones was: **“to preserve wider ranges of untrammeled or practically taken untrammeled natural environments”**.<sup>605</sup> According to the document text, the background is characterized

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<sup>603</sup> Alueen tunnettuuden lisääntyessä kävijämäärä väistämättä lisääntyy. (Pöyrisjärven erämaa-elueen... 2001, 19)

<sup>604</sup> See Lehtinen 2004, 140 about the question.

<sup>605</sup> Et sentralt mål er å bevare større sammenhengende urørte, eller i det vesentlige urørte, naturområder. (St.meld. 62 (1991–1992) (bolding added))

by a situation, where the total range of “wilderness-like areas” in Norway has diminished considerably during the past decennium. Another pronounced aim is **“to preserve samples of the diversity of Norwegian landscape and divergent natural geographic regions”**.<sup>606</sup> Stress is laid on **“preserving areas with landscape values, safeguarding particular biotopes, valuable waterways and marine environments with attention paid to outdoor recreational opportunities and to cultural heritage sites”**.<sup>607</sup>

According to the prevailing practice, the national parks are founded on the Nature Conservation Act<sup>608</sup>. In conformity, “conservation of nature” is the primary objective of the areas. The responsible planning authority is the Department of Environmental Affairs, in Provincial Government (in Norwegian, Fylkesmannen Miljøvernveddeling) under the supervision of National Directorate of Nature Management. The precise aim of the protected areas is defined **“to preserve areas of natural habitats, natural gene pools, ecosystem diversity, and facilitate monitoring and research of the natural processes and the state of environment”**.<sup>609</sup> From the perspective of the conservation aim, human impact is not usually desirable as it forms a potential threat to the natural state. However, recreational usage and traditional use of nature are not exclusively prohibited in the national parks. In actual fact, along with the current development they have become the recognized functions of national parks besides nature conservation. Nevertheless, it is

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<sup>606</sup> ”...å bevare områder som til sammen dekker variasjonsbredden av landets ulike naturgeografiske regioner.” (St.meld. 62 (1991–1992) (bolding added)

<sup>607</sup> Ved utvegelse og prioriteringer av aktuelle områder er det lagt vekt på følgende:

- ønske om sikring av områder med landskapsmessige verneverdier/storslagenhet
- nødvendigheten av å ta vare på spesielle biotoper for vern av planter og dyr
- ønske om å sikre verdifull vassdragsnatur
- ønske om å sikre verdifulle marine områder
- hensynet til friluftsliv
- hensynet til kulturminner (St.meld. 62 (1991–1992) (bolding added)

<sup>608</sup> LOV 1970-06-19-63 § 3–4

<sup>609</sup> <http://www.dirnat.no/wbch3.exe?p=1567> 23.9.2005 (bolding added)

declared that “all other activities must be adapted to that the conservation aims are not endangered”.<sup>610</sup>

In the international conception of protected areas, the attitude toward human impact in national parks is clearly stricter, like was stated in the foregoing. As a rule, controlled access to recreational use is permitted, but practicing traditional means of livelihood not. Therefore, in particular, reindeer herding poses a special question in national park management in Norway (likewise in the other Nordic countries, too). The management plan of Stabbursdalen national park and establishment plan of Seiland’s national park present the central objectives of national park management in two different ways. Besides that in question are two divergent areas with different characteristics, the plans represent also some changes in conceiving of the objectives of national park management. The difference is notable especially from the perspective of reindeer herding.

Stabbursdalen management plan (1990) is a less exclusive document of the two, but obviously a more exclusive plan than earlier national park management plans in Finnmark. It was drawn with the help of a regular hearing procedure in accordance with the land use planning practice in Norway. It is stated that the ultimate reason behind it, was “the need to create a more offensive management plan in expectation of growing recreational use and nature tourism”. In the management plan, the recreational values are clearly emphasized. The park is defined as:

*‘A recreational park’, to a great extent*<sup>611</sup>

Recreational fishers, people on hiking tours and recreational cabin owners are described as the biggest user groups of the national park. In correspondence, the major management task is defined as “**adjusting the level of recreational usage with the conservation aim**, in manner that the state of nature will not suffer”.<sup>612</sup> As a guiding starting point for designing the manage-

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<sup>610</sup> <http://www.dirnat.no/wbch3.exe?p=1567> 23.9.2005

<sup>611</sup> Stabbursdalen nasjonalpark er i stor grad en ’frilufslivs-nasjonalpark’. (Forvaltningsplan for Stabbursdalen Nasjonalpark....1990, 3) (bolding added)

<sup>612</sup> Målsetningen for forvaltningsplanen er å unngå for stor slitasje og forstyrrelser på naturmiljøet, kanalisere ferdsel utenom sårbare områder, redusere

ment measures, is an earlier published investigation of recreational use in the park. The majority of the proposed measures in the plan consist of **directions and regulations for facilitating and promoting recreational usage and nature tourism**. For example, such issues as roads, hiking routes, parking places, fire-places, cabins, waste disposal etc. are settled. Similarly, in the chapter concerning future scenario, only increasing recreational usage and nature tourism are taken up.

*The flow of visitors to the national park is increasing and is expected to grow in the future.*<sup>613</sup>

Seiland's National Park (2003) represents the renewed planning pattern in national park management. In the context of drawing it, an extensive participatory planning method was applied with a wide hearing round. The main objective of establishing the national park is still declared to be *nature conservation*. According to the plan, the interests of recreational usage and nature tourism have been until so far relatively minor in the area. Besides, the borders of the national park have been outlined in way that leaves areas of industrial interest outside. In contrast to the Stabbursdalen National Park, in the Establishment Plan of Seiland National Park *the role of reindeer herding is clearly accentuated*. It is stated to have the biggest economic interest towards the area today. As a result, an Environmental Impact Analysis was ordered of the potential impact of the conservation measures on reindeer herding.<sup>614</sup>

*Reindeer herding is the most important means of livelihood that has interests in the proposed national park. As a part of planning work, therefore a special evaluation was done of the consequences of the planning proposals for reindeer herding.*<sup>615</sup>

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forgreininger av eksisterende stier og at publikum skal kunne oppleve opprinnelig natur i Stabbursdalen nasjonalpark under sikre forhold. (Forvaltningsplan for Stabbursdalen Nasjonalpark....1990, 6)

<sup>613</sup> Tilstrømmingen til nasjonalparken er økende og forventes å øke i årene framover. (Forvaltningsplan for Stabbursdalen Nasjonalpark 1990, 7)

<sup>614</sup> Konsekvensutredning av nasjonalpark på Seiland... 2003

<sup>615</sup> Reindrifta er den viktigaste næringen med intresser i den foreslåtte nasjonalparken. Som del av planarbeidet er det dermed gjort en særlig utredning

In the establishment plan, the biggest concern is directed at adjusting the partly conflicting interests of nature conservation and reindeer herding. “Off-road traffic on motorized vehicles and use of helicopter in herding work” raise the biggest concrete conflicts to be managed.<sup>616</sup> Other traditional means of livelihood are also recognized as park users, but sheep herding is declared to be minor in recent times.

The stakeholders of nature conservation are critical of the way how the national park is realized. According to the statement of the Institute of Biology in University of Tromsø, the boundaries of Seiland National Park are drawn in a way, which is **not fully scientifically justified**. Concerning cultural heritage, flora and predators important regions are lined out. According to their statement, “**human interest seems to weigh in several occasions heavier than the conservation interests**”. As it is proposed to be realized, the conservation values are not stated to be specifically outstanding.<sup>617</sup>

The statement takes Seiland as an example of the new national park management practice in Norway. According to it, national park management seems to approach the definition of wilderness area by showing a similar tolerance to human utilization of nature. According to the statement, the conservation values of this area could be better defined as protection of *wilderness-like nature* than *area of major conservation value*.

*I appears to be proposed that Seiland is included in the category 'untrammled and wilderness-like', and to a minor extent in the category 'great conservation values' or 'seriously endangered'.*<sup>618</sup>

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om verneforslagets konsekvenser for reindrifta. (Forslag om opprettelse av Seiland nasjonalpark 2003, 21)

<sup>616</sup> De største konfliktene mellom reindrifta og verneforslaget er knyttet til barmarkskjøring”... På grunn av det ulendte terrenget bruker reindrifta på Seiland jevnlig helikopter i forbindelse med samling og drivning av rein, og transport av utstyr. (Forslag om opprettelse av Seiland nasjonalpark 2003, 27)

<sup>617</sup> Forslag om opprettelse av Seiland Nasjonalpark – Høringsuttalelse fra Insitutt for Biologi 2004 (bolding added)

<sup>618</sup> Det virkar som om framlegget om Seiland er i denne kategorien som kan karakteriseras med stikkorda 'uberørt og villmarksprega', og i mindre grad med alternative stikkord som 'store vernverdier' eller 'sterkt trua'. (Forslag om

Compared to management of the designated wilderness areas in Northern Lapland (Finland), the biggest difference is, however, the relation to economic exploitation of nature. In the establishment plan of Seiland National Park, promoting economic usage is not the declared objective. Yet, **diversified usage** is clearly the binding policy line in the plan. Measures for **facilitating recreational usage** are introduced, but they are not directly promoted as in the case of the Wilderness Area Management Plans. However, the explicitly pronounced policy of the Directorate of Nature Management – the topmost responsible administrative level – is to promote recreational usage and nature tourism in national parks and other extensive protected areas.

*Among the main duties is enhancing and promoting eco-friendly ways of using Norwegian nature within the framework of the national tradition of outdoor recreation. An important challenge is to safeguard and manage nationally protected outdoor-recreational areas throughout the country.*<sup>619</sup>

In connection with it, for instance, a nature tourism project is run by the Directorate with the aim of promoting the use of nature by nature tourism industry.<sup>620</sup> The definitive priority of activities is settled in the future Management Plan. The Establishment Plan contains obviously the principal outlines for it. Regarding this, it may very well be possible that measures for promoting recreational usage and nature tourism will be increased as there seems to be a decisively growing demand for it.

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opprettelse av Seiland Nasjonalpark – Høringsuttalelse fra Institutt for Biologi 2004, Kommentar til høyringsdokument om oppretting av Seiland Nasjonalpark)

<sup>619</sup> Blant oppgavene er tilretteleggende for og stimulerig til naturvennlig bruk av norsk natur innenfor rammen av den norske friluftslivstradisjone. En betydelig utfordring ligger i å sikre og forvalte statlig sikrede friluftslivsområder rundt omkring i landet.” <http://www.dirnat.no/wbch3.exe?p=1567> 23.9.2005

<sup>620</sup> <http://www.dirnat.no/wbch3.exe?p=1567&print=1> (23.9.2005)

## *Outfields /LNF-areas*

Management of outfields in Finnmark has been (until the beginning 2006) the responsibility of Statskog, with the juridical foundation in the Land Sales Act. According to the declared statement, “Statskog sells outfields’ competence and services”<sup>621</sup> primarily to other administrative bodies and sectors. The primary function of nature management in the outfields is basically two-fold: 1) management of land property questions and 2) arranging hunting/fishing/ outdoor recreation facilities for the purpose of promoting diversified forms of using nature.

*Statskog arranges facilities for hunting, fishing and outdoor-recreation, supports development of new opportunities, and administers sale and monitoring of hunting and fishing licenses.*<sup>622</sup>

In addition, Statskog has some duties for implementing management of the protected areas although the main responsibility for drawing the management plans for protected areas lies with the Department of Environmental Affairs in Provincial Government under the supervision of Directorate of Nature Management. Furthermore, Statskog has monitoring, control and advisory duties in management of nature (fishing, hunting, off-road traffic).

In organizing nature management, Statskog Finnmark is bound by the special legislations concerning hunting, fishing and recreational use, etc. Moreover, the divergent *customary land use rights* set limitations on Statskog’s activities concerning economical exploitation of natural resources. The right to reindeer herding is an obligation to which Statskog Finnmark must especially pay

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<sup>621</sup> Statskog har fagkompetense innenfor forvaltning, drift og utvikling av utmark spredt utover landet der Statskog er grunneier. Denne kompetansen selger vi også til andre grunneiere og andre som efterspør slik kompetense. [http://www.staskog.no/ips/core/IPS\\_printer.asp?ch=&io=1002273&strUrl=](http://www.staskog.no/ips/core/IPS_printer.asp?ch=&io=1002273&strUrl=) 22.2.2006

<sup>622</sup> Statskog tilrettelegger for jakt og fiske og friluftsliv, bistår i utveking av nye muligheter, samt administrerer salg og oppfølging av jakt og fiske. [http://www.staskog.no/ips/core/IPS\\_printer.asp?ch=&io=1002273&strUrl=](http://www.staskog.no/ips/core/IPS_printer.asp?ch=&io=1002273&strUrl=) 22.2.2006

careful attention. Thus, an additional need to adjust the interests of reindeer herding with recreational use is recognized, and an agreement of regular negotiations with NRL was made in 2004.<sup>623</sup>

Because there is not Wilderness Act as such, nature management of Statskog is bound by the municipal land use decision-making. The Land Use and Building Act set the legislative foundation for municipal land use planning, and land use planning is conditioned by the Nature Conservation Act. In municipal land use plans, outfields are predominantly defined as LNF-areas. The abbreviation signifies agricultural use, nature, and recreational interests. Further designations are given concerning the potential building initiatives.

Diversified use is clearly emphasized in municipal land use planning. The land use policy of Alta municipality is seemingly investment-oriented, as are municipalities in general. Developing the municipality is emphasized in the dominant discourse, and it is interpreted to mean, among other things, “active production of recreational facilities and new cabin areas.”<sup>624</sup> On the whole, there is a steadily growing demand for recreational cabins and other outdoor-recreational facilities.<sup>625</sup> The decisions to grant licenses for the building of recreational cabins are bound to municipal land use plans or other agreed upon dispensations. Similarly decisions for off-road traffic are made by the municipality.

It is generally acknowledged that Utmark/LNF-areas form a kind of “left over category” in Norwegian land use management. While there is plenty of planning effort directed both at the “built areas”<sup>626</sup> and at the conservation areas,<sup>627</sup> LNF-areas are characteristically left beyond comprehensive definitions and guidelines.<sup>628</sup> As a result, land use management related to these areas tends to be typically based on situational decisions in individual cases, leading to “a bit by bit policy.” In the new Land

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<sup>623</sup> Statskog Årsrapport 2004

<sup>624</sup> Alta Kommune, Kommuneplanens arealdel 2001, 17

<sup>625</sup> Alta vil 2004, 22

<sup>626</sup> In Norwegian, byggeområder

<sup>627</sup> In Norwegian, landskapsverneområder

<sup>628</sup> See e.g. Arnesen & Riseth & Skjeggedal 2003, Skjeggedal 2001, Vorkinn 2001



Use Management and Building Act<sup>629</sup> this point is recognized, and one of the foremost goals is to make the planning of LNF-areas more detailed and binding.

In general, the nature management objectives of Statskog relating to ‘outfields’ in Finnmark in many ways resemble those of wilderness areas in Northern Lapland. However, with the absence of Wilderness legislation, planning and management duties are less coordinated and the authority in these issues is divided between different administrative bodies. The major decisions are handled in the Land Sales Board (in Norwegian, Jordsalgstyre). A second point of difference concerns the planning procedure. The extensive participatory planning projects, comparable to wilderness planning, have not been taken into use and although the regular land use planning method today entails a considerably large hearing round. For instance, Alta municipality has provided also a number of public hearing meetings for local people and different administrative agents.

As was stated earlier, the directive nature management documents are almost identical with those in Finland. However, implementation of the objectives has not been actively put into place in Finnmark. In the argumentation of Statskog Finnmark, management of recreational usage, including fishing and hunting, is accentuated. Additionally, cautious measures for economic exploitation of nature are declared. This involves, therefore, the promotion of nature tourism through Grunneierfondet.

### **5.2.1 Characteristics of the argumentation of wilderness area management**

As was stated above, the primary objectives of nature management – the way they are defined in the directive documents – are economic production, nature conservation, and promotion of recreational use of nature. These objectives have been converted into comparable policy lines within respective administrative spaces (assignments and responsibility). Accordingly, *manage-*

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<sup>629</sup> NOU 2003: 14

*ment of productive exploitation of natural resources, biodiversity management, and recreational management* can be distinguished. They form integrated policy domains or spaces of activity that are closely intertwined but also enable separate measures. Behind this frame of thought is a conception of nature as resource/set of resources, such as natural resources, biological resources and resource of nature/wilderness experience. Conforming to it, nature is defined as an instrument of material and spiritual goods, a precondition of human existence, or an absolute value. Biodiversity management is predominantly a statutory, normative activity constituting the execution of national programs and fulfillment of obligations. There is not much choice on execution. But the remaining two spheres of management activity – management of productive exploitation and recreational management – make possible different strategic applications.

When inspecting the operative nature management documents related to the wilderness areas, four distinguished argumentation principles especially stand out: 1) diversified use, 2) local interest, 3) democracy of majority, and 4) Sámi Rights. These principles are repeatedly articulated, and play a part both in constructing the argumentations and legitimating the decisions.

### *Diversified use*

Diversified use has become one of the founding operative principles of the Wilderness Area management. Evidently, it is founded on the same ideational grounds as maintenance of biological diversity and enhancement of *diversified use of forest* (in Finnish, *metsien monikäyttö*). The latter has become an integral part of forest management during the past decades, and its importance was asserted by the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro (1992), The Ministerial Conference on the Protection of Forests in Europe (Helsinki Process 1990), and other international forums. Over the time, the general guidelines for *the sustainable management of forests* were developed and agreed upon. The concept is founded on an extended notion of sustainability of forests. In conformity, the four dimensions of sustainability entail

many functions of the use of forest/nature.<sup>630</sup> In general, the concept has come to refer to both biological diversity of forests (diversified forests) and multiple uses of forests.

In the vein of this idea, Regulations for Handling Forests were issued in Finland around 1985.<sup>631</sup> Later, the multiple/diversified use of forests was also encoded in the National Forest Program (Kansallinen metsäohjelma 2010 – KMO) of Finland.<sup>632</sup> In broad and simple terms, the concept means “both multiple economic exploitation of nature and recreational use of nature facilitated by Everyman’s Right and versatile devotion to nature.”<sup>633</sup> Yet, at the same time the concept is declared to be “characteristically market-oriented” as the forests are stated to have still a great significance for the well-being of Finns and for the economic development.<sup>634</sup> According to the pronounced statement, the primary goal of nature management is sustainable, profitable, and multiple use of forests. The conforming aim is to enhance economic activities for the benefit of as many as possible (within the defined qualifications) and to provide recreational facilities for everyone.<sup>635</sup> It appears to be both the over-exceeding goal and grounding value.

Concerning the wilderness areas, the goal of diversified use is naturally presented in a modified form. Strictly speaking, the Committee Report, Government Proposal, and the Wilderness Act contain some ambiguities regarding the definition of the concept. To begin with, the term multiple/diversified use is used in reference to the foundation of the traditional means of livelihood, i.e., to “safeguard the multiple returns of the traditional means of livelihood.”<sup>636</sup> Additionally, the major objective of preserving the Wilderness Areas is stated to be “use and management of natural resources according to the idea of diversified use, meaning

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<sup>630</sup> <http://www.iisd.ca/forestry/hel.html> 22.10.2005

<sup>631</sup> E.g. Metsähallitus, Ohjekirje metsien käsittelystä Perä-Pohjolan piirikunnassa 3.5.1985; Metsähallitus, Perä-Pohjolan piirikuntakonttori, Hoitoaluekohtainen ohjekirje metsien käsittelystä Inarin hoitoalueessa 1986

<sup>632</sup> Kansallinen metsäohjelma (KMO) 2010, MMM julkaisu 1999/2

<sup>633</sup> KMO 1999, 22

<sup>634</sup> KMO 1999, 10–11

<sup>635</sup> See Section 5.1.2

<sup>636</sup> ...turvaamaan alueiden monituotto luontaiselinkeinojen harjoittamista varten. (Komiteamietintö 1988: 39, 100)

adjusting together the means and extent of traditional means of livelihood, forestry and outdoor recreation.<sup>637</sup> Finally, the Wilderness Act contains a definition in which the traditional means of livelihood (such as reindeer herding, hunting, fishing, etc.) are or can be classified into a separate category. Diversified use refers then to forestry, recreational use, and nature tourism industry wherever they are practical. Correspondingly, the concept of diversified use is interpreted and converted into two different policies.

Concerning Pöyrisjärvi Wilderness Area, Metsähallitus declares not to enhance active measures for increasing use of nature. According to the argumentation, *the existing diversified usage pattern is safeguarded*.<sup>638</sup> In this expression, use of nature is primarily referred to in terms of local use (At the same time, however, growth of recreational use is expected to happen inevitably). It is declared in the management plan that, “against the Regional Land Use Management Plan of Fell Lapland, any active innovations for promoting recreational use of nature (such as snow-scooter routes and other constructions) are not to be proposed in the northern part of the wilderness area (core-zone).”<sup>639</sup> Instead, Käsivarsi Wilderness Area is described as “the most attractive recreational and tourist resort.” Correspondingly, it is nominated as a targeted area for the promotion of recreational use and commercial nature tourism. In other words, *diversification of use is promoted* by providing better facilities for it, even if under controlled circumstances.<sup>640</sup>

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<sup>637</sup> Erämaiden säilyttämisen perusteena on että luonnonvarojen hoito, käyttö ja hallinta perustuu monikäytön periaatteeseen, tarkoittaen luontaiselinkeinojen, metsätalouden ja virkistyskäytön tavoitteiden ja toimintatapojen sovittamista yhteen. (v.p. 1991 – HE 42)

<sup>638</sup> Metsähallitus will not encourage considerable increase of usage, but aims at minimizing current troubles and reducing conflicts between different user groups. (In Finnish, Metsähallitus ei rohkaise käytön huomattavaa lisäämistä, vaan pyrkii nykyisen käytön haittojen minimointiin ja eri käyttäjäryhmien ristiriitojen vähentämiseen.) (Pöyrisjärven erämaa-alueen... 2001, 14)

<sup>639</sup> Suunnitelmassa esitetään, että alueelle ei tehdä merkittäviä reittejä eikä uusia virkistyskäytön rakenteita, toisin kuin Tunturi-Lapin seutukaavassa, (Pöyrisjärven erämaa-alueen... 2001, 54)

<sup>640</sup> Strictly speaking Käsivarsi wilderness management plan contains expressions like: “Developing the facilities of recreational use” (in Finnish, virkistyskäyttömahdollisuuksien kehittäminen) or developing the conditions for recreational use (in Finnish, virkistyskäytön edellytysten kehittäminen). In

According to the Käsivarsi Wilderness Area Management Plan, the target of promoting recreational use of nature and nature tourism are not the defined objectives of the Wilderness Act. However, referring to the Government's proposal for the Wilderness Act (HE 42/1990), the fourth listed objective in the Wilderness Act, "*promoting the diversified use of nature*", is interpreted in the meaning "**promotion of recreational usage, nature tourism, industry, and diversified use of forests.**"<sup>641</sup> This interpretation is clearly in line with the general nature management policy of Metsähallitus.

*In the Wilderness Act, concepts of nature tourism or recreational use are not explicitly pronounced. However, from the Government proposal, it becomes obvious that one of the intended goals of the act is to enhance recreational use and sustainable nature tourism" ... "By establishing the wilderness areas, the aim is also at developing diversified use of nature and its prerequisites, and diversified use of forests.*<sup>642</sup>

According to the Käsivarsi Wilderness Area Management Plan, the Wilderness Act implies increasing diversified use of nature. At the same time, the goal is found to be partly in conflict with the other targets of the Act. Zoning is offered as a solution to the problem by facilitating division into smaller ranges with different user profile and prioritized functions. The purpose is "to create several smaller wilderness areas with different profiles inside the borders of the designated Wilderness Area."<sup>643</sup>

The principle of productivity, which forms the core rhetoric of the argumentation for nature management, bears on the

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recreational use (in Finnish, virkistyskäytön edellytysten kehittäminen). In practice, however, facilities are provided also for developing commercial nature tourism, like the rationality of zoning and orders for rental wilderness cabins show. (See Käsivarren erämaa-alueen... 2000, 29 and 35)

<sup>641</sup> Käsivarren erämaa-alueen...2000, 29 (bolding added)

<sup>642</sup> Erämaalaisissa ei mainita sanoja luontomatkailu tai virkistyskäyttö. Erämaalain perusteluista selviää kuitenkin, että yksi lain keskeinen tarkoitus on edistää virkistyskäyttöä ja kestäväää luontomatkailua... Erämaa-alueiden perustamisella pyritään myös kehittämään luonnon monipuolista käyttöä ja sen edellytyksiä kuten esimerkiksi alueiden retkeily- ja virkistysmahdollisuuksia ja metsien monipuolista käyttöä. (Käsivarren erämaa-alueen... 2000, 29)

<sup>643</sup> Käsivarren erämaa-alueen... 2000, 57

wilderness area management, as well. Although the demand for economic profit does not apply to wilderness areas as such, the ideational framework of “nature service production” permeates the general understanding of wilderness area management. It is obvious that, besides the establishment of protected areas as such, the additional promotion measures will also increase the total number of users and/or the extent of usage in the wilderness areas. A second factor which works parallel with this is the increased conservation obligations due to the international nature conservation duties and national conservation programs. It is easy to see how these two policies in combination have resulted in increased pressure to use the remaining wilderness-like areas. In addition, certain flexibility or wavering of the wilderness area category allows different situational interpretations and policies. The profile of wilderness areas in Finland is caught in between a kind of nature reserve and a range of economical exploitation.<sup>644</sup> In Käsivarsi Wilderness Area Management Plan, the character of the wilderness area is described to be “a cross-over between nature protection areas and economic forests.”<sup>645</sup> This ambiguity is apt to facilitate many different policies and, at the same, arouse deviating expectations among stakeholders.

In contrast, in Finnmark the overall situation is less clearly defined. With the absence of wilderness legislation the division between protected areas and areas of economic exploitation is more distinct. Correspondingly, ‘outfields’/LNF areas have, in general, a more clearly pronounced productivity emphasis, while in the national parks and other protected areas the conservation goal is emphasized. Nevertheless, in practice, the situation is more complex and the targets are partly overlapping. Generalizing, one could say that, as it relates to national parks, diversified use is interpreted as *a combination of protection and recreational use*, while in reference to outfields/ LNF areas, it is understood more as *a combination of economic exploitation and recreational use with traditional means of livelihood as a special interest category*. As stated earlier, economic exploitation of

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<sup>644</sup> See e.g. Lehtinen 2004, 139, Komiteanmietintö 1988:39, 143

<sup>645</sup> luonnonsuojelualueiden ja talousmetsien välimuoto (Käsivarren erämaa-alueen... 2000, 7)

nature in the form of nature tourism industry has arrived in national parks as well, and is continually increasing with the help of national policy. Similarly, increased demand for outdoor recreational facilities in the municipalities has led to growing pressure on utmark/LNF areas, as well. Most urgently, the questions concern licenses for building recreational cabins in the wilderness, which are in great demand. As a cautious estimate, one could say that, in this respect, the distinct characteristics of national parks and outfields/LNF-areas have become more uniform. Yet, the major principled functions of the areas remain naturally distinct.

If we contrast the overall situation in Finnmark to that in Northern Lapland, where the Wilderness Act has provided a concentrated administrative effort for controlling and directing wilderness-like areas, at least one distinct feature stands up. The significance of the ban to cede land, which is included in the Wilderness Act, has received less attention in evaluating wilderness management policy in Finland. However, compared to nature management practice in Finnmark, it becomes clearly discernible that the Wilderness Act seems to provide a better protection of wilderness-like areas from major encroachments and disposition of land property than the Planning and Building Act in Finnmark. The numerous dispensations from the validated land use management plans, which have been characteristic to land use management in many municipalities in Finnmark, have lead into inconsistent nature management policy. However, at the same time, it should be kept in mind that there are great differences in the practices between different municipalities.<sup>646</sup>

What is apparent in all these cases is that the needs and targets of recreational usage and nature tourism industry are in many respects closely intertwined and articulated on to one another. In fact, the interests of recreational use seem to align with commercial nature tourism, and are often promoted in

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<sup>646</sup> Generally speaking, in the Arctic sea-coast municipalities, near the towns and other bigger population centers, recreational cabins are in greater demand than in the municipalities of Inner Finnmark. But the pressure is growing equally everywhere.

conjunction. They are in a disposition of flowing into one another both in discourse and practice. For instance, promotional activities for nature tourism are legitimated through the instrumentality of the category ‘free recreational use of nature.’ Moreover, building wilderness cabins and other constructions serve both the interests of free recreational use and are also hired out as service bases for commercial nature tourism. The border seems to be wavering. Looking from another perspective, it is a political choice of promoting certain economic functions over others. At the same time, the policy does not pay enough attention to the fact that the same measures may have detrimental impact on the economic interests of practitioners of other means of livelihood. For instance, it is apparent that practitioners of the traditional means of livelihood compete partly of same natural resources with commercial nature tourism. ‘Diversified use’ is used as an efficient argument against the claims of certain user groups such as reindeer herders to special rights and restrictions for other usage forms.

### *Local interest*

Another markedly popular argumentation principle in the operative nature management documents is enhancing the local interest. Accordingly, Metsähallitus – in similitude with Statskog – explicitly accentuates its role as the initiator or contributor to local development. Metsähallitus claims to provide and create facilities for improving local livelihoods, while Statskog seeks credit for setting up new initiatives and industries. Contributing to the socio-economic development of the local community thus becomes an important aim of the operative nature management. Nature management policy achieves therefore a distinct social dimension. The following extract is an example of the argumentation:

*Following the [management] plan, zoning and the corresponding policy in regard to the infrastructure and licensing practice safeguards the traditional means of*



*livelihood and the rights of local people, which contributes to maintaining the area inhabited.*<sup>647</sup>

Alternatively, the local interest is also expressed through the cultural dimension. This usually refers to the traditional means of livelihood, which are declared to represent the cultural foundation of wilderness areas and a distinct local value.

*The concept 'wilderness nature' contains both ecological and cultural elements... The cultural element consists elementarily of the Lappish hunting-, fishing-, gathering-, and reindeer herding cultures. These traditional means of using the wilderness are still prevailing in Enontekiö.*<sup>648</sup>

*It is accentuated that the Pöyrisjärvi Wilderness Area is typically the wilderness of local people, where the role of safeguarding the prerequisites of Sámi culture, reindeer herding and other traditional means of livelihood is emphasized.*<sup>649</sup>

As was explained earlier (Section 4.1.4), local development and local democracy are tightly woven into the basic tenets of environmentalism. In Agenda 21 – often called Local Agenda – enhancing local democracy is pronounced to be the essential precondition of sustainable development. This convention, which was signed in connection with the Rio Declaration in 1992, obliges all public authorities in improving local participation in decision-making. In the Käsivarsi Wilderness Area Management Plan, explicit references to it are made.<sup>650</sup>

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<sup>647</sup> Suunnitelman esitysten mukainen vyöhykkeistäminen ja sen mukainen infrastruktuuri- ja lupapolitiikka turvaa perinteiset elinkeinot ja paikkakuntalaisten oikeudet, mikä tukee alueen asuttuna pysymistä. (Käsivarren erämaa-alueen... 2000, 90)

<sup>648</sup> Käsite 'alueen erämaaluonne' pitää sisällään ekologisen ja kulttuurillisen elementin... kulttuuri-elementtiin kuuluvat olennaisena osana lappilainen metsästys-, kalastus-, keräily ja poronhoitokulttuuri. Nämä perinteiset erämaan käyttömuodot ovat vielä vallitsevia Enontekiöllä. (Pöyrisjärven erämaa-alueen... 2001, 9)

<sup>649</sup> Pöyrisjärven erämaa-alue on korostetusti paikallisten ihmisten erämaa, jossa korostuvat saamelaiskulttuurin sekä poronhoidon ja muiden luontaiselinkeinojen turvaaminen. (Pöyrisjärven erämaa-alueen... 2001, 47)

<sup>650</sup> Käsivarren erämaa-alueen...2000, 2

As a consistent adaptation of the obligation of improving local democracy, the participatory planning process has attained a pronounced position in nature management. In both the Wilderness Area Planning Project and the Natural Resource Management Planning Project, an extensive participation method was applied. The method was supposed to contribute to social sustainability of planning procedure.

*In the Pöyrisjärvi Wilderness Area Management Plan, the participatory approach, hearing the local people and interest groups has an essential part of the planning process and its social sustainability.*<sup>651</sup>

Furthermore, the local perspective is emphasized regarding the results, as well. The first and foremost objective of the Wilderness Area Management Plans is stated to be finding decisions that are “**widely, locally acceptable.**”<sup>652</sup>

Concomitantly, a new category called “*local interest*” has emerged from the management negotiations. “Maintaining the long established local customs of using nature” is an actively exploited argument in the Wilderness Area Management Plans. In case of conflicting interest, this category seems to be a frequently invoked justification for the chosen line. The intention is mostly to protect or promote the local interests in respect to external users and stakeholders. Therefore, especially Pöyrisjärvi Wilderness Area is declared to be “typically the wilderness area of the local population.” It is contrasted to those wilderness areas which, in turn, are nominated as important from the tourist perspective, such as Käsivarsi. To all appearances, local interest does not have an absolute value, as this example shows. It does not surpass the

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<sup>651</sup> Pöyrisjärven erämaan suunnittelussa osallistava suunnittelu, paikallisten ihmisten ja sidosryhmien kuuleminen, on ollut olennainen osa suunnittelua ja sen sosiaalista kestävyyttä. (Pöyrisjärven erämaa-alueen... 2001, 46)

<sup>652</sup> Laaja, paikallinen hyväksyntä” (wide local acceptance) is the term Metsähallitus regularly accentuates when presenting the Wilderness Area Management Plans. E.g. Erämaan vyöhykkeistämistä suunnitelmassa esitellyllä tavalla **kannatettiin laajasti** ja se katsottiin hyvin perustelluksi... Paikallisten ihmisten oikeuksien turvaamista... **pidettiin laajasti oikeutettuna** ja suunnitelman nähtiin pääsääntöisesti turvaavan nämä oikeudet. **Yleisesti oltiin sitä mieltä**, että suunnitelmassa varauduttiin hyvin uhkiin... (Käsivarren erämaa-alueen... 2000, 105) (bolding added)

interests of recreational use of non-locals or commercial nature tourism. Alternately, the category “general local interest” is also used for legitimating refusal of any particular claims of local interest groups, such as reindeer herders, as will be discussed in Section 5.2.2.

Undoubtedly, it is clear that Metsähallitus has taken a decisively positive step in strongly validating the local interest and making it a recognized criterion in decision-making. Different from the earlier centralized decision-making system, it manifests the arrival of a new era of decentralized decision-making in nature management. However, at the same time, certain problems have become more prominent. The category of local interest has a tendency to oversimplify the local perspective and to hide the variety of views and potential dissensions related to use of nature. The following excerpt from Pöyrisjärvi Wilderness Area Management Plan is an illustrative example of the *generalizing tendency*:

*The topmost wish of the local population is to preserve present rights and usage forms. **People** have great fears of losing, piece by piece, their existing hunting, fishing, and off-road traffic rights. The only question, where change is wanted, is off-road traffic on summer terrain. There was **obvious willingness** to limit off-road traffic to certain routes that were agreed upon together with Metsähallitus and local people, in order to cut down degradation of nature. **People** found satisfying the basic principle, according to what the rules of the Wilderness Act would not surpass the other legislation, such as Off-road traffic, Hunting and Fishing Acts.*

***The locals** wished neither more building constructions for recreational use nor increase of external use of nature in the wilderness area. The Wilderness Area in its current shape **fulfills well their needs and interests.***<sup>653</sup>

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<sup>653</sup> Päällimmäisenä toiveena paikallisella väestöllä on nykyisten oikeuksien ja käyttömuotojen säilyttäminen. Ihmisillä on suuria pelkoja siitä, että heidän nykyisiä metsästys-, kalastus- ja maastoliikenneoikeuksiaan aletaan hivuttaa pikku hiljaa pois. Ainoa asia, johon haluttiin muutoksia, oli kesäaikainen maastoliikenne. Se haluttiin rajata tietyille paikkakuntalaisten ja Metsähallituksen yhdessä sopimille urille, jotta maaston kuluminen saataisiin kuriin. Ihmiset pitivät hyvinä erämaalain säädöksiä, jotka eivät mene muiden lakien, mm. maastoliikenne-, metsästys- ja kalastuslakien edelle. Paikkakuntalaiset eivät

As it appears from the extract, local interest is described as distinctly uniform. Use of the passive tense covers effectively the subjects in question. Use of unspecified or inaccurate coalition categories such as “local population,” “locals,” “people [of Enontekiö]” completes the effect. The representatives of local minorities, especially minorities with considerably deviating interests such as reindeer herders, are covered under the guise of a common local interest.

Furthermore, traditional means of livelihood are treated as a unified category consisting of reindeer herding, fishing, hunting and berry picking. These are stated to have both household economic and cultural signification for local people. Furthermore, it is also stated that today only reindeer herding is a fulltime means of livelihood. However, in the argumentation the traditional means of livelihood are usually considered equal, and their different economic or occupational weight and mutually confronting interests are not addressed. Correspondingly, it is, for example, stated that safeguarding the traditional means of livelihood supports the survival of Sámi culture.

### *The democracy of majority*

Strictly speaking, the stipulated hearing duty in land use matters in the District of Northern Lapland concerns only Sámediggi and the involved Reindeer Herding District.<sup>654</sup> The Constitution of Finland, the Constitutional Amendments, the Act of Sámi Parliament, the Reindeer Herding Act, and the Decree of Metsähallitus<sup>655</sup> oblige the management authorities to run negotiations with these agents. In addition, the Basic Rights Enactment in the Constitution,<sup>656</sup> the Conception of Good

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halunneet lisää retkeilyrakenteita eivätkä toivoneet ulkopuolisen käytön lisäämistä erämaa-alueelle. Erämaa-alue nykyisellään täyttää hyvin heidän käyttötarpeensa. (Pöyrisjärven erämaa-alueen 2001, 13) (bolding added)

<sup>654</sup> In Finnish, paliskunta

<sup>655</sup> PL 14.3§, Hm 51a §, Laki Saamelaiskäräjistä 974/1995 §9, Poroahoitolaki 848/1990 § 53, Asetus Metsähallituksesta 1525/1993 §11

<sup>656</sup> Hm 14a §

Governance,<sup>657</sup> and the renewed Land Use Management Act<sup>658</sup> demand civil participation in decision-making concerning nature management. In association with it, Metsähallitus has decided to apply an exceptionally broad definition of participation. Accordingly, “whoever feels concerned about the involved matters is a stakeholder, and free to place forward his/her opinions and claims.”<sup>659</sup> This means that the total number of participants and representation of interests often becomes considerably large. For instance, during the wilderness management planning there may be well over 60 hearing instances in addition to those that are mandated. In this kind of situation, special weight is put on decision-making mechanisms.

The Wilderness Area Management Plans are typically presented in the form of “one-choice-models” without viable alternatives. The final decision-making authority in planning is at Metsähallitus, and the plans are results of the prevalent institutional decision-making model. In practice, the plan proposals are sent on hearing rounds and are discussed in the Municipal Collaborative Group of Nature Management.<sup>660</sup> Also, the wilderness planning officer prepares a summary of the hearing statements, where the major sources of conflicts are identified as well as Metsähallitus’ comments and responses to presented claims.<sup>661</sup> The final plan was drawn by the wilderness planning officers under the supervision of Ministry of Environment and the staff of the Natural Heritage Service unit. It was approved by the Management Team of Metsähallitus<sup>662</sup> and confirmed by the Ministry of Environment. The practice has been elaborated and refined over the time. In the Pöyrisjärvi Wilderness Area Management Plan the EIA/SIA report was enclosed only afterwards, at the request of Ministry of Environment. In the Käsivarsi

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<sup>657</sup> Hallintolaki 434/2003 §3, The White Paper, EC 2001

<sup>658</sup> Maankäyttö- ja rakennuslaki 132/1999

<sup>659</sup> Loikkanen & Simojoki & Wallenius 1997

<sup>660</sup> In Finnish, kuntakohtainen yhteistyöryhmä (earlier called, kuntakohtainen neuvottelukunta)

<sup>661</sup> Loikkanen: Lausunnot Käsivarren erämaa-alueen hoito- ja käyttösuunnitelmaan 2000

<sup>662</sup> In Finnish, johtoryhmä

Wilderness Area Management Plan the EIA/SIA report was drawn in the course of the planning process.

On the whole, the hearing statements are declared to have a certain impact on the final plan. The plans do not, however, contain any detailed analysis or explanation concerning how. In both Wilderness Area Management Plans, it is reported identically that:

*During various stages of the planning project, divergent 'wishes' were put for. Some of them were accepted, while others were rejected. The rejected proposals are nowhere to be seen. However, they have influenced the planning work.*<sup>663</sup>

It appears from the summary of the hearing statements that some of the statements have, in fact, imposed severe criticism on the plan. For example, the Association of the Reindeer Herding Districts questions the principled right of Metsähallitus to grant usage rights of wilderness cabins to nature tourism industry. Accordingly, in this respect the plan is *not consistent* with the purpose of Wilderness Act. Similarly, in their statement the Arctic Center refers to the same point complaining that the plan is *against* the Wilderness Act.<sup>664</sup> There are other severe criticisms as well, which do not seem to have had a great effect on the plan. In this light, the management plan may not, in all respects, be as widely accepted as it is claimed to be by the management authorities.

In the decision-making situation where there are multiple interests between the stakeholders, the principle of *the democracy of the majority* is reported to be applied. It is assumed that impartiality of decision-making is accomplished this way. The following two extracts describe the reasoning:

*Zoning the wilderness area, in the manner that is presented in the [management] plan, was **supported widely** and regarded as well justified. Safeguarding the rights of local people... was **widely supported** and **considered to be***

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<sup>663</sup> Käsivarren erämaa-alueen... 2000, 82; Pöyrisjärven erämaa-alueen... 2001, 46

<sup>664</sup> Loikkanen 2000, 4 and 37

*justified and the plan were considered predominantly safeguarding these rights. It was generally agreed that the plan was well equipped against potential threats.*<sup>665</sup>

*The starting point of wilderness planning is that The Pöyrisjärvi Wilderness Area is typically **the wilderness of local people**. For centuries the Finnish farmers and Sámi reindeer herders have lived side by side in the area. The interests and needs of Sámi culture will be safeguarded **as a part of the local population and use of nature**. The special needs of Sámi culture that are connected with enhancing Sámi culture at the cost of other environmental impacts are not fulfilled therefore in the plan or they are **adjusted together with the needs of other user groups**.*<sup>666</sup>

At the heart of the matter are *equal rights*. In the justifications of the management strategy, The Freedom of Trade,<sup>667</sup> among other things, is appealed to. On this basis, Metsähallitus declares to “treat all practitioners of traditional means of livelihood equally.”<sup>668</sup> Through the argument of democracy of majority, the authorities apparently seek to establish a sense of commonness or

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<sup>665</sup> Erämaan vyöhykkeistämistä suunnitelmassa esitellyllä tavalla kannatettiin laajasti ja se katsottiin hyvin perustelluksi. Paikallisten ihmisten oikeuksien turvaamista... pidettiin laajasti oikeutettuna ja suunnitelman nähtiin pääsääntöisesti turvaavan nämä oikeudet. Yleisesti oltiin sitä mieltä, että suunnitelmassa varauduttiin hyvin uhkiin. (Käsivarren erämaa-alueen... 2000, 105) (bolding added)

<sup>666</sup> Erämaasuunnittelussa on otettu lähtökohdaksi se, että Pöyrisjärven erämaa-alue on paikallisten ihmisten erämaata. Alueella ovat eläneet suomalaiset talolliset ja saamelaiset poronhoitajat rintarinnan jo vuosisatoja. Saamelaiskulttuurin edut ja tarpeet turvataan osana paikallista yhteisöä ja luonnon käyttöä. Saamelaiskulttuurin erityistarpeita, jotka liittyvät saamelaiskulttuurin edistämiseen muiden erämaan tavoiteltavien ympäristövaikutusten kustannuksella, ei suunnitelmassa ole sen vuoksi toteutettu tai ne on sovitettu yhteen muun käyttäjäkunnan tarpeiden kanssa. (Pöyrisjärven erämaa-alueen... 2001, 55–56) (bolding added)

<sup>667</sup> In Finnish, elinkeinonharjoittamisen vapaus

<sup>668</sup> In the Constitution of Finland (PL 731/199 §18), all Finnish citizens are safeguarded the freedom to engage in commercial activity, which is regulated by the Act of the Freedom of Trade (122/1919) and land use acts... Metsähallitus has therefore the responsibility for considering in the wilderness planning the rights of all local people for practicing reindeer herding and traditional means of livelihood. (Suomen perustuslaissa turvataan kaikille suomalaisille elinkeinonharjoittamisen vapaus, josta säädetään tarkemmin elinkeinolaissa sekä maankäyttölaeissa... Metsähallituksen on näin ollen erämaasuunnittelussa huomioon kaikkien paikallisten ihmisten lakisääteiset oikeudet porotalouden ja muiden luontaiselinkeinojen harjoittamiseen.) Pöyrisjärven erämaa-alueen... 2001, 48

shared interest, and accentuate the conception of “wide local acceptance” behind the plan. At the same time, the major divergences are quieted or ignored. As a result, disputes and conflicts are usually not properly handled during the project. In fact, it is paradoxical that in the management plans, certain conflicted set-ups are repeatedly referred to,<sup>669</sup> but at the end are not dealt with explicitly. However, in Käsivarsi Wilderness Area Management Plan, zoning is presented as a substantial solution to the conflicts between the different user groups.

### *The Sámi rights*

The special status of the Sámi as an indigenous people is formally recognized in the Wilderness Area Management Plans, as in nearly in all of the management documents today.<sup>670</sup> In the argumentation, references to the Constitution of Finland<sup>671</sup> and special legislation concerning the Sámi<sup>672</sup> are made visible.

*Besides being one of the aims of the Wilderness Act, regulations concerning safeguarding the Sámi culture is in several other enactments, among other things in the Constitution of Finland, paragraph 14.3 §, from 1.8.1995. According to this Statute of Basic Rights, Sámi as the indigenous people have the right to maintain and develop their language, culture, and the traditional Lapp means of livelihood included in their culture.*<sup>673</sup>

Sámi Rights are first of all interpreted as the hearing obligation with Sámediggi:

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<sup>669</sup> e.g. Pöyrisjärven erämaa-alueen...2001, 56 and 58; Käsivarren erämaa-alueen...2000, 95 and 99)

<sup>670</sup> See also; Suomalaisten elämässä 2002, Sandström et al. 2000

<sup>671</sup> PL 14.3§, Grunnlov 110a §

<sup>672</sup> Laki Saamelaiskäräjistä 974/1995, HM 14.3§, HM 51a §

<sup>673</sup> Erämaa-alueiden yhtenä tavoitteena mainittua saamelaiskulttuurin turvaamista koskevia säännöksiä on lisäksi muissa säädöksissä, muun muassa 1.8.1995 voimaantulleessa Suomen Hallitusmuodon 14 § 3 momentissa. Tämän perusoikeussäännöksen mukaan saamelaisilla alkuperäiskansana on oikeus ylläpitää ja kehittää omaa kieltään ja kulttuuriaan sekä kulttuuriinsa kuuluvia perinteisiä lappalaiselinkeinoja. (Käsivarren erämaa-alueen... 2000, 10)



*The Act of Sámi Parliament obliges the public authorities and Metsähallitus to negotiate with the Sámi Parliament in each case, when the handled matter is wide-reaching and of particular significance, and may have a direct or some specific impact on the position of Sámi as the indigenous people*<sup>674</sup>

Second, facilitating the practice of traditional means of livelihood is claimed to support the Sámi culture, as such. Thus, simplistic statements are often provided such as, “The Wilderness Act supports reindeer herding.”<sup>675</sup>

*The measures that are presented in the Management Plan concerning safeguarding the traditional means of livelihood support the purpose of safeguarding the specific features of Sámi culture. Among other things, the Management Plan confirms continuation of the traditional land use forms.*<sup>676</sup>

In this matter, the difference in the argumentation between the Finnish and Norwegian management authorities is the most glaring. For the obvious reason that Norway has ratified the ILO convention – unlike Finland – it seems to be a better validated argumentation on the highest administrative level in Norway. Second, as the exclusive Sámi means of livelihood reindeer herding in Norway, is easily articulated on to Indigenous People’s Rights. It is declared to be the state’s responsibility to protect the basic foundation of the Sámi culture and provide facilities for maintaining and developing the culture. This is confirmed in state’s principled documents, such as rules, regulations, propositions, and programs.<sup>677</sup>

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<sup>674</sup> Laki saamelaiskäräjistä velvoittaa viranomaisia ja Metsähallitusta neuvottelemaan Saamelaiskäräjien kanssa aina, kun käsiteltävä asia on laajakantoinen ja merkittävä toimenpide, joka voi välittömästi ja erityisellä tavalla vaikuttaa saamelaisten asemaan alkuperäiskansana. (Pöyrisjärven erämaa-alueen... 2001, 11)

<sup>675</sup> Erämaalaki tukee porotaloutta. (Käsivarren erämaa-alueen... 2000, 15)

<sup>676</sup> Hoito- ja käyttösuunnitelmassa esitetyt luontaiselinkeinojen turvaamiseen liittyvät toimet tukevat saamelaiskulttuurin erityispiirteiden turvaamista. Hoito ja käyttösuunnitelmassa mm. vahvistetaan perinteisten luonnonkäyttömuotojen jatkuminen. (Pöyrisjärven erämaa-alueen... 2001, 56)

<sup>677</sup> By the starting point it is recognized that Norway is a land of two people: Norwegian and Sámi. (St. meld. nr. 55 (2001–2002, Kap. 2.1)

Looking at the argumentation of the operative management sectors, there appears to be some evident divergence. It is obvious that concerning this topic there is some kind of transition period going. For instance, in the plan of action of the Province of Finnmark the formal connection between reindeer herding, Sámi, and the Indigenous Rights is confirmed.<sup>678</sup> Also, the special requirements of reindeer herding concerning land use are recognized.<sup>679</sup> However, following the defined general objectives,<sup>680</sup> “no exclusive treatment on ethnic base is suggested.” As a consequence, the Sámi are regarded mostly from the cultural aspect, more specifically contributing to the cultural variety of Finnmark.<sup>681</sup> At the same time, however, it is recognized in the document that the principled questions concerning land ownership are still open, which prevents major structural changes for the time being.

In the argumentation of Statskog Finnmark,<sup>682</sup> there is a clear emphasis on the particular status that reindeer herding enjoys based on the right established through immemorial usage. In fact, this is one of the few statements in land use management in which this point is clearly validated. Yet, the connection between the immemorial rights and the Sámi Land Rights as Indigenous People’s Rights is not articulated explicitly in the document.

Instead, in practical land use cases the ILO convention is regularly used as a justification. For instance, the complaints of reindeer herders (Board of Reindeer Herding District / Zone or the Area Board) regarding the municipal land use plans or the single initiatives that are handled by the Board of Land Sales often appeal to the ILO-convention for justification.<sup>683</sup> Moreover, the central authorities, such as the Ministry of Agriculture and The Environmental Office of the Provincial Government,

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<sup>678</sup> Finnmark Fylkesplan 2002, 44

<sup>679</sup> Finnmark Fylkesplan 2002, 44

<sup>680</sup> which emphasize equal treatment of all inhabitants regardless of ethnic origin in Finnmark (Finnmark Fylkesplan 2002, 4)

<sup>681</sup> Finnmark Fylkesplan 2002, 35

<sup>682</sup> Statskog Finnmark, Årsrapport 2002, 4

<sup>683</sup> E.g. Innsigelse fra Områdestyret for Vest-Finnmark Alta kommuneplanens arealdel 4.5.2002, Innsigelse till Alta arealplan fra Områdestyret for Vest-Finnmark 31.7.2002, Sak 4. Protokoll for Jordsalgstyrets møte 28. Oktober 2002

typically make reference to the ILO paragraph in their argumentation. Also, Sámediggi formulates the argumentation of the complaints by appealing to this paragraph.<sup>684</sup> However, looking at the justification that the Ministry of Environment applies in settling the cases, argumentation based on the evaluation of the potential practical impacts for reindeer herding seems to be more often applied.<sup>685</sup>

On the whole, it appears that in the nature management documents, there is a formal recognition of the Sámi Rights as Indigenous People's Rights, and of reindeer herding as the material foundation of Sámi culture. However, Sámi Rights are mostly addressed in a way that precludes the question of land ownership or land use rights in the operative practice of nature management authorities. In this sense, the Sámi rights appear to be recognized mostly on the rhetorical level. Furthermore, it appears that Sámi Rights are interpreted predominantly as cultural rights with little reference to the operative level. The legislative norms oblige the authorities on the general level to take Sámi Rights into consideration, but the obligations are mostly not adapted into specific acts, and land use management practices are clearly susceptible to manifold and partly contradictory interpretations.

### ***5.2.2 The role and space of reindeer herding***

The role and space of reindeer herding is defined within the framework of the overall nature management aims and functions that were described earlier. On the whole, one can say that the role and space of reindeer herding is complex and contains some paradoxical features. Furthermore, the role and space varies somewhat, depending on the designated target of the area and the involved management authority. Certain connecting features are discernible, but are not easily generalized. With reference to this, I have chosen to present the findings in the form of three situations that describe and condense the central characteristic of

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<sup>684</sup> e.g. Sámedigge – Innsigelse till hytteområde i Indre Sortevik 23.10.2000

<sup>685</sup> MD, Godkjenning av Kommuneplanens Arealdel 2002–2014 9.4.2002

the role and space of reindeer herding in managing the use of nature. They are conclusive statements based on the earlier analysis of the textual material and focus especially on the practical influence of the pursued nature management policy on reindeer herding.

The situations are as follows: 1) Reindeer herding is a curiosity as a land use form 2) Reindeer herding is tolerated if it does not threaten nature, 3) Reindeer herding is an obstacle for development.

*“Reindeer herding is a curiosity as a land use form”*

In the wilderness area management plans, reindeer herding is, by the principled status, mostly agreed to have an extraordinary role in nature management. This seems to be a typical practice in all the other investigated nature management cases, as well. The basic argumentation concerning reindeer herding by the involved administrative bodies may appear to differ in terms of verbiage, but the underlying issue is the same: reindeer herding appears, in one way or other, as *exceptional or exterior to the regular land use forms and central objectives*. There are various ways of pronouncing the particular status of reindeer herding. The following argumentation principles are used to substantiate it: 1) Particular land use rights based on the Reindeer Herding Act, 2) Significance for Sámi culture (Indigenous People’s Right) 3) Land use rights established by immemorial usage.

Concluding from the analysis, one could say that in the documents for management of wilderness areas, national parks, and outfields/LNF areas reindeer herding is treated as a kind of *curiosity in land use*. Partly this is a natural outcome of the fact that the legal status of reindeer herding deviates from the other land use forms, and somewhat from the other traditional means of livelihood. Founded on the Reindeer Herding Act (within the designated reindeer herding area) reindeer herders are, with certain exceptions, entitled to use both state-owned and private land for grazing. In a juridical sense, reindeer herding is

understood as a kind of servitude of land,<sup>686</sup> regardless of the owner.<sup>687</sup> Compared with it, other traditional means of livelihood such as fishing and hunting are mainly regulated through licenses. In the District of Northern Lapland and Finnmark County, free fishing and hunting are the privileges of the residents of the municipalities (with certain restrictions). Licensing concerns, in this situation, primarily the intensity of recreational fishing and hunting of non-residents and the integration of diverse interests in relation to the sustainable stock. Fishing and hunting management are the joint venture of the local and regional administrative bodies and nature management authorities, as was described in Section 4.1.4.<sup>688</sup>

Second, as was stated above in Section 5.1.2, the special status of reindeer herding is validated as an important material foundation of Sámi culture. For instance, it is stated that:

*Metsähallitus recognizes the Constitutional rights of Sámi to practice culturally specific means of livelihood in Sámi Home Area... Reindeer herding is the central traditional means of livelihood...*<sup>689</sup>

To all appearances, the principled status of reindeer herding is relatively strong. It is validated on the constitutional level and on the level of international conventions of Indigenous People's Rights. Correspondingly, it is also relatively highly validated on the rhetorical level in the nature management documents. The fact that the Land Rights of Indigenous People have been unsettled both in Finland and Norway bears on the role and space of reindeer herding in nature management. As several juridical researchers<sup>690</sup> have pointed out, under current circumstances, the management authorities depart from the prevalent conception,

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<sup>686</sup> In Finnish, *rasite*

<sup>687</sup> See Sections 3.1.2 and 3.2.2

<sup>688</sup> According to the definition, "Metsähallitus, as the land governor (representative of land owner) has certain rights in relation to fishing management." (See *Käsivarren erämaa-alueen...* 2000, 19)

<sup>689</sup> *Metsähallitus tunnustaa saamelaiden perustuslailliset oikeudet kulttuurinsa mukaisten elinkeinojen harjoittamiseen kotiseutualueellaan.* (Sandström et al. 2000, 126)

<sup>690</sup> Strøm Bull 1996, Jona 1993

where reindeer herding is, in the juridical sense conceived of as a relatively “weak right”. The actual content of the right must be evaluated in each occasion separately, and in relation to other land use interests. Because reindeer herding in Finland is not the exclusive right of ethnically Sami people, the question is more complex than in Norway.

Because of the specific juridical status based on the Reindeer Herding Act, reindeer herding in general is beyond the pronounced objectives and authority of Metsähallitus (and Stat-skog alike) as administrative bodies. As it has been discussed several times, the main objectives are economic productivity (in the defined branches of operation), statutory nature conservation, and promotion of recreational use of nature. According to the definition, fishing and hunting form an important part of recreational use of nature, and are thus within the responsibility of Metsähallitus. In comparison with it, reindeer herding remains outside the prioritized objectives and consequent operative measures.

*One of the purposes of the Wilderness Act is to safeguard reindeer herding. [However] neither the Wilderness Act, and therefore nor the Wilderness Area Management Plan contains no directive or restrictive measures for reindeer herding.<sup>691</sup>*

In the wilderness management plans, the management authorities regularly emphasize the authority of the Reindeer Herding Act for regulating the practicalities of reindeer herding. These matters are reported to be the responsibility of the administrative institutions of reindeer herding, and beyond the authority of the nature management.

*Organizing the practicalities of reindeer herding in the Pöyrisjärvi Wilderness Area is based on the Reindeer Herding Act, the duty of Näkkälä Reindeer Herding District. As it is, Metsähallitus does not, and can not control who is allowed to practice reindeer herding in the*

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<sup>691</sup> Erämaalain yhtenä tavoitteena on poronhoidon turvaaminen erämaa-alueilla. Laissa ja siten ei Hoito- ja käyttösuunnitelmassakaan ole poronhoidon ohjaavia tai rajoittavia säädöksiä (Pöyrisjärven erämaa-alueen... 2001, 16)

*area. Following the plan, Metsähallitus will make arrangements concerning the practicalities, e.g. herding cabins only with the Reindeer Herding District, not with individual herders.*<sup>692</sup>

*There are several usage forms affecting the wilderness that are left partly or completely beyond Metsähallitus directions. Each of these usage forms has rules and regulations of their own, and respective administrative authorities. However, since not any usage form is separate or independent from others, Metsähallitus usually is in one way or other involved in the following usage forms: reindeer herding, fire and rescue service, hunting by locals, traffic on waterways, air traffic, mining, etc.*<sup>693</sup>

However, while it is stressed that reindeer herding is an autonomous system as a means of livelihood (comparable to occupation or industry), it is not recognized that it would be a complete system of nature management on its own in the sense of having: a) substantial land use needs (that would demand particular measures) and b) solid or substantial authority on the particular areas that it uses.

At the same time, the wilderness management authorities typically share the interpretation, where reindeer herding is not substantially interfered with, even within the limits of their authority. According to the interpretation of the wilderness area management authorities, the legal status of reindeer herding, in the first place, *binds the management authorities to run negotiations with representatives of reindeer herding*. Second, it

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<sup>692</sup> Porotalouden käytännön järjestelyt Pöyrisjärven erämaa-alueella ovat porotalouslain mukaisesti Näkkälän paliskunnan tehtävä. Metsähallitus ei siten ohjaa eikä voi ohjata sitä, kuka saa harjoittaa porotaloutta alueella. Metsähallitus sopii käytännön asioiden toteuttamisesta, mm. porotaloustukikohtien perustamisesta ja sijoittamisesta suunnitelman esitysten mukaan aina paliskunnan, ei yksittäisten henkilöiden kanssa. (Pöyrisjärven erämaa-alueen... 2001, 48)

<sup>693</sup> Metsähallituksen ohjauksen ulkopuolelle jää osittain tai kokonaan useita erämaahan vaikuttavia käyttömuotoja ja toimintoja. Kullakin niistä on omat säädöksensä ja hallintoviranomaisensa. Koska mikään toiminto ei kuitenkaan ole irrallinen ja riippumaton muista käyttömuodoista, Metsähallitus on yleensä jollain tavalla mukana vaikuttamassa seuraaviinkin toimintoihin Käsivarren erämaa-alueella:

- poronhoito, palo- ja pelastuspalvelu, paikallisten metsästys, vesiliikenne, ilmaliikenne, kaivoslain mukaiset toimet jne. (Käsivarren erämaa-alueen... 2000, 11)

binds the authorities *not to substantially obstruct reindeer herding*. It is not considered to oblige the authorities to actively foster the land use needs of reindeer herding. Some of the proposed measures, such as “prohibiting the construction of public roads, or restoring the existing ones, within the reach of the defined wilderness areas,” “controlling the off-road traffic of non-local through licenses,” “restraining the promotion of nature tourism in a defined region,” or “zoning” are reported to safeguard the conditions of reindeer herding and other traditional means of livelihood. At the same time they are reported to serve the interest of nature conservation and safeguard the wilderness-like nature of the wilderness areas. In question are thus *coinciding targets between reindeer herding and nature conservation*. It would seem that the interests of reindeer herding are safeguarded on the condition that they align with the interests of other stakeholders or interests. Excluding the regulation of the number of predators (that are kept proportionately low in the interest of reindeer herding), it is difficult to find a single management decision that would be based exclusively on safeguarding the interest of reindeer herding.<sup>694</sup>

In the Government’s Proposal for the Wilderness Act, one of the main reasons for establishing the wilderness areas is reported to be safeguarding the interests of reindeer herding. However, in the wilderness management plan of Pöyrisjärvi and Käsivarsi Wilderness Areas, reindeer herding is *articulated on to the stipulated aims of safeguarding the traditional means of livelihood*. The aims and needs of reindeer herding are not pronounced separately, but are included in the category of traditional means of livelihood in general. However, being acknowledged as the primary material foundation of the Sámi culture, it receives a special recognition. This dual role characterizes reindeer herding in the wilderness area management plans. On one hand, its *rhetorical status seems to be distinguished*. On the other hand, in practice, it is treated *equally with other traditional means of livelihood* and subjected to the overall goal of promoting the diversified use of nature.

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<sup>694</sup> In Norway, certain cases of expropriation are examples of it as well.



*[Based on all these facts] Metsähallitus treats all practitioners of traditional means of livelihood equally and does not for example propose any measures for improving reindeer herding in a manner that would impede significantly other traditional means of livelihood.<sup>695</sup>*

Otherwise, the particular needs of reindeer herding appear not to be properly recognized by the wilderness management authorities. For instance, in the EIA/ SIA section of the Pöyrisjärvi Wilderness Area Management Plan, it is reported that reindeer herding and other traditional means of livelihood have mutually conflicting interests and needs. However, the opinions are typically labeled as “beliefs,” “imagination,” or “fears,” not needing detailed handling or any special consideration.

*Reindeer herding and other traditional means of livelihood have mutually conflicting interests and needs. Other traditional means of livelihood like fishing, hunting and picking berries are parts of Sámi means of livelihood, but at the same time also parts of the livelihood and way of life of local Finnish population group. The conflicts arise primarily of land use and of **different opinions** and **beliefs**, and of **threats** connected with off-road traffic, ways of using nature, volume, degradation of nature, and adequacy of natural resources.<sup>696</sup>*

Even the official hearing statements of the Reindeer Herding Districts are interpreted as ‘fears of some Sámi’ or as imagination, not presenting the realist concern of reindeer herders. For example:

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<sup>695</sup> [näistä seikoista johtuen] Metsähallitus kohtelee kaikkia luontaiselinkeinojen harjoittajia tasavertaisesti eikä esimerkiksi esitä porotalouden harjoittamisedellytysten parantamista siten, että se olennaisesti hankaloittaisi muiden luontaiselinkeinojen harjoittamista. (Pöyrisjärven erämaa-alueen... 2001, 48)

<sup>696</sup> Poronhoidolla ja muiden luontaiselinkeinojen harjoittamisella on keskenään ristiriitaisia etuja ja tarpeita. Muut luontaiselinkeinot kuten kalastus, metsästys ja marjastus ovat osa saamelaisten elinkeinokokonaisuutta, mutta myös osa paikallisen suomalaisen väestön toimeentuloa ja elämäntapaa. Ristiriidat syntyvät lähinnä maankäytöstä ja siihen liittyvistä näkemyksistä ja (uskomuksista) sekä maastoliikenteeseen, alueen käytön luonteeseen ja määrään, luonnon kulumiseen ja luonnon resurssien riittävyyteen liittyvistä (uhka)tekijöistä. (Pöyrisjärven erämaa-alueen... 2001, 56)

*The bridges that were initially planned on the off-road traffic routes are, according to some Sámi, instances harmful for reindeer herding. They are afraid that improving the routes will increase volume of off-road traffic in the area, which will lead to degradation of nature. According to the reindeer herders the bridges will impede herding work during thin snow cover, because, according to their fears, herds will not trespass these constructions, and it would lead to a situation where they have to be avoided via forested areas.*<sup>697</sup>

The contrasting cases of nature management in Finnmark show partly similar, partly deviating features, which highlight some new aspects in the role and space of reindeer herding. In general, in investigated nature management documents reindeer herding appears paradoxically either as *an unpronounced self-evidence*, or as *an explicitly accentuated stakeholder*. Alternatively, in some cases it appears as *a negative factor in land use*. It is noteworthy that in all these views reindeer herding typically represents some form a curiosity in relation to the hegemonic management interests.

In the management plan of Stabbursdalen National Park (Finnmark), reindeer herding appears to be treated mainly as *an unpronounced self-evidence*. For example, in the chapter presenting the overall use of nature, (recreational) fishers are stated to form the largest group in number using the area. In correspondence, reindeer herding is passed over with a few words just naming the involved reindeer herding districts. In another chapter, the usage right of reindeer herding (in this case mostly related to use of motorized vehicles on summer terrain) is recognized, although with certain conditions which are supposed to be negotiated with the reindeer herding administration. In other words, reindeer herding appears to be treated mostly beyond the authority of the environmental management authorities, as a kind

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<sup>697</sup> Kesämaastoliikenteen urille suunnitellut pitkospuut ovat joidenkin saamelaistahojen mukaan haitallisia porotaloudelle. HE pelkäävät, että maastoliikenneurien paraneminen lisää maastoliikennettä alueella, mikä johtaa maaston kulumiseen. Alueen poromiesten mukaan pitkospuut vaikeuttavat ohuen lumen aikana poronhoitotöitä, koska he pelkäävät, että tokkia kuljetettaessa porot eivät mene niiden ylitse, tästä seuraisi edelleen, että mainitut kohdat jouduttaisiin kiertämään metsäisten maiden kautta. (Pöyrisjärven erämaa-alueen... 2001, 58)

of unpronounced self-evident fact and, as such, is not widely discussed in the management plan.

*Two Districts within the West-Finnmark Reindeer Herding Area are entitled to practice reindeer herding in Stabbursdalen National Park-. On the northern side of the River Stabbursdalelva: District 16 A and on the southern side; District 16C. The National Park contains spring, summer, and autumn pastures. The grazing time is from 1<sup>st</sup> of April to 15<sup>th</sup> of November.<sup>698</sup>*

Reindeer herding comes up in the management plan first and foremost *regarding its potential damages on nature*. In particular, attention is paid on *off-road traffic on motorized vehicles on summer terrain and building fences*.

*Traffic on motorized vehicles on summer terrain on the northern side by the reindeer herders in connection with building fences, and the fences as such, except in the minimum scale, is in conflict with the conservation orders for the national parks.<sup>699</sup>*

In principle, both of the activities are forbidden in the park. Since 1987, it has been possible to grant the reindeer herders' dispensations in this respect. However, according to the text these rules are not always followed.<sup>700</sup> It is stated in the plan that

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<sup>698</sup> To distrikt innen Øst-Finnmark reinbeiteområde har rett til å drive reindrift i Stabbursdalen nasjonalpark. På norsida av Stabbursdalelva; distrikt 16 A og på sørsida av elva; distrikt 16C. Nasjonalparken er vår-, sommer- og høstområde. Beitetida er fra 1. april til 15. november. (Forvaltningsplan for Stabbursdalen nasjonalpark 1990, 6)

<sup>699</sup> Reindrifas motorferdsel på norsida av nasjonalparken på barmark i forbindelse med gjerdarbeid og gjerdene i seg selv, utover et minimumsnivå, kommer i konflikt med vernebestemmelser i nasjonalparken. (Forvaltningsplan for Stabbursdalen nasjonalpark 1990, 7)

<sup>700</sup> Reindeer herders can, according to the paragraph 2.5 of the conservation orders, erect fences only at the consent of the management authorities. It is not always obeyed by the reindeer herders, and as a result there are some fences inside the national park that are established without the consent of the management authorities...Reindrifutøverne kan ifølge pkt. 2.5 i vernebestemmelsene, kun sette opp reinsperregjerder etter samråd med forvaltningsmyndighetene. Dette blir ikke alltid fulgt opp av reindrif, slik at det i dag står sperregjerder innen nasjonalparken som er satt opp uten samtykke fra nasjonalparkforvaltningen. (Forvaltningsplan for Stabbursdalen nasjonalpark 1990, 7)

“negotiations will be started with the involved reindeer herding districts in order to hear their needs in the matter and inform them about the regulations in the park.” In other respects, reindeer herding seems to be largely beyond the authority of the nature management. For instance, it is not included in the future scenarios.

In contrast, the recent Establishing Plan for the Seiland National Park<sup>701</sup> represents quite the opposite argumentation. In the document, the role of reindeer herding as the land user is *explicitly accentuated*. Like the earlier example in Section 5.2 pointed out, it is explicitly stated that reindeer herding is the most important industry that has land use interests in the proposed national park. As evidence, an environmental impact assessment concerning the impact of the proposed protection measures for reindeer herding was ordered.

The central points of the Environmental Impact Assessment are clearly recognized and taken into consideration in the management document. For example, reindeer herding is provided an opportunity for dispensation from the regular rules concerning traffic on motorized vehicles and eventual building of fences and other constructions. Of all the documents that I have analyzed in this study, this text represents the clearest recognition of the special positive status of reindeer herding as a land user. This may well be an example of a new stage of development regarding the improved status of reindeer herding in land use management processes in Norway. This feature is clearly distinct from the situation in Finland.

Similarly, in management of utmark Finnmark Statskog strongly emphasizes the status of reindeer herding. As was stated at the beginning of Section 5.2, the documents of Statskog Finnmark mark a clear difference in this aspect by explicitly validating the land use right of reindeer herding established through immemorial usage and the consequent parallel authority in land use questions.<sup>702</sup> However, as stated earlier, its actual

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<sup>701</sup> The management plan will be designed after the establishing document is approved.

<sup>702</sup> An example which shows that Statskog has a limited authority compared to a regular land owners authority... is reindeer herding. Based on the Reindeer

bearing on operative nature management is not discussed openly. It is not possible to detect, therefore, which practical measures are can be inferred.

The strict nature conservationists express often a relatively negative attitude to reindeer herding. In strict nature reserves, reindeer herding is usually prohibited altogether along with other human-controlled activities that have a harmful impact on vegetation. Except for the strict nature reserves, however, nature management argumentation seldom contains such a stern attitude toward reindeer herding. Nevertheless, the same ecological perspective has also spurred some critical opinions toward reindeer herding in some nature management documents, as is described under next heading.

A critical attitude on reindeer herding is also shown in the 2002–2005 Management Plan for the Province of Finnmark.<sup>703</sup> According to this document, the main theme concerning the general preconditions for economic activity in the province is declared to be “renewing the governance bodies concerning reindeer herding and fishing industry.” The existing supervisory system, in which the Ministry of Agriculture is reported to be responsible for administering reindeer herding, is strongly criticized in the plan, claiming it failed due to a severe degradation of pastures has taken place in Finnmark. This degradation is stated to be the result of the Ministry’s failure to control the total number of reindeer.<sup>704</sup> The difference in this

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Herding Act and the immemorial usage rights the reindeer herders’ possess powerful rights on state owned land. The Act and the immemorial rights grant rights, which Statskog has very little influence on./ Et eksempel som beskriver at Statskog har mindre råderett enn en ordinær grunneierens råderett... er reindrifta. Reindriftsutøverne har med bakgrunn i reindriftsloven og sedvaneretten sterke rettigheter på statsgrunn. Lov og sedvanerett gir rettigheter som Statskog i liten grad kan overprøve. (Statskog Finnmark, Årsrapport 2002, 4)

<sup>703</sup> Fylkesplan for Finnmark 2002–2005

<sup>704</sup> The ministry of Agriculture has the responsibility both for the occupational and resource aspects of reindeer herding. This has not functioned properly because there is an excessive amount of reindeer in relation to the pastoral foundation in parts of Finnmarksvidda. While necessary measures are required for reducing the total stock, the results have not been sufficient. The consequence is among other things low quality pastures, low slaughter weight, and poor return in parts of the industry. /Landsbruksdepartementet har ansvaret for både den næringsmessige og resurssmessige siden av reindriften. Dette har ikke fungert på grunn av altfor mange reinsdyr i forhold till beitegrunnlaget på

document, however, is that blame is put on insufficient control methods and not on reindeer herding, as such. The fact that the chief administrative body in reindeer herding management, i.e. the Area Board of Reindeer Herding, is left beyond the regular land use management systems and should be more tightly integrated through some kind of common management bodies is also mentioned as a defect in the plan.<sup>705</sup>

Being a curiosity has other implications that are not necessarily negative. For instance, reindeer herding is an important *image* for tourism, nature tourism in particular. In this case in question is mostly *the exotic cultural value of Sámi reindeer herding*. Exoticism is a way of showing respect to a phenomenon or feature and recognizing its value. At the same time, it reinforces the curiosity of the particular phenomenon. In general, this has fostered a positive attitude toward reindeer herding. However, by emphasizing the cultural aspect, the material prerequisites are often neglected. On the whole, the exotic value of Sámi reindeer herding is relatively less noted or exploited in the investigated nature management documents. Finnmark Fylkesplan makes the most explicit reference to it.<sup>706</sup> Otherwise, the photograph material of Metsähallitus and Statskog alike, which is otherwise abundant, shows predominantly pictures of fishing and hunting, not reindeer herding.

*“Reindeer herding is tolerated if it does not threaten the nature”*

The role and space of reindeer herding in nature management can also be characterized as *a tolerated land use form*. Current nature management is founded on the conception that the special needs of reindeer herding related to land can be submitted to other land use forms and to general overall needs. In other words, it is taken

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deler av Finnmarksvidda. Når så tiltak for å få ned bestanden har vært påkrevd, har ikke reduksjonen vært stor nok. Resultatet er bl.a. dårlige beiter, lav slaktevekt og dårlig økonomi i deler av næringen. (Fylkesplan for Finnmark... 2002, 15)

<sup>705</sup> Fylkesplan for Finnmark... 2002, 15

<sup>706</sup> Fylkesplan for Finnmark... 2002, 35

for granted that reindeer herding can and should be practiced within existing circumstances, and that *reindeer herding will have to adjust to other land uses*. Furthermore, it is also expected that reindeer herding must adjust also to promoted new activities and growth in the volume of existing usage forms.

In association with this, reindeer herding is, in general, approached as a kind of *unavoidable land use form*, the needs and privileges of which are primarily guaranteed as a side product of other measures designed for alternative or overall land use forms. The declared starting point, according to the documents, is that the measures for the interests of reindeer herding should not impose major restrictions on other land use forms or on other *local* land use forms. In Norway, it is the explicitly pronounced policy that reindeer herding is expected to adjust into other land use forms.<sup>707</sup> A similar strategy is discernable in the operative management documents in Finland. For instance, the following statements are presented in the wilderness management plans:

*The needs of reindeer herding are taken into consideration largely based on the permeable principle. Reindeer herding is not fostered in a manner that would bring significant restrictions on other locally accepted, settled, legal usage forms.*<sup>708</sup>

*[Therefore] in wilderness planning, Metsähallitus is obliged to consider the rights of all local people for reindeer herding and other traditional means of livelihood. Metsähallitus cannot thus impose any restrictions on land use on ethnical basis. Because of these matters Metsähallitus treats all the practitioners of the traditional means of livelihood equally, and as an example does not*

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<sup>707</sup> At the same time, it is important that the occupation has respect to the point of fact that other social interests form a part of the fringe conditions of reindeer herding and premises of development.”/ “Samtidigt er det viktig at næringen har forståelse for at øvrige samfunnsintresser også utgjør en del av rammebetingelsene for reindriften og premisser for utviklingen. [St. meld. nr. 33 (2001–2002) Kap. 14.2.3], See also Paine 1994, 159

<sup>708</sup> Porotalouden näkökulma on suunnitelmassa otettu huomioon pitkälti läpäisyperiaatteella. Porotalouden edellytyksiä ei kuitenkaan suunnitelmassa pyritä parantamaan siten, että nämä parannukset toisivat merkittäviä rajoituksia muille erämaan paikallisesti hyväksytyille, vakiintuneille ja lakisääteisille käyttömuodoille. (Pöyrisjärven erämaa-alueen... 2001, 49)

*propose measures for improving the circumstances for reindeer herding, in a way that would significantly undermine the position of other traditional means of livelihood.*<sup>709</sup>

Reading the document text, it is clear that reindeer herding is not unconditionally tolerated, however. In line with the ecological discourse, sustainability of pastures is nominated as “*the key management concern for the part of reindeer herding.*”<sup>710</sup> The accurate stance on the issue seems to vary between the different authorities and different documents or document parts. There are certain high tones, claiming that “reindeer herding is in the prevalent situation unsustainable, and poses a considerable threat to the state of nature.”<sup>711</sup> Other statements are more unassertive. In the investigated Wilderness Area Management Plans and the Natural Resource Management Plan, the concern for the quality of the pastures and for the regeneration of the plant cover is, however, systematically expressed.

*The wilderness areas are meant for reindeer pasture, but the Wilderness Act directs use of pastures only on the targeted level. ‘Safeguarding the traditional means of livelihood’ means also that the quality of the pastures should be kept good in a long perspective. In question is the principle of sustainable use.*<sup>712</sup>

*Reindeer has developed in the course of time from wild deer, therefore reindeer herding can be considered as a*

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<sup>709</sup> ...Metsähallituksen on näin ollen erämaasuunnittelussa otettava huomioon kaikkien paikallisten ihmisten lakisäätteiset oikeudet porotalouden ja luontaiselinkeinojen harjoittamiseen. Metsähallitus ei siten voi rajoittaa alueiden käyttöä etnisin perustein. Näistä seikoista johtuen Metsähallitus kohtelee kaikkia luontaiselinkeinojen harjoittajia tasavertaisesti eikä esimerkiksi esitä porotalouden harjoittamisedellytysten parantamista siten, että se olennaisesti hankaloittaisi muiden luontaiselinkeinojen harjoittamista. (Pöyrisjärven erämaa-alueen... 2001, 48)

<sup>710</sup> Pöyrisjärven erämaasuunnitelma... 2001, 17; Käsivarren erämaasuunnitelma... 2000, 67; Sandström & al. 2000, 76

<sup>711</sup> Finnmarks Fylkesplan 2002, 16

<sup>712</sup> Erämaat on tarkoitettu porolaitumiksi, mutta erämaalaki säätelee laidunten käytöstä vain tavoitteellisella tasolla. ’Luontaiselinkeinojen turvaamisella’ tarkoitetaan myös, että laidunten kunto tulee säilyttää hyvänä pitkällä tähtäimellä. Kyseessä on kestävä käytön periaate. (Käsivarren erämaa-alueen... 2000, 15)



*natural form of using wilderness areas as long as the total number of reindeer does not exceed the production of nutrition.*<sup>713</sup>

The responsibility for curbing or improving the situation (i.e., balancing the animal/pasture ratio) is shifted on to the official reindeer herding management institutions. The mechanism of cause and effect and the corresponding responsibility are therefore reported to be wholly dependent on the internal arrangements within reindeer herding. The potential impact of other land use forms on the condition of pastures is usually just ignored. Instead, in the Käsivarsi Wilderness Area Management Plan, it is denied in exceptionally explicit terms:

*The condition of pastures depends first of all on the internal arrangements of reindeer herding: total number of reindeer, pastoral rotation, and herding effort. The impact of other land use forms on pastures is very marginal.*<sup>714</sup>

As it appears, the sustainability of pastures is evaluated predominantly from the biological aspect. It means that the focus is on the vegetation cover, and the results of the biological pasture inventories. Correspondingly, sustainability of reindeer herding is prescribed as “the relationship of the number of animals in relation to the pastures.” The major management challenge in regard to reindeer herding is, correspondingly, the adjustment of the number of animals to the condition of the pastures within the reindeer herding district. This is considered to be the internal responsibility of reindeer herding management authorities. If not managed properly, grazing is considered to form a potential threat to the ecosystem and habitats of other species.

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<sup>713</sup> Poro on kehittynyt aikojen saatossa tunturipeurasta, joten poronhoitoa voidaan pitää luonnonmukaisena erämaiden käyttömuotona, niin kauan kuin porojen lukumäärä ei ylitä ravinnon tuotantoa. (Pöyrisjärven erämaa-alueen... 2001, 51)

<sup>714</sup> Laidunten kunto riippuu ensisijaisesti porotalouden sisäisistä järjestelyistä: poromäärästä, laidunkierrosta ja käytännön laidunnustyön toteuttamisesta. Muiden maankäyttömuotojen osuus laidunten kuntoon on hyvin marginaalista. (Käsivarren erämaa-alueen... 2000, 89)

*Reindeer grazing affects the nature in Northern Lapland causing fluctuation and changes of the volume and occurrence of nutritive species, and in most intensive occasions can have wider influence on the ecosystem, too.*<sup>715</sup>

Reference to natural scientific research is made regularly in this connection. Furthermore, the need for additional *natural scientific research* and continuous *monitoring* is stressed. For example:

*Among others Ilpo Kojola and Timo Helle have investigated the environmental impact of reindeer herding. Whether the current number of reindeer is appropriate in relation to the pastures in the area remains to be investigated more in detail.*<sup>716</sup>

Yet, the question of the prevalent condition of pastures in the wide, overall reindeer herding area and of the impact of reindeer herding on nature is disputed. In the natural scientific research there are differing opinions, depending on the theoretical approach and orientation of the researcher or research group, as was presented in Section 4.4.<sup>717</sup> Regardless, the concept of reindeer herding as a threat to the tundra eco-system seems to be, in public opinion, a strongly rooted argument.<sup>718</sup> In this study, it is obvious that the popularized interpretation of the scientific research results seems to significantly influence the speech and argumentation of the management authorities, and becomes apparent in the form of indirect or covert statements. It appears to be some kind of epistemic self evidence with which the argumentation strives to comply. In spite of the fact that, reindeer herding is, in general, very little discussed on the operational

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<sup>715</sup> Porojen laiduntaminen vaikuttaa Ylä-Lapin luontoon vaihteluina ja muutoksina ravintokasvien esiintymismäärissä ja – tavoissa saattaen voimakkaimmillaan heijastua laajemminkin ekosysteemiin. (Sandström & al. 2000, 75)

<sup>716</sup> Porotalouden ympäristövaikutuksia ovat tutkineet mm. Ilpo Kojola ja Timo Helle. Se onko poromäärä sopiva talvilaidunten osalta alueella, vaatii vielä tutkimusta. Myös kesäaikaisen laidunnuksen merkitys tunturikoivun puurajan läheisyydessä vaatii tutkimusta koivun luontaisen uudistumisen vaikuttavien seikkojen selvittämiseksi. (Pöyrisjärven erämaa-alueen... 2001, 33)

<sup>717</sup> See e.g. Ihse & Allard 1995, Kosmo 1991, Kumpula et al. 1996, Kumpula et al. 1997, Käyhö & Pellikka 1993, Moen & Danell 2003, etc.

<sup>718</sup> The etiology of it ought to be studied separately.

level, this topic has achieved a lot of attention. As a result, its significance is accentuated. In this way, it puts a clear label on reindeer herding and at the same time confirms the already strong public opinion that reindeer herding poses a threat to nature.

Apart from the fact that, on the whole, there is an obvious similarity between the argumentation of nature management authorities in Finnmark and Northern Lapland, there are a few distinguishing features, as well. The state of Norway has more far-reaching national aspirations concerning the integration of the interests of reindeer herding in land use policy. For example, it is announced in the Report to the Storting [St.meld.nr. 33 (2001–2002)] that “The Right of Reindeer Herding is an independent right, the juridical foundation of which is in immemorial usage. The question concerns a right, not only a tolerated use.”<sup>719</sup> Furthermore, in the proposal for the new Land Use and Building Act<sup>720</sup> the aim is to integrate reindeer herding more tightly into land use planning and management. For instance, it is intended that the District Plans of the Reindeer Herding Districts (which became compulsory in 1996) will function as the main tools in adjusting the interests of reindeer herding with other land use forms.

### *“Reindeer herding is an obstacle to development”*

Referring to what was stated previously, promoting societal development is conceived of as one of the founding tasks by Metsähallitus, Stastskog, the Provincial Government and the Municipal Planning Bodies. Diversification of the use of nature and the involved building initiatives are usually conceived of as a means to enhance development. When it comes to expansion of built-up areas or increase of usage rate, certain confrontations between the existing land use forms and the proposed ones are often unavoidable. Being a spatially extensive means of liveli-

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<sup>719</sup> Reindrifträtten er en selvstendig rett hvor rettsgrunnlag er alders tid bruk. Det er tale om en rett, ikke bare om tålt bruk. [St.meld.nr.33 (2001–2002) Kap. 14.2.3]

<sup>720</sup> NOU 2003:14

hood, reindeer herding is especially susceptible to such confrontations. Obviously, this situation bears on the role of reindeer herding in environmental management.

The dual role of reindeer herding is repeated in connection with this matter. For instance, in the Principled Plan of Action of Alta Municipality,<sup>721</sup> which carries the most development oriented argumentation of all the investigated documents, reindeer herding is recognized on the rhetorical level. The great importance of reindeer herding among the industries of the municipality is recognized.

*Reindeer herding is an important Sámi means of livelihood in Finnmark. Approximately 40% of the reindeer herding units of [the Area of] Western-Finnmark belongs to the municipality via the summer pasture districts (30 000 reindeer). Considering it, Alta is one of the most intensively exploited municipalities by reindeer herding. **The role of the host, together with the close vicinity to the Sápmi is the strategic points of departure for further collaboration and industrial development.***<sup>722</sup>

In the argumentation, the strategic potentials of reindeer herding and Sámi for the societal development of the municipality are typically accentuated. However, in the list of detailed objectives and targets only one target (of total 78) addresses reindeer herding directly.<sup>723</sup> Correspondingly, the target of “producing added value” is emphasized in regard to fishing, use of other sea resources, agriculture, stone minerals (slate), and tourism but reindeer herding is omitted from the list. Moreover, “Development of Alta as the Gateway to Sápmi”<sup>724</sup> is included in the list of

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<sup>721</sup> Alta vil 2004

<sup>722</sup> Reindriften er en viktig samisk næring i Finnmark. Ca 40% av driftsenheterne i Vest-Finnmark sokner til kommunen gjennom 9 sommerbeitedistrikt (30 000 rein). Alta er med dette et av de landets mest intensivt utnyttende kommuner i reindriftssammenheng. Denne vertsrollen, samt naboskapet til Sápmi er et strategisk utgangspunkt for videre samarbeid og næringsutvikling. (Alta vil 2004, 14)

<sup>723</sup> To protect the most productive land of agriculture and forestry, and to contribute to safeguarding the spatial foundation of reindeer herding / Bevare de mest productive jord- og skogbruksarealene, samt bidra til å sikre reindriftens arealgrunnlag i kommunen. (Alta vil 2004, 30)

<sup>724</sup> Sápmi means the Land of Sámi

detailed targets. However, the content of this objective is not specified more clearly. Similarly, following the Land Use and Building Act,<sup>725</sup> the special requirements for land use in reindeer herding are recognized in the Municipal Land Use Plan.<sup>726</sup> Apparently, the requirements of reindeer herding are not, however, met sufficiently in the plan. Looking at the planning procedure for the Alta Land Use Management Plan, total 21 appeals were placed.<sup>727</sup> While the other appeals were mediated and solved, five appeals were taken to the Ministry of Environment, who resolves the final disputes.<sup>728</sup> All of these came from the Area Board of Western Finnmark. As a result of the numerous appeals that are placed by the reindeer herders on other land use management plans and especially on the involved dispensations, reindeer herders commit themselves to opposing the generally accepted lines of land use policy. In consequence, reindeer herders repeatedly take on the role of opponent to initiatives for building and new land use forms. And, because such initiatives are usually connected with the concept of “development,” reindeer herders are stereotyped as “*opponents to development.*” In other words, reindeer herders easily obtain negative subject positions in land use management negotiations.

Apparently, there are many reasons for the situation, some of which are connected with the character of the planning procedures while others are related to the communication culture of the reindeer herders. Lie and Nygaard (2000) have studied the role of reindeer herding in municipal land use management planning processes in Norway in detail. According to them, the situation

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<sup>725</sup> LOV 1985-06-14-77

<sup>726</sup> The LNF-areas involve regions for agriculture (including farming, forestry, reindeer herding, traditional means of livelihood, fishing, fur animal husbandry and other ... means of livelihood) and regions of nature and outdoor recreational interest. The relationship between the different objectives is regulated by the specific acts (Land Sales Act, Act of Forestry, Reindeer Herding Act, Legislation for nature and outdoor recreation).”/ I LNF-områder inngår områder for landbruk (herunder jordbruk, skogbruk, reindrift, utmarksnæring, fiske som ledd i stedbunden næring, pelsdyrhold og annen primær næring) samt områder med natur- og friluftsinntresser. Forholdet mellom de ulike formål styres av særlovgivning (jordlov, skogloven, reindriftslov, natur- og friluftsløvgivningen). (Alta Kommuneplanens Arealdel 2001, 22)

<sup>727</sup> Alta Kommuneplanens Arealdel 2001, 10–12

<sup>728</sup> In Norwegian, Miljøverndepartementet (MD)

varies quite a lot between different municipalities, depending on how well the planning administration is organized and the land use management plans are updated. Also, the interaction between reindeer herding and the planning authorities varies. The major problem for reindeer herding, according to them, is caused by the numerous dispensations from the land use management plans. In some municipalities, reindeer herding is contacted only at the final hearing stage, when only two options are left: to accept or reject. In such a situation it is an obvious risk that the position of reindeer herders gets aggravated. The statement of the Head of the Reindeer Herding Management confirms the main outline of this view.<sup>729</sup>

It appears that, partly because of the character of the administrative procedures, the remaining relevant channel for influencing land use management for the reindeer herders is via complaints or appeals – that is, if they are not integrated into planning processes at an earlier stage. The situation is similar if they do not have a realistic option to influence the premises of the planning, or if their views are not considered properly in the plans. In other words, appeals are seen as a normal part of the planning procedure itself. On the other hand, compared to the other stakeholders, reindeer herding has some extraordinary legislative grounds for appealing at the final stage. Being acknowledged as the foundation of the Sámi culture, the representatives of reindeer herding can appeal to the Indigenous People's Rights. In addition, the nature management authorities are obliged to run bilateral negotiations with Sámediggi. This applies to the final stage of the negotiation process. For instance, in Finland the High Administrative Court qualified the claim of Sámediggi on the grounds of not being properly heard in the Pöyrisjärvi Wilderness Area Planning project.

Another point is that in some cases, the reindeer herding districts are themselves reluctant to take an active part in the negotiations despite the opportunity offered by administrators. There are various reasons behind this choice. Lie and Nygaard mention that, among other things, in some reindeer herding

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<sup>729</sup> Reindrifssjefens forslag til høringsuttalelse til NOU 2003:14

districts the number of matters that go to hearing (thus requiring documentation) is extremely high, causing a tremendous amount of extra work for the district administration. The responsible regional reindeer herding administration authorities may not, in turn, have competent material or knowledge in the matter.<sup>730</sup> Furthermore, there are obviously also some other reasons related to inexperience and incapacity to participate the public planning processes, and reluctance to admit the authority of the administrative personnel or other stakeholders, which, however, are not investigated more closely. Not participating actively the planning processes may also be regarded as a strategic choice by the reindeer herders in a situation in which they are not accustomed to negotiating with external authorities over land use issues. I will approach this issue more in detail in Section 5.3.3 and try to illuminate better the reindeer herders' point of view.

### **5.3 The reindeer herders' argumentations**

Finally, I will analyze the argumentation of the representatives of reindeer herders in the Wilderness Area Planning Project in contrast with the other case of nature management. From the outset, it is not altogether self-evident who is a qualified representative of reindeer herders. Several actors are involved in formulating the argumentation. Furthermore, the practices of different nature management organizations and administrative bodies deviate partly. In question is clearly a novel custom, where the authority relations between different agents still vacillate. Moreover, it is also evident that the argumentation practice of reindeer herders is undergoing great changes, and in the course of the process is gradually taking shape.

In the Wilderness Area Planning Project, the Reindeer Herding Districts are the authorized participants in the actual management negotiations. In the negotiations, the reindeer herders' argumentation is usually presented by the head of the involved reindeer herding district<sup>731</sup> or the board of the reindeer

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<sup>730</sup> Lie and Nygaard 2000, 111

<sup>731</sup> In Finnish, poroisäntä / in Sámi, boazoisit

herding district.<sup>732</sup> The involved (reindeer herding) *siidas*<sup>733</sup> are occasionally consulted, but at the final stage they seldom perform as authorized negotiation partners. Individual reindeer herders may present their opinions in the public participatory planning meetings or hearing procedure, but in the last stage the statement of the reindeer herding district is submitted.

The negotiation status of Sámediggi has gone through evident changes during the ongoing wilderness area planning process. In the course of it, an interpretation was sought concerning the practical implication of the stipulated obligation to participate in negotiation as well as a mutually satisfying form for such negotiations. Besides participating in public planning meetings, bilateral working meetings are also run between Metsähallitus and Sámediggi authorities, and Sámediggi gives the official hearing statement to the final plan proposal. Moreover, Sámediggi nominates two delegates in the Municipal Collaborative Group for Nature Management.<sup>734</sup> In addition, the Ministry of Environment negotiates with Sámediggi prior to approving the management plan.

In addition to these and prior to the establishment of Sámediggi, several Sámi Associations have actively fostered the interest of Sámi reindeer herders. They still function as the representatives of Sámi reindeer herding in the management negotiations. Johti Sápmelazzat<sup>735</sup> (Association of the Migrating Sámi) in Enontekiö especially, since the 1960s, has advocated the particular interest of the migrating reindeer herding Sámi in the changing society. Johti Sáplelazzat also participates in the current nature management negotiations as a stakeholder. Besides, Johti Sápmelazzat has representatives both in the municipal governments and in Sámediggi, and contributes to the formulation of their statements concerning reindeer herding.

The situation in Finnmark deviates in some significant ways from that in Northern Lapland. Besides the reindeer herding

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<sup>732</sup> In Finnish, *paliskunnan hallitus* / in Sámi, *bálggosa stivra*

<sup>733</sup> traditional reindeer herding units; in Finnish, *tokkakunta*

<sup>734</sup> In Finnish, *kuntakohtainen yhteistyöryhmä*

<sup>735</sup> In Norwegian, *Flyttsamelag*,



district or zone,<sup>736</sup> the Area Board of Reindeer Herding Management<sup>737</sup> is the central agent in the management of negotiations. Furthermore, the district board of the involved district is heard in concrete cases. The Provincial Government office functions as mediator in conflict situations between municipal planning authorities and the regional boards. Due to the bureaucratic nature of reindeer herding management and land use management, a considerable proportion of authority is accumulated in the hands of single civil servants, e.g., the reindeer agronomists in the regional management offices and the civil servants in the governor's office.

As stated previously (Section 3.3), Norgga Boazosápmelaš Riikkasearvi/NBR<sup>738</sup> (The Association of Norwegian Reindeer Herding Sámi) has since 1947 advanced the position and interest of the reindeer herding Sámi population. Today, NBR is the foremost negotiating party in the incomes negotiations between the government and reindeer herding, and carries the responsibility for formulating reindeer herding policy. At the same time, the organization is actively overseeing the land use interests of reindeer herding.<sup>739</sup> In 2004, an agreement was signed between Statskog and NBR concerning bilateral negotiations in matters that concern reindeer herding. In addition, Sámediggi gives statements to the proposed plans and land use management measures. However, the statements of Sámediggi are primarily given from the position of their restricted authority in watching Sámi cultural heritage. Therefore, in subsequent statements it looks after the position of Sámi and reindeer herding from this particular aspect in land use planning and management.

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<sup>736</sup> In Norwegian, Distriktstyre / in Sámi, orohatstivra; in Norwegian, distrikts foreman / in Sàmi, orohat hoavda; or in Norwegian zonestyre/in Sámi, avádat stivra

<sup>737</sup> In Norwegian, områdestyre/in Sámi, guovllustivra. Provincial Government and Sámediggi appoint the members of the Regional Board.

<sup>738</sup> In Norwegian Norske Reindriftssamernes Landsforening/NRL

<sup>739</sup> As an example Jorsalgssjef (The Director of Statskog's Land Sale Office in Finnmark) has run bilateral negotiations with NBR concerning how to organize in practice the management of ptarmigan hunting.

There is not a comparable administrative body to NBR in Finland.<sup>740</sup> Paliskuntain yhdistys (The Association of Reindeer Herding Districts) has mostly an advisory role in reindeer herding questions, but does not have an unequivocal position in formulating national reindeer herding policy. It is obvious that, because reindeer herding is not integrated in the national income policy negotiations in Finland, its societal status is institutionally less consolidated. According to the Reindeer Herding Act, the stipulated hearing instance is the affected reindeer herding district. In practice, however, the Association of Reindeer Herding Districts is consulted along with the involved districts even though, in their statements, the Association typically underlines the role of the reindeer herding district. According to the Association, the reindeer herding districts are the competent agents to give final statements. On the other hand, there are certain apparent disputes between the line of the Association and several reindeer herding districts. In particular, Sámi reindeer herders have frequently questioned the authority and expertise of the Association in matters related to Sámi reindeer herding. The actual authority relation between the different actors in reindeer herding is not completely clear in Finland. For instance, in their validation letter for the Pöyrisjärvi Wilderness Area Management Plan, the Ministry of Environment declares that stipulated negotiations have been run with The Association of Reindeer Herding District and Sámediggi.<sup>741</sup> Yet, as is stated above the stipulated negotiation obligation concerns the reindeer herding district.

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<sup>740</sup> In actual fact, a corresponding association, called Suoma Boazosámiid Searvi (The Association of Reindeer Herders in Finland) was established in 2001, but until so far its' participation in the management negotiations has remained marginal. Besides, Suoma Sámiid Guovddassearvi (The Central Association of the Sámi in Finland) promotes the interests of Sámi reindeer herding. Moreover, in Norway Norgga Sáme Riikkasearvi/NSR (Norske Samers Riksforbund, The Association of the Sámi in Norway, established in 1968) advocates the Sámi interest incorporating the interests of the local Sámi Associations

<sup>741</sup> Ympäristöministeriö, Pöyrisjärven erämaa-alueen sekä Pöyrisvuoman ja Saaravuoman-Kuoskisenvuoman hoito- ja käyttösuunnitelman vahvistaminen 22.1.2001 Dnro 15/5714/98

In this study, I will focus primarily on the argumentation of the immediate representatives of reindeer herding in the management negotiations presented by the head or the board of the involved reindeer herding district or the nominated delegates in the advisory boards.<sup>742</sup> Concerning Finnmark, I will also consider the statements by the Area Board of Reindeer Herding Management. The final appeal agent in Finland is Sámediggi, while in Norway; it is the Area Board of Reindeer Herding Management. I will look for similar recurring features in the argumentation of the mentioned parties, and look for dominant argumentation principles. The argumentations of the reindeer herders are presented in response to the management plan proposals or other operative management documents. This has an obvious influence on their character and form; in other words they do not necessarily represent “naturally occurring or free argumentation of reindeer herders,” but answer to the explicit propositions. The statements are usually presented in a fairly condensed form. Characteristically, the texts are focused on certain practical topics, which are considered to be of immediate importance for reindeer herding. Reasoning behind the argumentation is often fairly concise, providing little substantiation of the wider overall perspectives involved. As a consequence, the interpretative resources that are applied as justification to the argument remain partly implicit. In order to fully understand the argumentation, one has to read it against the cultural context that was prescribed in Chapters 3 and 4. Overall, the statements of Sámediggi and the Sámi Associations resonate with the argumentation of the reindeer herders, but at the same time give it a more explicit form and make visible some of the applied interpretative resources. In connection with it, I will also make references to existing research literature.

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<sup>742</sup> In Finland: The Municipal Collaborative Group for Nature Management (In Finnish, Kuntakohtainen neuvottelukunta); In Norway Land Sales Board (in Norwegian, Jordsalgstyre)

### **5.3.1 Encroachments and disturbances**

On the whole, the argumentation of reindeer herders seems to contain many similar themes with the dominant nature management discourse. This fact is often overlooked because the argumentations of the management authorities and reindeer herders take opposite positions regarding certain substantial questions. Moreover, reindeer herders pose often relatively strong criticism against single management decisions or, alternately, question the juridical foundation of planner's authority. However, a closer look reveals that reindeer herders' argumentation contains many similarities to that of the management authorities. In fact, the two argumentations share a common concern for the state of nature. Moreover, both argumentations consist clearly of ecological and economic aspects. Yet, the perspective of the reindeer herders' argumentation diverges in an essential way from the dominant management discourse. Also, in the reindeer herders' argumentation, the ecological and economic discourses are closely interwoven and cannot very well be separated from one another.

Reading the statements of the representatives of reindeer herders, it is obvious that the ecological concerns dominate. In their argumentation, attention is paid first and foremost to the various factors that pose threats to reindeer herding. Looking from this perspective, attention is directed at various kinds of *encroachments* and *external disturbance* affecting both the ground (pastures) and the herding conditions, including the transportation of herds. Reindeer herders regularly bring up these matters as the most important factors influencing the conditions of reindeer herding. Correspondingly, their comments to the planning documents focus primarily on these issues, assessing the management proposals from this perspective. However, on closer analysis, a variety of other, more covert, features appear. In order to illustrate the argumentation of reindeer herders, I will first present some lengthy quotations from their statements, and then take a closer study at the substance of these statements.

At the outset, the statement of the Näkkälä Reindeer Herding District on the Pöyrisjärvi Wilderness Area Management Plan

takes up first the question of *image management*. According to them, the first version of the General Report of the Management Plan<sup>743</sup> contained severe criticism of reindeer herders that was unjustified and defamed their reputation. The argumentation of the statement is built typically on a defense and counter attack. In their statement, the board of the reindeer herding district disproves the allegations that were based on broad generalizations, admits the impact of a deficient rotation system, but reverses the accusations against other land use forms:

*In the general introduction volume [of the wilderness management plan] there is a **tendency to defame reindeer herding** in accordance with the current trend of our time. It contains among other things statements of **overgrazing, illegal hunting of wolverines** by snow-scooters, and **damages to terrain** caused by the reindeer herders using motorized vehicles. However, in the area [in question], there are no signs of overgrazing caused by reindeer. Instead, there are traces caused by **the lack of a functioning system of pasture rotation and by the disturbed rotation due to external activities, encroachments and competing land use forms**. According to our knowledge, no illegal hunting of wolverines has occurred and for the deterioration of land surfaces other users than reindeer herders can be accused of. For the herding purpose, average three ATV's per day are used during the calf marking period and further demand for traffic on motorized vehicles during the summer is minimal.<sup>744</sup>*

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<sup>743</sup> In Finnish, perusselvitysosa

<sup>744</sup> Sen sijaan selvitysosassa pyritään mustamaalaamaan porotaloutta joka tavalla ajan hengen mukaisesti. Selvitysosassa on mainintoja mm. porojen ylilaidunnuksesta, kelkoilla tapahtuvasta ahmojen laittomasta metsästyksestä, poronhoitajien maastoliikenteen aiheuttamasta maaston kulumisesta yms. Kuitenkaan alueelta ei löydy merkkejä porojen ylilaidunnuksesta. Sen sijaan järkevän laidunkierron puuttuminen ja ulkopuolelta kohdistuvien toimintojen ja kilpailevan maankäytön aiheuttama laidunkierron häirintä on jättänyt jälkensä. Tiedossamme ei ole yhtään alueella tapahtunutta laitonta ahman metsästystä ja maastoliikenteen aiheuttamasta maaston kulumisesta voidaan syyttää muita maastoajoneuvojen käyttäjäryhmiä kuin poronhoitajia. Alueella poronhoidolliseen tarpeeseen käytetään keskimäärin kolmea mönkijää päivittäin vasanmerkityksen aikana ja muu kesäaikainen maastoajoneuvojen tarve poronhoidossa on hyvin vähäistä. (Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 11.5.1997) (bolding added)

As the example above shows, the statements of reindeer herders concentrate, in general, on the inconveniences caused by other land use forms. Subsequently, weaknesses of the plan from this perspective are itemized. Particularly watched topics are *the encroachments* and *disturbances*. Concerning these, reindeer herders list specifically 1) stationary constructions such as roads, trails, bridges, cabins, holiday resorts, other outdoor recreational equipment, and eventual power-stations, wind-mills, power lines, military shooting grounds, mines, etc., 2) activities causing considerable long-term changes in the landscape such as forestry, mining, etc., 3) off-road traffic on motorized vehicles such as snow-scooters, ATV's, jeeps, light aircraft, etc., and 4) hunting with dogs and dog-sledding. In addition, excessive numbers of predators could be added in the list in the sense that they function as disturbances to herding. However, this question is largely beyond the authority of the investigated operative nature management authorities.

In this respect, the statements of reindeer herders in Northern Lapland and Finnmark are remarkably consistent. Examples are abundant, and as examples, I present the following complaints of the Area Board of West-Finnmark Reindeer Herding District to Alta Municipality Land Use Management Plan (2002–2014) and the mediating statement of the Provincial Government of Finnmark:

*The area [in question] is used in spring period during the migration and up to calf earmarking time at the end of June. During the autumn period the district moves the herd in the area from the middle of August on, when the animals are delivered to slaughter, and the rest of the herd remains up till October. The experience we had of establishing a minor recreational cabin area at Joatkavannet in 1991 was negative, and the existing built area cannot thus be used as an argument for further building. The value of pastoral land will gradually diminish along with deterioration and disturbance in the areas, and be in contradiction with the conditions reindeer herding had before establishing the service road to the power station building site.<sup>745</sup>*

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<sup>745</sup> Området brukes i vårperioden under flytting, og fram til kalvmerking i slutten av juni måned. I høstperioden flytter distriktet flokken in i området fra

*The area [in question] is an important calving area in spring, and the cabins and human activities will eventually push the herd of female reindeer eastwards on the open fell with marginal nutrition and late snow melt. The cabin area is situated in the site, where the reindeer cross the river Tverelva, because it is one of the few places where there are natural facilities for such crossing.*<sup>746</sup>

*The cabin area of Stilla is situated in a region, where reindeer herding is already heavily under press, and where each new encroachment will deteriorate further the difficult situation for reindeer herding. The cabin area will also involve a new 'punctuation' in the vital pastoral and migrations areas. The Provincial Government of Finnmark suggests therefore that the appeal is approved.*<sup>747</sup>

The evident justification of the arguments is that the stationary constructions break further into pieces the already diminished total range of pastures and disturb existing herding patterns. Since reindeer tend to avoid constructed and noisy ranges, it will lead to deficient use of available pastures and contribute to eventual pressure on the remaining ranges. Moreover, the encroachments and disturbances may affect the migrating, calving, and rutting

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midten av august, hvor reinen blir levert til slaktning ved Joatkavannet i september, og flokken blir til oktober. Erfaringene en har hatt med etablering av et mindre hyttefelt ved Joatkavannet i 1991 er negative, og eksisterende bebyggelse kan ikke brukes som argument for ytterligere utbygging. Verdien av beiteland vil gradvis innskrenkes i takt med slitasje og forstyrrelser i området, og være i strid med de forutsetningene reindriften hadde før etablering av anleggsvegen til kraftstasjonen. (Innsigelse fra Områdestyret i Vest-Finnmark for Alta kommuneplanens arealdel 2002–2014 gällende Hytteområder Joatka) (bolding added)

<sup>746</sup> Området er brukt som kalvingsområde om våren, og hytter og menneskelige aktivitet vil fortrenge simleflokken østover på barfjellet, med marginale vårbeiter og sent snøsmelting. Hytteområde er plassert i et område der reinen krysser Tverelve, fordi det er et av de få stedene der det ligger naturlig til rette for slik kryssing. (Innsigelse fra Områdestyret i Vest-Finnmark for Alta kommuneplanens arealdel 2002–2014 gällende Hytteområder Stilla) (bolding added)

<sup>747</sup> Hyttefeltet i Stilla ligger i et område der reindriften er sterkt presset, og hvor ethvert nytt inngrep vil forsterke en allerede vanskelig situasjon for reindriften. Hyttefeltet vil også innebære en ny "punktering" et viktige beite- og gjennomflyttningsområde. Fylkesmannen i Finnmark tilrår derfor at innsigelse tas i følge. (Fylkesmannen i Finnmark gjeldende Innsigelse fra Områdestyret i Vest-Finnmark for Alta kommuneplanens arealdel 2002–2014 gällende Hytteområder Stilla) (bolding added)

behavior of the reindeer, and result in considerable economic losses for the reindeer herder. The statement of the Näkkälä Reindeer Herding District on the Management Plan of Pöyrisjärvi Wilderness Area contains similar points, but expressed in a more general form. The two management cases are different and, therefore the specified scope of argumentation is different.

*In the reindeer herding district, it has been discovered that cabins will inevitably increase the total amount of off-road traffic leading to damages to reindeer herding and to increasing degradation of nature, and the purpose is only to seize a particular piece of land in the use of the governor.*<sup>748</sup>

There is one obvious difference in the argumentation between Finland and Norway, which concerns language and terminology. In Finnish, there does not seem to be a satisfactory concept for *encroachments* in public use.<sup>749</sup> In Norwegian the term *inngrep*, like the English concept of encroachment, are consolidated in everyday use and become a legitimate way of argumentation. For example, in the Proposal for new Land Use and Building Act is written:

*Various kinds of building innovations, encroachments and disturbances in reindeer pastoral areas have negative impact on reindeer herding.*<sup>750</sup>

In Finnish, the same matter must be substantiated widely. It is a clear example of the fact that the phenomenon has not fully been officially recognized since there is no term for it. Another term similarly missing from everyday speech in Finnish, but existing in those other two languages is ‘the natural foundation,’ as in “the

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<sup>748</sup> Paliskunnassa on todettu, että kämpät lisäävät väistämättä maasto-liikennettä poronhoidon vahingoksi ja luonnon lisääntyväksi kulumiseksi ja niiden tarkoituksena on ainoastaan vallata tietty alue haltijansa käyttöön. (Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 1997)

<sup>749</sup> Strictly speaking the corresponding term *kajoaminen* exists, but is mainly used in juridical meaning e.g. “get involved”.

<sup>750</sup> Forskjellige typer av utbygging, inngrep og forstyrrelse i reinbeite-områdene virker negativt inn på reindriften.“ NOU 2003:14, Kap. 7.3.1



natural foundation of reindeer herding.”<sup>751</sup> Instead, in Norwegian, there is a corresponding term *naturgrunnlag*, and in Sámi *luondduvuoddu*. The term refers to the overall qualities which form the prerequisites of reindeer herding. The built-in understanding is that reindeer herding presupposes and is vitally dependent on certain basic pastoral qualities. In essence, it includes both physiological qualities and social qualities, such as number of other users.

### *“Not enough protection”*

The major encroachments and disturbances usually occur in areas where intensive exploitation of natural resources is practiced, i.e., unprotected areas. In principle, the definition of the Wilderness Act primarily protects the designated wilderness areas from major economic exploitation and building initiatives. However, according to reindeer herders’ statements, it is obvious that similar kinds of confrontations still arise, but in a more focused sense. From the point of view of reindeer herders, the protected measures do not seem to be sufficient. Especially, the question concerning off-road traffic on motorized vehicles is a major source of concern. It is claimed to be particularly harmful in springtime, which is, in many respects, considered to be the critical period for reindeer and for the herding practice. According to the herders, the noise of snow-scooters scares the reindeer and contributes to potential miscarriages, deficient use of pastures, malnutrition, restlessness of the herd, and to an additional workload for the herders. Also, the resulting snow-scooter tracks attract the reindeer and cause them to roam around, which results in the dispersion of herds. The use of recreational cabins in the wilderness-like surroundings tends to automatically increase the volume of traffic and disturbance in the nature. Another concern is increased use of motorized vehicles on summer terrain, which threatens to damage the ground. Furthermore, use of dogs in hunting or as sledge dogs in recreational use of nature is also

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<sup>751</sup> The term *luontoperusta* is mentioned in the Wilderness Committee Report 1988:39, but clearly not assumed in general usage.

claimed to frighten the reindeer, which by their natural disposition, are afraid of animals of the wolf family. The example below portrays the argumentation:

*The off-road traffic on winter season by the local people and administrative authorities impedes and in fact makes it impossible to herd the animals in early and midwinter in the forested areas, because several parallel snow-scooter tracks emerge leading from the forested areas to the hills and during the cold weather reindeer start moving towards the fell. In springtime, since the middle of March, snow-scooter traffic and transportation with dog sledges disturb the grazing of reindeer and especially the female reindeer with calves, in the sense that they cause miscarriages. The cause and effect in miscarriages is not evident, and it is therefore difficult to find who is to blame.*<sup>752</sup>

The statement of Sámediggi, by request of the Ministry of Environment, focuses on the same points, but paying additional attention to the decision of Metsähallitus to legalize the unlicensed/illegal cabins erected by the local (non reindeer herder) people in the Wilderness Area.

*In their statement to Metsähallitus (12.5.1997) and in the attached memorandum (Appendix 9) Sámediggi proposed following:*

*1) Concerning the 30 cabins, which were referred to in the General Report, out which 20 is located in the wilderness area, should be ordered demolished, because majority of them are not even identified, and all of them are found illegal. Sámediggi could not assent to the conception in the General Report, according to what wilderness culture is founded on illegality. Furthermore, according to the view of Sámediggi if the cabins are legalized, they will*

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<sup>752</sup> Talviaikainen paikallisten ja viranomaisten aiheuttama maastoliikenne vaikeuttaa ja tekee itse asiassa mahdottomaksi porojen paimennuksen syys- ja keskitalvella outametsissä, koska rinnakkaisia kelkkauria muodostuu metsä-alueelta suoraan tunturiin ja porot lähtevät aina pakkasella vaeltamaan niitä pitkin tunturiin. Kevättalvella, maaliskuun puolivälistä alkaen, moottorikelkka-liikenne ja koiravaljakkotoiminta häiritsevät porojen laiduntamista ja erityisesti kantavia vaatimia siten, että tulee keskenmenoja. Syy ja seuraamus keskenmenossa ei ole välitön, joten syyllistä on vaikea osoittaa. (Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 1997) (bolding added)

*automatically lead to increased off-road traffic, which will be harmful to reindeer herding and cause damage on nature.*<sup>753</sup>

The matter is naturally not at all unambiguous. Reindeer herders themselves make use of motorized vehicles in herding work, as was stated in the first extract of Näkkälä Reindeer Herding District at the beginning of the section. However, they make a clear distinction between their occupational use and other use of motorized vehicles by locals and non-locals, which, according to them is primarily for recreational purpose. According to their argumentation, the use of motorized vehicles by reindeer herders is limited to compulsory need. In order to substantiate the claim, the district reported the exact number of ATVs at their disposal in proportion to the total number of ATVs registered in the surrounding villages. The district expressed their concern for degradation of terrain, and reported readiness to additional restrictions in this respect.

*Off-road traffic on motorized vehicles on summer season has to be minimized, which is also the goal of the reindeer herding district in herding work.*<sup>754</sup>

It is interesting that the question of roads/jEEP-routes comes up as one of the major sources of dispute between the management authorities and reindeer herders. In the justification for the Government Proposal for the Wilderness Act,<sup>755</sup> it is repeatedly and strictly emphasized that the goal of Wilderness Act is to

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<sup>753</sup> Saamelaiskäräjät on Metsähallitukselle (12.5.1997) antamassaan lausunnossa ja siihen liittyvässä muistiossa (liite 9) esittänyt seuraavaa:

1) Selvitysosan noin 30 kämppää, joista noin 20 sijaitsee erämaa-alueella, määrättäisiin hävitettäväksi, koska niistä valtaosa ei ole edes yksilöity ja ne on kaikki todettu laittomiksi. Käräjät ei voinut yhtyä siihen selvitysosan käsitykseen, että erämaakuluttuuri perustuisi laittomuuteen. Lisäksi Käräjät katsoi, että kämpät laillistettuina lisäävät maastoliikennettä poronhoidon vahingoksi ja kuluttavat luontoa...” (Sámediggi, Lausunto Ympäristöministeriön kirjeeseen Dnro 15/5714/98 5.5.1998 koskien Metsähallituksen 6.4.1998 hyväksymää Pöyrisjärven erämaa-alueen hoito- ja käyttösuunnitelmaa, Dnro 283/D.a.2 30.8.1998

<sup>754</sup> ...Kesäaikainen maastoliikenne on rajoitettava minimiin, mihin myös paliskunta tähtää poronhoitotöissä. (Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 1997)

<sup>755</sup> v.p.1990 - HE 42

safeguard pathless wilderness-like nature. Yet, in Pöyrisjärvi Wilderness Area Management Plan, restoration and improvement of two such roads or routes is suggested. The reindeer herders have protested these measures. In their argumentation, abstaining from improving routes/pathways is seen as an important means for protecting land from increased traffic and, if possible, limiting the already existing traffic. Besides, it is compatible with the interests of reindeer herding.

*Off-road traffic on motorized vehicles should not be facilitated by upgrading the paths from villages into routes with causeways and bridges that are accessible by ATVs, because the existing practice has proved that improving the routes will increase the amount of traffic and at the same time the degradation of land. According to the experience in the Reindeer Herding District, scaffolding hampers and impedes herding work in early winter with thin snow cover, when during the short daylight one has to go round the causeways and scaffoldings via forested areas... Jeep-routes have come about as a result of illegal soil removals and scaffoldings built by Metsähallitus. In Reindeer Herding District's opinion, these routes should be returned to natural state that would prevent access by jeeps, because reindeer disappear in an increased amount in the vicinity of jeep-routes.<sup>756</sup>*

Yet, improvement of paths with bridges and other constructions might, in places, profit the mobility of reindeer herders themselves and protect nature from the degradation caused by their own off-road traffic. Hearing the voices of single reindeer herders, the opinion seems to vary in regard to this issue, depending largely on the situation in their particular place of use

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<sup>756</sup> Maastoliikennettä ei tule helpottaa kunnostamalla kylistä lähteviä polkuja mönkijällä ajettaviksi pitkospuilla ja silloilla, koska käytäntö on osoittanut teiden parantumisen lisäävän alueella maastoliikennettä ja samalla maaston kulumista. Paliskunnassa on todettu pitkospuiden vaikeuttavan ja hidastavan poronhoitotöitä talvella ohuen lumen aikana, jolloin lyhyen päivän aikana joutuu kiertämään pitkospuut tiheiden maiden kautta... Maastoautolla ajettavat urat ovat muodostuneet luvattomien maansiirtotöiden ja Metsähallituksen rakentamien pitkospuiden ansiosta. Paliskunnan mielestä kyseiset urat tulisi entisöidä ja tehdä sellaisiksi, että niitä ei voi käyttää maastoautolla liikuttaessa, koska porojen katoamisia tapahtuu yhä lisääntyvässä määrin maastoautourien läheisyydessä... (Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 1997)

and residence. Altogether, this example illustrates clearly how ambiguous the matters may be, and what are the alternatives and conjunctures of reindeer herders' argumentation.

*The [Käsivarsi] Reindeer Herding District proposes that the responsible Road Management Agent would restore the path route to Raittijärvi. Restoration requires among other things substituting the demolished ATV bridges by completely new ones. In question is an official (public) path route, which is used effectively also in the future when the subsidized flights for the practitioners of traditional means of livelihood will be reduced.<sup>757</sup>*

*The [Käsivarsi] reindeer herding district has no need for restoring the old path to Galggoaivi. Part of the bridges is currently dangerous and should be demolished even for safety reasons.<sup>758</sup>*

### **“Too much protection”**

In fact, the situation may also be the opposite as when reindeer herders claim that the proposed nature conservation measures on designated areas hinder the necessary activities in reindeer herding. This is the case especially in several national parks and other protected areas. For instance, in the hearing document for Establishing Seiland National Park, the Regional Office of Reindeer Herding Management in West-Finnmark states:

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<sup>757</sup> Paliskunta esittää, että tielaitos kunnostaisi Raittijärven polkutien. Tiepolun kunnostaminen edellyttää jängillä kulkevien hajonneiden ja paikoitellen tulvien pois kuljettamien mönkijäteloitusten (pitkospuiden) korvaamista kokonaan uusilla teloituksilla. Kyseessä on virallinen tiepolku, jolle on käyttöä myös tulevaisuudessa luontaiselinkeinonharjoittajien kompensatiolentojen määrän vähentyessä jatkuvasti. Käsivarren Paliskunnan lausunto Käsivarren erämaasuunnitelmaan 2000)

<sup>758</sup> Paliskunnalla ei ole tarvetta kunnostaa Galggoaivin tietä. Osa tien silloista on tällä hetkellä vaarallisia ja ne pitäisi jo pelkästään turvallisuussyistä purkaa. (Käsivarren Paliskunnan lausunto Käsivarren erämaasuunnitelmaan 2000.) (Note, this road is not inside the defined Käsivarsi Wilderness Area, but in its immediate vicinity, supporting transportation to the Wilderness Area and the adjoining Mire Protection Area.)

*From the point of view of reindeer herding, the ban on building permanent fences and other constructions is a hindrance for the possibilities to develop the means of livelihood... Not intending to deny that motorized vehicles have become a central part of practicing reindeer herding today, the administrative officer points out that because of the topography on Seiland, the actual possibilities of using the motorized vehicles on summer terrain are limited. Further limitations on it will cause unnecessary trouble for reindeer herding, especially during necessary surveillance of the herds and gathering the herds in the autumn... Similarly fences and other constructions are central and necessary parts of reindeer herding practices today.<sup>759</sup>*

In their statement, the Area Board refers to the statement of Central Administration for Reindeer Herding Management, according to which “Protection of the pastoral range of reindeer herding against encroachments and disturbances is the chief challenge of the means of livelihood.”<sup>760</sup> In addition, reference is made to the corresponding Environmental and Social Impact Assessment Report for Reindeer Herding.<sup>761</sup> More specifically, the above-mentioned documents especially question the inconveniences caused by the potential formal application procedure if reindeer herding is obliged to apply a separate permission for each construction.

*Altogether, [therefore] establishment of a national park has negative impact for the means of livelihood both in a short and middle range perspective. First of all, it is the regulations for forbidding encroachments and building*

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<sup>759</sup> Reindriffta oppfatter et forbud mot oppføring av permanente gjerder og anlegg som r hinder for næringens utviklingsmuligheter... Reindrifftsagronomen legger inte skjul på at terrengkjøretøy er blitt en sentral del av reindriftnæringens hverdag. Topografien på Siland tilsier imidlertid at motorferdsel på barmark knyttet till reindrifft er begrenset, en ytterlige begrensning av denne vil hindre en effektiv reindrifft og skape problemer, særlig under nødvendig tilsyn og høstsamlingen... Gjerder og anlegg for arbeid med rein, er også en sentral og nødvendig del av dagens reindrifft. (Statement of the Regional Office of Reindeer Herding Management in West-Finnmark to the Establishing Plan for Seiland National Park)

<sup>760</sup> Vern av reindrifftens beitearealer mot inngrep og forstyrrelser anses som næringens største utfordring. (Ressursregnskap for reindriftnæringen 2003, 5)

<sup>761</sup> Konsekvensutredning av nasjonalpark på Seiland for reindriftnæringen 2003

*initiatives, as well as off-road traffic on motorized vehicles on summer terrain and on air below 300 meters height that are significant. As an outcome of these orders, the conditions for rational practice of livelihood will diminish considerably. The possibility for building important bridges and other constructions should be maintained as it is today.*<sup>762</sup>

According to the statement of Tromsø University Institute for Biology, obviously grazing by reindeer in Seiland has not altered vegetation significantly since several endangered species continue to exist. Their concern is not specifically on reindeer herding as such but on the use of motorized vehicles that are allowed for reindeer herders, and on the proposed future building initiatives.

*Reindeer herding has been practiced on Seiland for a long time, and it is estimated that there are fewer than 2 700 reindeer. Until so far there are no signs of the presence of reindeer having caused damage on nature, since the special species of plants are still found. Besides there are a few fences and cabins, which are use by reindeer herders, and which probably have been there for a while. Whereas, it can be an important fact that grazing by reindeer may have contributed to the vegetation as it is today in certain sites on Seiland by controlling the competing species.*

*When it comes to traffic on motorized vehicles, the question is acute first and foremost in connection with reindeer herding, and in connection with the desire to establish new snow-scooter routes. Use of snow-scooters, where there is sufficient snow cover will not "wound" the terrain... Instead, use of off-road vehicles on summer terrain forms a problem. Currently, the situation is such that herding practices on motorized vehicles are normally not obstructed in the national parks. The same applies to use of helicopters, where it is proposed to give a dispensation for flights below 300 m. One can always*

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<sup>762</sup> Samlet sett er [derfor] utlegging av nasjonalpark negativt for næringen, på kort og mellomlangt sikt. I første rekke er det bestemmelser om forbud mot inngrep og oppføring av anlegg, samt forbud mot motorisert ferdsel på barmark og i luften under 300 m som er av betydning. Etterlevelse av disse bestemmelsene vil endre næringens betingelser for rasjonell drift i negativ retning i betydelig grad. Nødvendige brugg og anlegg bør derfor kunne settes opp etter søknad på samme måte som i dag i henhold til Reindriftsloven. (Konsekvensutredning av nasjonalpark på Seiland for reindriftnæringen 2003, 23)

*discuss whether these are proper uses of a national park, but the regulations are like they are today.*

*Furthermore, dispensations are proposed for establishing new fences, bridges, and cabins associated with reindeer herding, and the bottom and capes of Lilla Bekkarfjord are proposed to be kept outside the national park, or alternatively lighter regulations are given or a different conservation form (Proposal B). In regard to it, it is justified to ask whether conservation of nature is the most important point, or is it most important to make it as easy as possible for reindeer herding.<sup>763</sup>*

Later, the question of predators comes up in the argumentation of the reindeer herders. Concerning the actual management of predators, the decisions for the total number of species allowed are, in actuality, outside the scope of the local nature management authorities. The orders come from the Ministry of Environment (or Regional Environmental Agency), and Metsähallitus officers are entrusted with monitoring and protection duties. Considering this, it is to be expected that the topic is not explicitly addressed in these statements. However, as is evident from the first quoted statement of Näkkälä Reindeer Herding District,<sup>764</sup> the question of predators does not apply only to different views concerning the

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<sup>763</sup> Reindrift har foregått på Seiland lenge, og det er estimert at det finnes i underkant av 2700 reinsdyr her. Til nå ser det ikke ut til at tilstedeværelse av rein har forvoldt noen skade i landskapet, siden de spesielle planteartene finnes her. I tillegg finnes noen gjerder og hytter, som brukes av reindrift, og som sannsynligvis har vært her ei stund. Det som kan være en viktig faktor, er at beiting fra rein kan ha bidratt till den vegetasjonen som finnes enkelte steder i Seiland i dag, ved at beiting har holdt nede konkurrerende arter.

Når det gjelder motorferdsel, er det i første omgang i forbindelse med reindriften at dette er aktuelt, og i ønsket om opprettelse av ny skuterløype. Bruk av snøscyster der det er bra med snø, lager ikke "sår" på terrenget... Bruk av terrengkjøretøy på barmark er et problem. Nå er det midlertidig slik at reindrift, med bruk av motorisert framkomstmiddel, normalt ikke hindres i nasjonalpark. Det samme gjelder bruk av helikopter, der det anbefales å gi disp. til å fly under 300 meter. En kan alltid diskutere om dette er riktig bruk av en nasjonalpark, men regelverket er nå slik det er. Videre foreslås det å gi disp. til oppføring av nye gjerder, bruer, og hytter i forbindelse med reindriften, og at botnen og nessene rundt Lille Bekkarfjord holdes utenfor nasjonalparken, eller det gis mildere bestemmelser eller annen verneform (forslag B). I så måte kan en spørre om det er vern av natur som er viktig, eller om det viktigaste er å gjøre det lettest mulig for reindriften. (Forslag om opprettelse av Seiland nasjonalpark – Høringsuttalelse fra Insitutt for Biologi 2004)

<sup>764</sup> Näkkälän paliskunnan lausunto Pöyrisjärven erämaasuunnitelmaan 1997



total number of predators allowed, which is argued usually by reindeer herding. General attitudes or suppositions regarding predators seem to bear also on the established subject positions during the social intercourse. The first proposed versions for the Pöyrisjärvi Wilderness Area Management Plan, as well as the Natural Resource Management Plan for Northern Lapland, in fact, contained direct accusations concerning this matter,<sup>765</sup> which were excluded from the final version.

### *Variety of voices*

The argumentation of reindeer herders is not altogether unanimous regarding these questions. The involved reindeer herding districts and single siidas do not necessarily follow the same line of argumentation. There seem to be some differences in emphasis and in opinions, as well. For instance, the statements of the two reindeer herding districts on the investigated Wilderness Area Management Plans in Enontekiö exhibit such variety. On the whole, the argumentation of Käsivarsi District seems to be more moderate and tolerant to external encroachments and disturbances than Näkkälä District.

As was mentioned earlier, the region of Käsivarsi Wilderness Area has become extremely popular among the recreational users today, and Metsähallitus has nominated it one of the targeted areas of for promoting recreational usage. With the steadily growing nature tourism to the region, one would expect that also the confrontations between different user groups would be more distinct. In the hearing statement to the Management Plan of Käsivarsi Wilderness Area, the Käsivarsi Reindeer Herding District widely discusses the relationship between nature tourism and reindeer herding. In particular, questions related to off-road traffic on snow-scooters and recreational cabins are addressed. The district proposes strict control of allowed traffic, especially concerning the location of snow-scooter tracks, the total number allowed, and timing of licensing.

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<sup>765</sup> Pöyrisjärven erämaa-alueen perusselvitys, luonnos 13.4.1997, Ylä-Lapin Luonnonvarasuunnitelma luonnos 8.9.2000

*The reindeer herding district proposes that Metsähallitus will direct the snow-scooters from Lake Pihtusjärvi to Lake Somasjärvi by marking out a stick-route from Halti to Somas via the southern side of Ridnitsohka along the existing passage, and by demanding that the licensed snow-scooters will keep on this route. On this stick-route between Lossu and Lake Urtasjärvi Metsähallitus could give licenses with deliberation for guided tours until the end of April. After 1<sup>st</sup> of May on Halti-Somas stick-route only locals and guided snow-scooter tours are allowed, providing that trafficking is agreed beforehand with the foreman appointed by the reindeer herding district.*<sup>766</sup>

*Concerning annual entrepreneur licenses for guided snow-scooter tours, the reindeer herding district proposes that at the maximum only six will be granted.*<sup>767</sup>

As it appears from the excerpts, the district does not pose open criticism to proposed management objective of promoting nature tourism, but instead claims controlled arrangements and obvious restrictions, completed with simultaneous appeal for a systematic hearing practice. It is demanded that the representative of reindeer herders are consulted in each occasion. Instead of an unequivocal refusal, the District seems to have a stronger faith in negotiated solution, as the following excerpts point out:

*When deciding about licenses for establishing temporary bases for nature tourism program service, Metsähallitus*

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<sup>766</sup> Paliskunta esittää, että Metsähallitus ohjaisi moottorikelkalla kulkemisen Pihtusjärveltä Somasjärvelle merkitsemällä risureitin Haltilta Somakselle Ridnitsohkan eteläpuolitse nykyistä kulkukeinoja pitkin ja edellyttämällä, että luvan saaneet kelkkailijat pysyvät tällä risureitillä. Tälle risureitille sekä risureitin välillä Lossu–Urtasjärvi kulkemiseen Metsähallitus voisi myöntää lupia harkitusti ohjatuille ryhmille huhtikuun loppuun saakka. Vapun jälkeen Halti-Somas risureitillä saisivat kulkea paikkakuntalaisten lisäksi ainoastaan ohjelmapalveluyrittäjien vetämät moottorikelkkaryhmät, edellyttäen että reitillä kulkemisesta sovitaan aina ensin paliskunnan nimeämän työnjohtajan kanssa... (Käsivarren paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>767</sup> Paliskunta esittää, että vuosittain korkeintaan kuudelle moottorikelkkasafareita alueelle vetävälle ohjelmapalveluyrittäjälle myönnetään yrittäjälupa toimia Käsivarren erämaan alueella. (According to the plan proposal total 10 were suggested.) (Käsivarren paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

*should always first hear the foremen appointed by the district.*<sup>768</sup>

*Dog hunting areas for non-local should not, in principle, be established inside the wilderness area. Concerning the dog areas, agreements should be made annually with the reindeer herding district and the municipal game management association.*<sup>769</sup>

*All alterations in use of cabins have to be negotiated with the reindeer herding district.*<sup>770</sup>

The statement of the Association of Reindeer Herding Districts is exceptionally pointed in this case. The Association questions the legal foundation of Metsähallitus to rent out cabins and grant snow-scooter licenses for nature tourism on the wilderness area.

*The purpose of the Wilderness Act is defined in § 1. The Act contains, with certain qualifications, also orders, which are binding to Metsähallitus concerning ban to cede or let land property or usage rights. Dispensations are allowed only by the Parliament's decision.*

*According to the Association, in the Käsivarsi Wilderness Area Management Plan, the planned functioning is based on a relatively loose interpretations of these orders, at least in relation to ceding usage rights on state against payment (rentals) for other purposes than those listed in §1.*

*According to the plan, usage rights will be ceded against payment e.g. in following cases:*

*- Wild North of Metsähallitus will rent directly to private customers or nature tourist enterprises and societies so*

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<sup>768</sup> Tilapäisten ohjelmapalvelutukikohtien perustamiseen tarvittavista luvista päätettäessä Metsähallituksen tulee aina ensin kuulla Käsivarren Paliskunnan nimeämiä työnjohtajia. (Käsivarren paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>769</sup> Ulkopaikkakuntalaisten koira-alueita ei pääsääntöisesti tule perustaa erämaa-alueen sisälle. Koira-alueista tulee sopia paliskunnan ja riistanhoitoyhdistyksen kesken vuosittain. (Käsivarren paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>770</sup> Kaikista kämppien käyttötarkoituksen muutoksista pitää aina ensin neuvotella paliskunnan kanssa. (Käsivarren paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

*called "rental cabins" or "bases for nature tourist program service" with full services included*

- *Metsähallitus manages a network of rental cabins (rents cabins)*
- *Metsähallitus sells licenses (rents) for use of snow-scooter routes or "maintenance stick-routes".<sup>771</sup>*

The statements of Sámediggi and Johti Sápmelazzat Association are also critical to the main objectives. Johti Sápmelazzat stresses the fact that the area is primarily inhabited and used by the Sámi. The extensive appropriation of the region is criticized, especially for the purpose of recreational usage and nature tourism. In connection with it, the Association proposes grave restrictions on off-road traffic on motorized vehicles and on fishing and hunting. Besides the recreational use of non-locals (nature tourism), restrictions on the use of nature by local population groups are also demanded.

*The area should, in the first place, be understood as a Sámi place of residence, and secondary as a wilderness area aspired by the Finns, because the Sámi were the first inhabitants. In the plan, Sámi means of livelihood have to be protected in such a way that the new usage forms do not threaten the survival of Sámi culture.<sup>772</sup>*

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<sup>771</sup> Erämaalain tarkoitus on mainittu lain 1 §:ssä. Laissa on, eräin poikkeuksin, myös Metsähallitusta sitovat maan- tai maankäytön luovutuslupaa taikka vuokrausta koskevat kiellot, joista voi poiketa ainoastaan Valtioneuvoston päätöksellä.

Yhdistyksen mukaan Käsivarren erämaa-alueella on suunniteltu toimittavan lain määräyksiä perin väljästi tulkiten ainakin niissä tapauksissa, joissa valtionmaan käyttöoikeuksia luovutettaisiin maksusta (vuokrataan) muuhun kuin lain 1 §:ssä mainittuihin tarkoituksiin.

Suunnitelman mukaan käyttöoikeuksia luovutettaisiin maksusta mm. seuraavissa tapauksissa:

- Metsähallituksen Villi Pohjola vuokraa suoraan yksityisille asiakkaille tai matkailuyrityksille ja yhteisöille ns. 'vuokrakämppeä' tai "ohjelmapalvelujen tukikohtia

- Metsähallitus hoitaa maksullista varaustupaverkkoa (vuokraa tupia)

- Metsähallitus perii maksun (vuokraa) oikeudesta käyttää moottorikelkka-uria tai 'huoltorisutuksia'. (Paliskuntain Yhdistyksen lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>772</sup> Alue tulisi ensisijaisesti ymmärtää saamelaiden asuina-alueena ja toisijaisesti suomalaisten havittelemana erämaana, sillä saamelaiset ovat alueen ensimmäisiä asukkaita. Suunnitelmassa tulee turvata saamelaiden perinteiset luontaiselinkeinot siten, että uudet käyttömuodot eivät vaaranna saamelais-

*The right to free snow-scootering of local people on state owned land should be restricted. The goal should be that so-called recreational snow-scootering, as well as, off-road traffic should be reduced primarily to the routes.*<sup>773</sup>

*Dog-sledding should be sealed off from the fell area.*<sup>774</sup>

Sámediggi, in turn, fixes attention on the issues that hinder fulfillment of the objective of the Wilderness Act concerning protecting Sáme culture, with reindeer herding as its material foundation. Furthermore, these measures are, according to the Sámediggi, against the Constitution of Finland, especially the act of zoning:

*The plan is drawn from the point of departure that recreational use, tourism, and off-road traffic, as new forms of business that is even exercised by the state and by private enterprises, is going to increase. The idea of zoning, is based on this conception, and forms the foundation of the plan. **The mentioned starting point is not in accordance with the Wilderness Act for the Sámi part, when the law is interpreted favorable for the Basic Rights and Human Rights.** Nature tourism and recreational use of nature do not enjoy protection by the Constitution or Human Rights, whereas practicing Sámi culture does. For this reason, in the conflicts between nature tourism and Sámi means of livelihood, practicing Sámi culture should be prioritized.*<sup>775</sup>

kulttuurin olemassaoloa. (Johti Sápmelazzat -yhdistyksen lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>773</sup> Paikkakuntalaisten oikeutta kelkkailla kotikuntansa valtion mailla tulee rajoittaa. Tavoitteena tulee olla, että ns. vapaa-ajan kelkkailu samoin kuin maastoliikenne rajoitetaan tapahtuvaksi lähinnä urilla. (Johti Sápmelazzat -yhdistyksen lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>774</sup> Koiravaljakkosafaritoiminta tulisi ohjata kokonaan pois tunturialueilta. (Johti Sápmelazzat -yhdistyksen lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>775</sup> Suunnitelma on laadittu siitä lähtökohdasta, että alueen virkistyskäyttö, matkailu ja maastoliikenne myös valtion ja yksityisten harjoittamana uutena liiketoimintana tulevat väistämättä lisääntymään ja tämä lisääntyminen tulee erämaalain mukaan ottaa huomioon siten, että saamelaisten kulttuurin harjoittaminen saa erältä osin väistyä. Tähän lähtökohtaan perustuu ajatus alueen vyöhykkeistämisestä, joka samalla on suunnitelman perusta. Mainittu lähtökohta ei ole saamelaisten osalta erämaalain mukainen, kun lakia on tutkittava perus-

A comparable divergence of opinion is also obvious regarding the statements for the National Park Establishing Plan in Seiland, in Finnmark. Two Reindeer Herding Districts were requested to put forward their views as to the proposed protection measures. One of the Districts gave a statement but the other did not give any formal response. When asked for a verbal comment by telephone, the foreman of Reindeer Herding District 24 Seiland West is reported to have stated that “on their behalf there were not any major objections.”<sup>776</sup> Instead, Reindeer Herding District 24B Seiland Øst was critical towards “losing the rights based on the Reindeer Herding Act, and becoming dependent on dispensations in regard to their fundamental needs.” Moreover, they pointed to the negative experiences from established national parks elsewhere, especially concerning loss of authority in managing the areas.

*The district is familiar with the fact that reindeer herding has not been heard when establishing several national parks in the country. For example, following parks can be named: Borgefjell national park on the border between Nord-Trøndelag of Nordland, Saltfjellet national park in Nordland, Reisa national park in Troms (1986), and Stabbursdalen national park in Finnmark (1970 and 2002). Further on, it is known that reindeer herding of the involved Reindeer Herding Districts in the mentioned parks is not included in the management, which is evidently the founding principled precondition in such cases, referring to the international human rights.<sup>777</sup>*

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oikeus- ja ihmisoikeusmyönteisesti. Liiketoimintana harjoitettu matkailu- ja virkistyskäyttö eivät nauti perustuslain suojaa eikä ihmisoikeuksien suojaa, mitä saamelaisten kulttuurin harjoittaminen puolestaan nauttii. Tästä syystä matkailun ja saamelaiselinkeinojen harjoittamisen välisessä ristiriitatilanteessa saamelaisten kulttuurin harjoittaminen tulee asettaa etusijalle. (Saamelaskäräjien lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000) (bolding added)

<sup>776</sup> Forslag om opprettelse av Seiland nasjonalpark – Fylkesmannens tilrådning, 2004

<sup>777</sup> Distriktet er kjent med at reindriften ikke er blitt hørt (bestemt om vernet) ved opprettelsen av flere nasjonalparker her i landet. Som eksempel kan nevnes følgende parker: Borgefjell nasjonalpark på grensen mellom Nord-Trøndelag of Nordland, Saltfjellet nasjonalpark (1989) i Nordland, Reisa nasjonalpark i Troms (1986) og Stabbursdalen nasjonalpark i Finnmark (1970 og 2002).

In spite of my effort to find out the background and reason for the divergent behavior of the reindeer herders, I did not get any satisfactory answers. On one hand, the experienced situation may diverge between the different districts or siidas. On the other hand, there appears to be differing conceptions as to the appropriate strategy in negotiations. In an informal discussion, the head of the reindeer herding district or siida usually admitted the harm caused by external disturbances, such as snow-scooter traffic. One reason, for example, for not objecting the relatively intensive airplane traffic by nature tourism to the Wilderness Area, was according to the head of the district, the fact that reindeer herders themselves might, at times, need air transportation. It was feared that restrictions on airplane traffic would apply equally to all users. On the other hand, it was not considered to be appropriate or wise to openly oppose the authorities. Also the fact that reindeer herders might personally, in some direct or indirect way, profit from nature tourism was expressed.

Based on the research material, it is not possible to say how significant the divergence of opinions was. It is obvious that among the examined statements, at least, none of the districts or other representative of reindeer herders would explicitly support or be contented with the proposed objectives and model. Concerning the establishment and management of protected areas, there are evidently both positive and negative effects for reindeer herding. In the statements of reindeer herders, the positive aspects are usually not explicitly articulated, while focus is predominantly on harm and disturbances.<sup>778</sup> There is, however, an exception. Following the text of the Environmental Impact Assessment Report for Reindeer Herding, the Regional Board of Reindeer Herding Management in West-Finmark states:

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Det er videre kjent at reindriften ved reinbeitedistrikter, i de ovanfornevnte parkene, ikke er med på å forvalte parkerne (medbestemmelses ansvar) som også er en grunnleggende krav ved slike saker, etter prinsipp jfr. internasjonal folkrett... (Høring–Seiland nasjonalpark, Reindbeitedistrikt 24B Seiland Øst, 2003)

<sup>778</sup> In the Management Plan for Pöyrisjärvi Wilderness Area this point is explicitly noted by the planning authorities. (Pöyrisjärven erämaa-alueen... 2000, 60)

*Establishment of the national park on Seiland has quite obviously both positive and negative impact on reindeer herding. The question is, whether the positive impacts are more significant than the negative ones.*<sup>779</sup>

Furthermore, the statement goes on to weigh the positive and negative aspects. In the Environmental Impact Analysis, among the positive impact is noted the fact that the establishment of national park, as an act of nature conservation works effectively on stopping all kinds of encroachments that can cause reduction of pastures and on reducing motorized traffic. These are considered to have exclusively positive impact on reindeer herding.<sup>780</sup> Following the EIA Report, the Regional Board came to the conclusion that “because there are no obvious threats to reindeer herding on Seiland, the implementation of the national park management plan with certain restrictions on reindeer herding may, in the end, outweigh the positive effect of protection.”<sup>781</sup> However, the tight regulations for use of land and the resulting increase in control and bureaucracy are expected to cause extra inconveniences for reindeer herding, and have a negative impact on the prospects for practicing rational reindeer herding and developing the occupation. It is further pointed out that, according to general experience, national parks tend to attract more visitors in the area. The increased human mobility will quite clearly have unfavorable consequences for reindeer herding, especially since there are no regulating measures in the protection order proposed for hunting, fishing, hiking, or organized tourist tours. Additionally, the proposed orders actually permit building of bridges and open shelters for recreational purposes.”

The argumentation of the different statements of reindeer herders the document of the Area Board contains the most explicit

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<sup>779</sup> Høring–Seiland nasjonalpark, Oarje-Finnmárkku Guovllustivra/Områdestyret Vest Finnmark 2003

<sup>780</sup> Vern av beiteområder i form av nasjonalpark setter en effektiv stopper for alle typer for inngrep som kan resultere i tap av beiteland, og redusert motorisert ferdsel. Dette er utelukkende positivt for reindriften. (Konsekvensutredning av nasjonalpark på Seiland for reindriftsnæringen 2003, 23)

<sup>781</sup> Høring–Seiland nasjonalpark, Oarje-Finnmárkku Guovllustivra/Områdestyret Vest Finnmark 2003



and versatile argumentation and justifications. Profiting clearly from the mentioned Environmental Impact Assessment Report, this statement lays forth the complex articulated interests of reindeer herding in land use. This may be an example of advanced argumentation of reindeer herders for better meeting the demand of modern participatory planning in nature management.

### **5.3.2 The place of reindeer herding**

In the argumentation of the reindeer herders, the ecological issues are clearly intertwined with the economic aspects. Furthermore, they get intertwined with the cultural and social issues as well. Reindeer herding appears, at the same time, as an important means of livelihood that provides subsistence and monetary income to its practitioners and as the cultural and social foundation of the community. Several researchers have pointed out that reindeer herding is a system that combines the place and the people. It is a system of environmental/nature management, as such.<sup>782</sup> In accordance with it, the argumentation of reindeer herders clearly does not separate the different dimensions or address the different administrative spheres, but they are articulated on to one another. Therefore the perspective is characteristically integrated and place-bound. Instead of being an abstract *space* of divergent management policies and measures, nature is looked as a *place*, where the integrated impacts of the practiced administrative means materialize and are experienced.

#### ***Livelihood and culture***

The economic aspects are attached a great importance in the argumentation of the reindeer herders. The encroachments and disturbances are argued to have direct or indirect negative effect on the income of reindeer herders. For instance, the statement of

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<sup>782</sup> Sara 1993, Paine 1994, Hætta Kalstad 1999

the Sámi delegate in the Municipal Collaboration Group for Nature Management points out the connection:

*Disturbing and frightening reindeer causes very much damage and extra work. The damages are caused, first of all, by disturbing females with calves, and the losses appear in the form of lost calves. Economic losses are caused for the reindeer herders besides by loss of calves also by increased expenditure, because off-road traffic causes need for extra surveillance and herding.*<sup>783</sup>

During the last decade the economic development of reindeer herding has seriously declined. This is obvious especially in Northern Lapland, but also in Finnmark where the turn over from reindeer herding is claimed to be below the standard.<sup>784</sup> For this reason, according to the reindeer herders, it is particularly urgent to take the protection of the grazing facilities into consideration. According to their argumentation, however, the management authorities appear to rely solely on the information of biological pasture research, which lays the responsibility for the overgrazed pastures on the excessive number of reindeer.<sup>785</sup>

Reindeer herding is said to be the primary means of income of the reindeer herding families. However, the economic perspective of the reindeer herders is clearly different from the management's endeavour, in which productivity and profitable exploitation of natural resources are the pursued objectives. The obvious difference between the two perspectives is that, in the household approach, the focus is on the versatile livelihood factors including, besides the pure economic return, other aspects such as the subsistence value. In contrast, the economic perspective generally regards the significance of a particular

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<sup>783</sup> Porojen häirinnästä ja säilyttelystä aiheutuu erittäin paljon vahinkoa ja ylimääräistä työtä. Vahingot syntyvät etupäässä kantavien vaatimien häirinnästä ja vahingot ilmenevät keskenmenoina. Taloudellista vahinkoa syntyy poromiehelle menetettyjen vasojen muodossa ja lisäksi syntyneinä lisäkustannuksina, koska ko. alueen maastoliikenne aiheuttaa poromiehille lisävalvonnan ja paimenuksen tarvetta. (Lausunto Ylä-Lapin luonnonhoitoalueen Enontekiön neuvottelukunnalle. Saamelaiskäräjien edustaja, 1994)

<sup>784</sup> Resurssregnskap 2003

<sup>785</sup> See the statement of Näkkälä Reindeer Herding District at the beginning of Section 5.3.1

industry in relation to other industries from the point of view of the regional or national economy. In accordance, productivity and economic profit are assessed on the basis of completely different factors.

Moreover, in the argumentation of the reindeer herders the economic and cultural dimensions of reindeer herding are seen as an integrated entity. In its most explicit form, this view is brought up in the argumentation of the Sámediggi and the Sámi Associations, which were introduced above. It follows from this approach that the significance of reindeer herding cannot be reduced only to the material (economic) factors, but the cultural values are significant, as well. At the same time, however, reindeer herding is a distinct means of livelihood that has specific material values and requirements that should be looked after beyond enhancement of the cultural aspects. It is now recognized on a Constitutional level that reindeer herding is *the material foundation of the Sámi culture, and the vital carrier of Sámi language and cultural customs*. However, in practice and within the framework of the sector divided administration and social policy, it is not easy to articulate both economic and cultural aspects in the same argumentation nor to look after both interests at the same time.

### *Pastoral qualities*

Even as the herders raise the question of encroachments and disturbances, they pose criticism against the narrow conception of “the condition of pastures” that the nature management discourse applies and reinforces. Behind the narrow management focus is a conception of environmental degrading and the consequent threat of overgrazing. This is a wide generalization, the self-evidence of which the reindeer herders want to question.

In the first excerpt of the Näkkälä Reindeer Herding Districts statement to Pöyrisjärvi Wilderness Area Management Plan, there is a direct reference to this matter.<sup>786</sup> Similarly the Käsivarsi

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<sup>786</sup> see the statement of Näkkälä Reindeer Herding District at the beginning of Section 5.3.1

Reindeer Herding District points out that the concept of degradation of pastures is based on generalizations that are not altogether true. At the same time, however, the district does not question research on pastures as such, but proposes that the future investigations should be made in collaboration with the herders themselves.

*According to Käsivarsi Reindeer Herding District, the condition of the summer pastures of reindeer is reasonably good, and not degraded in past decades. The fact is not as simple and straight forward as the researchers propose. The district sees pasture investigations important, but proposes their continuation in the future in collaboration with the District.*<sup>787</sup>

Johti Sáplemazzat Association points out the same fact referring to the winter pastures:

*The condition of lichen and winter pastures are told to be classified bad without mentioning who has done this kind of inventory, and which factors have caused the degradation of pastures.*<sup>788</sup>

According to the reindeer herders, the pure scientific approach ignores the complexity of factors involved. According to the often presented conceptions and comments of the Sámi reindeer herders, the lichen cover or the biological quality of the pasture represents just one among the variety of factors influencing the herding and grazing conditions.

It is obvious that the use of the concept of overgrazing has stigmatized the reindeer herders in publicity, and produced an image of irresponsible actors or ‘eco-criminals’.<sup>789</sup> From the point

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<sup>787</sup> Käsivarren paliskunnan mielestä porojen kesälaiduntilanne on kohtuullisen hyvä, eikä heikentynyt viime vuosikymmeninä. Asia ei ole niin yksioikoinen, kuin tutkijat antavat ymmärtää. Paliskunta näkee laiduntutkimukset tärkeinä ja esittää niiden jatkamista yhteistyössä paliskunnan kanssa. (Käsivarren Paliskunnan lausunto Käsivarren erämaa-alueen hoito ja käyttösuunnitelmaan, 2000)

<sup>788</sup> Jäkälälaidunten ja talvilaidunten kerrotaan luokitellun huonoiksi kertomatta kuitenkaan kuka tällaisen inventoinnin on tehnyt ja mitkä tekijät ovat johtaneet huonontuneisiin laitumiin. (Johti Sápmelazzat -yhdistyksen lausunto Käsivarren erämaasuunnitelmaan, 2000)

<sup>789</sup> See Beach 1993, 94

of view of the reindeer herders, this perception is absurd. In principle, reindeer are dependent on natural pastures (regardless of supplementary feeding in some places). How could the herders, in this case, be ignorant to it? The very conception of reindeer being a threat to nature is, in this light, absurd since, according to the association, reindeer are an inseparable part of nature, and fully dependent on it. This is not to deny that in some instances, in some places, and in some periods of time, the total number of reindeer may have (for a shorter or longer period of time) exceeded the pasture resource. Nor does it deny that the using up of pastures has occurred over shorter or longer periods, and that it in some places has become serious (i.e. had negative impact on the productivity of reindeer herding). This is, however, an altogether different set of question, raising supplementary questions of the diverse reasons of it.

According to the herders, there are two issues that need to be discussed. The first one is connected to the prevalence of number of reindeer as the main tool used in managing the relation of reindeer herding and environment. As was stated in the previous chapter, in congruence with the ecological orientation, the major management problem concerning reindeer herding is declared to be balancing the number of animals against the available pasture resources.<sup>790</sup> In connection with tundra or forest tundra ecosystem, which is the vital (winter) pastures of reindeer, monitoring is directed predominantly at the vegetation cover and, above all, at the lichen cover.<sup>791</sup> The biomass of lichen (or predefined seasonal fodder) is measured, or animal weight is monitored as an indicator of the state of the lichen cover, or the major seasonal fodder at the summer pastures.<sup>792</sup> The conclusions from the biological pasture inventories are utilized by the official reindeer herding administration as directives or guidelines for regulating the number of reindeer.

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<sup>790</sup> Kosmo 1991, 43

<sup>791</sup> Ahti 1961, 1977; Klein 1968; Lyftingsmo 1965

<sup>792</sup> Ihse & Allard & Nordberg 1998; Johansen et al. 1995; Johansen and Karlsen 1998; Kumpula et al. 1996; Kumpula et al. 1997; Käyhkö & Pellikka 1993; Prestbakmo 1994

According to the Sámi reindeer herders' point of view, this is an oversimplification of the matter, and the premises are partly contentious.<sup>793</sup> To start with, there is a wider complexity of factors involved. Several social, cultural, societal, and climatic factors influence the growth of the herd size and tend to control and reduce it. For instance, the available labor force, the social institutions for sharing the pastures, sanctions, poaching, loss of control over large herds, converting surplus into alternative form of capital, and the effects of the climatic variations as well as the geographical (topographical) fragmentation of pastures function as stock reducing factors.<sup>794</sup> Some biological examinations have confirmed the effect of single factors such as the climatic variations.<sup>795</sup> Furthermore, in the reindeer herders' perspective, the economic factors such as the price of reindeer meat and the general level of prices have a strong impact on herding decisions and should correspondingly be noted as regulating factors. On the other hand, as Oskal<sup>796</sup> pointed out, maximizing the herd size is never the only value and aim in Sámi reindeer herding communities. It appears that although the Prisoner's Dilemma<sup>797</sup>, in some limited respect, may describe the decision-making situation of an individual herder or herding household,<sup>798</sup> it is neither an adequate explanation for it nor an exhaustive theoretical framework for approaching the matter.

The second point refers to the application of the theory of the Tragedy of the Commons<sup>799</sup> in this case. According to the reindeer herders, the conception of pastures as a common resource between the reindeer herders is only partly correct. Reindeer pastures are divided and identified through traditional distribution systems based on inheritance, *siida* membership, and interaction or use.<sup>800</sup> The fact that this custom is not always respected today, and that there may appear confusion in some

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<sup>793</sup> Turi 2001, 13

<sup>794</sup> Sara 1996, 21–25; Paine 1994, 21; Helander 1996, 3

<sup>795</sup> Tyler 1997, 12

<sup>796</sup> Oskal 2000, 176

<sup>797</sup> See Section 4.4; Dawes 1989

<sup>798</sup> Ulvevadet 2000, 47

<sup>799</sup> See Section 4.4; Hardin 1968

<sup>800</sup> Sara 1993, 1996

parts of the reindeer herding area, does not revoke this state of affairs altogether. It indicates that there are some serious problems and some fractures in the functioning of the traditional land use institution. The reasons behind it are mostly very complex, being connected with the existence of dual land use patterns (the formal and the informal), side effects of market economy and modernization, not excluding the private ambitions of individual reindeer herders. According to Paine,<sup>801</sup> certain forms of government intervention, which were designed to counter the major problems in reindeer herding including competition for pastures, in fact, have worked to maintain or even aggravate the problems.

According to reindeer herders' perceptions the management approach represents a narrow conception of indicators. Assessing the adequacy of pastures should comprise, in addition to the biomass of selected species, also *the extent of unbroken, fallow, peaceful wilderness-like areas*. In association with it monitoring should be directed also at eventual loss or fragmentation of pastures due to various kinds of encroachments and disturbances. Connected with this, also *grazing peace* should be acknowledged, as an important feature of pastures. Grazing peace comprises the movements of other land users and land use forms, predators, etc.<sup>802</sup> These should be recognized as the vital prerequisites of sustainable reindeer herding, and management measures should be taken for establishing and protecting them. At the same time, it is a step toward recognizing properly the fundamental dependence on land of free-grazing reindeer herding.

There is an important feature involved. Considering the cultural aspect, it is obvious that the concentration of management measures in regulating the maximum number of reindeer strikes into the heart of the Reindeer Herding Sámi value system.<sup>803</sup> In this sense, it is one of the most sensitive topics that the management agents could seize. As a consequence it is often interpreted as an intervention in the cultural self-determination of the Sámi. Since the management agents usually represent the

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<sup>801</sup> Paine 1994, 164

<sup>802</sup> Sara 1996, 62

<sup>803</sup> Oskal 1995, 91

majority population, this act may be articulated with reinforcing the ethnic border and aggravating the ethnic tensions. This is apt to impede the communication between the reindeer herders and the management authorities.

### ***5.3.3 Talking back to the management discourse***

In the same way I presented the management argumentation principles earlier, I will next present the argumentation of the reindeer herders in a form of two conclusive statements. They are based on the foremost recurring features of the argumentations. The idea is to discuss the argumentations in connection with the contextual understanding that they draw from, and from the perspective of the practical impacts of the management principles. In other words, I intend to illuminate how the argumentations talk back to the management discourse. The following conclusive statements appear to rise from the argumentation: 1) Reindeer herding has to pay the consequences of modern land use forms, and 2) Reindeer herding has a unique status in land use.

*“Reindeer herding has to pay the consequences of modern land use forms”*

The argumentation of the reindeer herders starts, on one hand, from their practical everyday, lived experience, and on the other hand, from a conviction that reindeer herding has a special status in land use. Moreover, it is based on the conception of certain elementary needs of reindeer herding, which according to the view of the reindeer herders, are not met sufficiently in planning. The central conclusion seems to be that reindeer herding has to give way to the new land use forms. As discussed in Section 5.2.2, in the practiced land use policy, reindeer herding is treated predominantly as a tolerated means of livelihood. The inherent management premise is that reindeer herding should adapt to the other usage forms. In fact, the reindeer herders seem to claim that



reindeer herding is not only tolerated, but in reality it has had to, piece by piece, make room for other land use forms.

Reindeer herders refer to an integrated picture of the overall situation and of the societal development in a long perspective. In their view, the condensed impact of various encroachments and disturbances caused by other land use forms have, in the long run, undermined the flexibility of reindeer herding in relation to use of pastures. They refer to the diminished and fragmented pastures and the consequently restricted room of herding opportunities. According to the herders, reindeer herding has had to pay the overall costs of societal development that has enhanced new competing land use forms, increased the usage volume, and has led up to the breaking up of wide, continuous, peaceful, wilderness-like pastures.

There is an immediate link with the economic situation of reindeer herders. According to them, the impact of loss of pastures, peace, and herding options bears directly on their private income. Decreased total number of reindeer allowed per district means reduced chances to raise reindeer for individual owners. Another fact is the previously mentioned loss of calves and increase of expenditure as a result of encroachments and disturbance. In the meantime, the economic flexibility of reindeer herding has also diminished along with the significant drop in the price of meat that took place once markets were liberated. Simultaneously, the expenditure of practicing the livelihood has, at the same time, strictly risen. As many researchers have pointed out,<sup>804</sup> reindeer herding has gone through a technical revolution as a part of the overall development in the modern society. Sharply rising costs have cut into the economic return of the occupation-at times, dramatically so. In the statements of reindeer herders, these facts are mostly reported as “necessities of rational practicing of livelihood,” or at least as “an unavoidable development in the current situation.”

With the term “pay the consequences,” reindeer herders underline the fact that they do not have much authority in land use questions today. Instead, concerning the vital resources – pastures

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<sup>804</sup> Pelto 1973, Paine 1994

and reindeer – reindeer herders are mostly subject to the decision-making of the central administrative authorities and the democracy of majority. According to their experience, the current nature management policy favors promotion of new livelihoods at reindeer herders' expense. In their view, in the current situation power and responsibility are not evenly distributed; reindeer herders (and practitioners of other traditional means of livelihood) are held accountable of the consequences of the development that is not in their power.

Underlying this argumentation, there is a different conception from the nature management authorities of the current state of affairs and situation. As stated earlier, the Wilderness Area Management Plans depart from the conception in which the current situation is considered to be predominantly satisfactory. The intention of the plans is primarily to confirm the existing patterns and provide common rules of conduct for preventing conflicts and possible degradation of nature. However, according to reindeer herders' opinion, the current situation is not completely satisfactory. In their argumentation, the reindeer herders offer several examples. The excessive amount of off-road traffic by outdoor recreational users is one example. As was described earlier, their critics primarily refer to excessive off-road traffic and illegal cabins in the wilderness. According to the reindeer herders, the overall usage rate today is already remarkably high – both in relation to the capacity of nature and conditions of reindeer herding – and should not be actively promoted any further.

*“Reindeer herding has a unique status as a land user”*

Ultimately, the reindeer herders' argumentation seems to be grounded on a self-evident starting point of the special status of reindeer herding in land use. It is presented both explicitly or implicitly. In practice, it questions and poses a counter argument for the management principles of “common use,” “open access,” “equal treatment of stakeholders,” and “democracy of majority.” It also questions the power relations in land use management. The conception of the unique status of reindeer herding is built on

three arguments: 1) continuous immemorial usage, 2) Constitutional right of Sámi, and 3) Indigenous People's Rights. All of these points have been presented in many occasions earlier.

As was pointed out in Section 3.1, the conception of the foundation of reindeer herding in the immemorial usage rights was recognized in the earliest national Reindeer Herding Acts in 1930s and 1940s. However, later it was abolished from the legislation. However, in Norway it has gradually returned in the legislation. The reindeer herders themselves seem to have upheld the old conception throughout the years of changes. Based on the notion of immemorial rights established through continuous use, the reindeer herders consider reindeer herding to be a privileged land use form with a separate juridical base. At the same time, they question the conception of state landownership. Using this argument they defend their claim for more substantive authority in decision-making concerning the pastures, enjoying certain privileges compared to others. The juridical argument of reindeer herding as the Constitutional Right of the Sámi, in reference to Indigenous People's Rights, is most frequently applied by the advocates of Sámi Rights and reindeer herding, such as Sámediggi and the Sámi Associations. Through their persistent effort, it has also become a part of the officially validated nature management rhetoric.<sup>805</sup> Having become the legitimate justification it is increasingly appealed to by the reindeer herders themselves.

My point here is that the argument of the immemorial usage right is not only a useful, rhetorical device that completes the reindeer herders' argumentation, as is sometimes suggested. It is actually founded on the lived, continuous practice in the region. It refers to the local custom that has taken shape over the century, after the earlier land use management system based on *siidas* gradually lost the public recognition as a part of the central government. As was pointed out in Chapters 3 and 4, on the average the interest of the central administration agents toward this region was relatively minor from 1800s. The stringent control of central authorities in land use was substituted with an informal

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<sup>805</sup> The Pöyrisjärvi Wilderness Area Planning Project, as such, is a good example of the struggle for attaining the qualified status.

system based on different kinds of “informal contracts” or “mediation practices” between local people and populations groups, which have lasted until our days. In these informal “negotiation practices,” reindeer herding has traditionally had a strong status as a local land user both in sense of authority and economic power. At the end of the 1980s, these regions returned to objects of an efficient administrative interest, and the new ideas and institutional practices were introduced. At the same time, the foundation of the old local custom began to erode gradually. It is obvious that the reindeer herders – like other local population groups – still seem to appeal to the remnants of their old authority.

The kinds of informal bargaining and mediating practices used locally in arranging land are not studied in detail. As an example, we could consider, for instance, reimbursement of the field damages to which reindeer herders were subjected from late 1800s on. One hears the reindeer herders often explain that one of the reasons why they submitted to, at times, high reimbursement for the field damage to the farmers, is grounded on the conception of diplomacy on the behalf of the herders. In other words, the reindeer herders “purchased the peaceful herding conditions” through this act.<sup>806</sup> Whatever was the situation, it is nevertheless obvious that reindeer herding has traditionally been the most important corner-stone of the local economy, out of which majority of the population was in some way or other dependent from. The biggest difference between the early and the modern nature management “negotiations” is that earlier the reindeer herders were used to run situational “negotiations” in their own terms unofficially, whereas nowadays they are run publicly under the authority of the management authorities.

In their argumentation, the reindeer herders place themselves in a manner above or beyond the scope of the other stakeholders in the environmental negotiations and the management regulation

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<sup>806</sup> Personally, I have gotten an impression that another example of informal “local environmental bargaining” may well be poaching. The reindeer herders may have actually tolerated a certain degree of poaches against the privileged land use status. Of course, delicate matters, such as this, are never openly discussed or mentioned.

measures. They emphasize that reindeer herding is actually an environmental management system on its own, having maintained the traditional management practice within the (reindeer herding) siida system. This does not imply that reindeer herding would not negotiate with the other local actors. On the contrary, the herders often claim that one of the reasons why reindeer herding has been able to persist until today is exactly its aptitude to negotiate and adjust to the prevailing circumstances.

On the other hand, it is clear that reindeer herders still participate only partially in the nature management negotiations. For instance, they refuse to participate in the negotiation of the ecological aspects – as long as it is interpreted in the terms of the narrow generalizations of biological pasture research. Without the accompanying substantiation of the formative premises, the argumentations of reindeer herders appear usually as a severe criticism of the proposed management strategy. In the context of the management negotiations with a variety of stakeholders the reindeer herders' arguments, or alternatively silence, appear often one-sided, uncompromising, and even arrogant. Their arguments fundamentally challenge the unquestioned starting points of the planning authorities, including is common use and local democracy. Because of it, their claims remain often in the margin in the management negotiations.

## 6 DISCUSSION

The primary aim of this study was to bring new perspectives and increase understanding in the recurring confrontations between nature management authorities and reindeer herders. It has become evident that while the novel, intensified nature management practices related to wilderness-like areas have succeeded in handling and settling a great diversity of mutually conflicting matters, they have not escaped some material confrontations between the administrative authorities and the local people. In association with it, I investigated the Wilderness Area Planning Project in Enontekiö, Northwestern Lapland (Finland) as an exemplary case of implementing modern nature management, and of the dynamics and tensions that occur when the novel practices of nature management meet with the customary local land use practices and conceptions.

The research problem concerned production and legitimization of nature management in the Wilderness Area Planning Project and the role and place assigned to reindeer herding. The intention was to examine the matter especially from the perspective of Sámi reindeer herders. I sought to illuminate how nature management appears from their viewpoint, and which aspects in the ways of producing nature management are in contradiction with their views concerning use of nature. In connection with it, the intention was to find material for discussing whether there are some distinct features in the particular ways of organizing nature management that contribute to sustaining confrontations in land use.

Correspondingly, the empirical investigation was directed at the discursive and institutional administrative practices whereby nature is made manageable. I examined first how the general principles and guidelines for nature management are constituted in Finland at large, and in Northern Lapland in particular. I paid particular attention to the environmentalist features in organizing nature management as a part of national nature and environmental policy-making. Second, I investigated more closely the argumentation of the management authorities in Pöyrisjärvi and Käsivarsi Wilderness Area Planning Project concerning how the role and

space of reindeer herding are taken into account. The principles and institutional practices of nature management achieve a concrete form in concrete cases like the Wilderness Area Planning Projects. In connection with it, actors are associated, focal themes are defined, and new perspectives beyond those of administration are developed.

I set out from the theoretical understanding of social constructionism. In connection with it, I have applied a particular adaptation of discourse research in which the focus is on the analysis of argumentations. I searched for recurring argumentation principles and strong statements that appear as a kind of naturalizations in the argumentations. Moreover, I have paid special attention to the contexts. The argumentations are read as contextual texts that utilize and produce cultural significations. The intention is to highlight which cultural conventions and ways of thinking are appealed to and made visible in the argumentations.

The researcher's position has actively influenced the shaping of the research problem. My overall understanding of the matter is founded on participation both in the Wilderness Area Planning Project and in the life of the local reindeer herding Sámi community. In this meaning, we could speak of "an involved research." Making use of the particular borderline position of mine, I have placed the phenomenon into a setting of a cultural communication. It means that the argumentations of the respective parties are not inspected as plain objects, but produced by active agents inscribed in a social intercourse process, which has immediate practical connections and material impacts. Therefore, I understand the argumentation of the administrative authorities and reindeer herders as negotiations or parts of ongoing negotiation process. The term negotiation stands out in two meanings in this study. On one hand, in a discursive sense, it is a negotiation for signifying reality; the argumentations can be seen enacted in a discursive struggle, a struggle for the power to signify reality. On the other hand, the argumentations are produced as a part of the actual negotiation, i.e., in the participatory planning projects of Wilderness Area management.

The principal theoretical understanding comes from Foucault; therefore, attention is paid to discourses as socially shared signification systems. All social practices have a discursive aspect in the sense that they entail meaning and meanings shape and influence what we do. My viewpoint is specifically directed at the effects and impacts of the argumentation. The applied perspective is that of confrontation. Through analyzing the talking back of the reindeer herders, the aim was to make more understandable and tractable the complex background, characteristics, and relations of the related issue.

As a contrast surface, I projected the Wilderness Area Planning Projects against other adaptations of nature management – in this case National Park management and management of other natural environments on the opposite side of the state border in Western Inner Finnmark (Norway). The idea was to inspect them as alternative national adaptations of nature management. The intention in contrasting the cases was to facilitate displaying the culturally specific naturalized conceptions upon which the dominant nature management discourses and practices are constructed in Finland. Moreover, it helps in getting a more comprehensive picture and for bringing new perspectives to the discussion.

From the outset, it is evident that there is neither one single discourse of management authorities nor reindeer herders. Rather, there are certain widely shared, relatively unified perspectives, ways of talking, and signifying reality in which parallel and similar kinds of argumentations can be read as types of discourses, in a loose sense. With these qualifications we can talk of “the dominant nature management discourse” and “the reindeer herders’ discourse”. Evidently, the perspectives contain naturally a great deal of internal diversity. This research setting does not allow a proper attention paid to it, as the focus is on the features that produce hegemony and sustain confrontations, in other words, factors that play a part in reducing heterogeneity.

I build this discussion on two founding observations from the text analysis. In brief and simple form, they are as follows: 1) the discourses of management authorities and reindeer herders draw from materially different contextual understanding, 2) nature



management negotiations entail numerous side-negotiations that are parallel with the set negotiation agenda, but not directly addressed or handled. These features lay the foundation for the argumentation and social intercourse. Furthermore, they get channeled into sustaining confrontations on a broad basis. There are a great number of other detailed findings from the analysis, which I will discuss below within this framework.

## **6.1 The diverse contexts**

The argumentations of the management authorities and reindeer herders apply clearly two distinct contextual understandings. It is evident that both the premises and the defined management concerns differ considerably. As a result, the presented arguments do not seem to communicate in all respects with one another, but partially pass each other. It follows also that the argumentations are fully comprehensible only against the particular contextual background, from which they draw.

The actual matter of importance is not only the divergence of the contexts, but also the obvious asymmetry in their weight. In the dominant role, the management discourse has the power to impose its contextual understanding on the ongoing negotiations as naturalized, taken-for-granted assumptions. The dominant nature management discourse utilizes therefore typical means of a hegemonic discourse in this respect. It is grounded on certain simplifications that are repeated, and presented in the form of necessity as if there were no feasible alternatives. In addition, the discourses regularly draw on public approval and exploit or actively produce shared cultural conventions.

### *Nature as the object of articulation and governance*

Implementation of nature management has made nature in a new way an object of articulation and governance. Nature has become the space for multiple environmental policies and an object of differentiated administrative measures. In the accompanying

administration procedures, nature is defined into manageable categories with specified objectives, and the actors are appointed distinct roles. Considering the case of this study, the Northern nature, this matter has an additional weight in itself. It marks a turning point in the established administrative pattern, and challenges the prevailing local customs of arranging use of nature. The argumentation of the reindeer herders clearly points out that the land claim issues are not fully settled and continue to shape the nature management negotiations.

Implementation of nature management is based on a specific interpretation of the international environmental obligations and national duties and preferences. On the whole, it has brought about an enlarged range of defined objectives, a significant change of institutional administrative practices, and a new understanding of the related matters. On the whole, we can therefore talk of a major epistemological break in governing use of nature. This resembles clearly the situation that Foucault described, where power and knowledge are allied with one another, at a particular historical moment and circumstances. In this occasion certain knowledge system attains the status of truth and becomes a naturalized self-evident knowledge claim. In other words, it forms the basis of taken-for-granted assumptions in our society, and in this sense, is largely beyond negotiation.

To start with, the contextual understanding of the nature management authorities is founded on certain naturalizations. This applies both to the organizational basis of the modern society, such as the general juridical praxis, laws, norms, and agreed administrative practice and to the basic tenets of environmentalism as the ideational guiding principle and programmatic norm. The management discourse quite evidently draws its identity and legitimacy from the general norms of governmentality and the central ideas of environmentalism. As was discussed in Section 5.1.4, among the prominent naturalized assumptions is the conception of *nation-state* as the bestowed framework for handling the management questions. This includes the conception of *state as the owner of all non-privately owned land*. Correspondingly, by the principled starting point nature is defined as *common* and the urgent questions are approached

predominantly from this perspective. In accordance, nature management is defined as ‘management of national property,’ ‘preserving national landscapes,’ or ‘conserving natural heritage.’ They are defined as *national values* to be enhanced.

Based on the state’s landowners’ status, the administrative authorities profess the inherent responsibility for managing the land property according to the nationally accepted goals. The overall legitimacy of nature management is considered to be bound up with and emanate its legitimacy from the international conventions and national regulations. The central ideas of eco-managerialism have shaped the established administrative model of nature management. Accordingly, the ultimate goal of nature management is understood as the implementation of *rational management* of natural resources. It implies categorization of nature with corresponding objectives and creation of administrative bodies and institutional practices with distinct responsibilities. The arrangement follows the sector-wise differentiated administrative division of the society. In this division, management of reindeer herding and management of nature are mostly treated separately under two different administrative regimes. Reindeer herding is administered as a means of livelihood under the responsibility of Ministry of Agriculture. Nature management is administered by the Ministry of Environment.

Nature management is founded on an underlying comprehension according to what scientific management forms the precondition of rational nature management. An extensive planning work is one of the prominent methods of implementing rational management. Accordingly, the status of scientific expertise in planning is emphasized, and the role of scientific knowledge is accentuated. Especially, ecological knowledge enjoys a privileged status in environmental governance. Based on this contextual understanding, the main duty of the management authorities is defined as *adjusting together the different statutory forms of using nature and their officially pronounced objectives and requirements in a manner that guarantees the productivity and sustainability of nature*. Thus, profitable exploitation of natural resources and statutory conservation of nature form the

principal defined objectives of nature management. As a practical implementation it is interpreted as enhancing economic exploitation of nature, protecting endangered species, and prevention of environmental degradation. In addition, providing outdoor recreational facilities is reported to be one of the primary targets.

There are two major implications from this situation. First, with common use of nature as the overall leading principle, nature is made a public property. It functions at the same time the common object of conservation (from the perspective of mankind and 'earth'), a common object of economic activity (natural resource), and a common object of recreational use (national landscape). It is complemented by the conception of open access to nature based on Everyman's Right, which is the prevalent public right in the Nordic countries. Conversely, any demand for specific treatment or exclusive rights are ignored or refused. Indigenous People's Rights are recognized mainly on the rhetorical level, but the application into practice is mostly impeded if it entails exclusionary measures, i.e. limiting public access and general use of nature.

Second, it has resulted in substantial increase of public interest in the newly designated areas. The general goal of enhancing productivity of nature has implied the aspiration for increased and intensified usage forms. Besides, it has resulted in launching wide-spread participatory planning procedures with an extensive sphere of stakeholders. An extensive hearing practice and commitment of stakeholders to the shared management goals are defined to be the precondition of successful management. In practice, this has yielded considerably large planning projects, and prolonged decision-making practices. As a consequence, the role of articulated speech, in the form of formal, well grounded and justified statements is emphasized. Formal argumentation, applying generally validated rhetorical resources has become the central instrument in the management negotiations, and is expected from all the stakeholders. Sustainable development, maintaining the biodiversity, enhancing economic growth, advancing local democracy, implementing Indigenous Rights are examples of the qualified argumentation principles that enjoy public authorization.

On the whole, it is clear that the extended facilities for participation and the greater focus on local interest that the wilderness area planning projects have offered signify a remarkable improvement to the centralized government model. The extended opportunities for presenting a wide sphere of interests and concerns have contributed to a widened understanding, which contributes to more comprehensible solutions. At the same time, however, it is clear that new confrontations have also come about. The participatory planning projects offer an excellent platform for expressing opinions, which earlier were hidden. In addition, emergence of the new activities and actors' interests has increased the potentials for conflicts.

Considering the case of wilderness area management as a concrete adaptation of nature management, certain specific features come up. The Finnish Wilderness Act contains clearly a specific interpretation of the conventional conception of protecting wilderness-like areas. Enhancing diversified use of nature in the name of greatest benefit for the greatest number of people or national benefit appears to be the very corner-stone of wilderness area management in Finland. One could say that this interpretation of the wilderness areas seems to be completed with the ideas of resourcism, which derive originally from the forestry and seem to dominate the general outlook and guiding principles of Metsähallitus. In North America, these ideologies are conventionally targeted at separate areas.

One can see that the Wilderness Act in Finland is designed in a way that leaves room for divergent interpretations and operative policies, which may have partly mutually confronting interests. I am referring to certain ambiguity of the basic definition of objectives, which is also noted by many researchers. Wilderness areas are defined as a kind of cross-over between protected areas and areas of economic exploitation. As a special adaptation of the general nature management objectives, in the wilderness areas the economic exploitation of nature is clearly restricted. It is conditioned by the nature conservation target and by the specific topographic and vegetation properties which do not favor or allow, for example, industrial production of timber. Correspondingly, "conservation of wilderness-like nature" and

“promoting recreational usage” have surpassed the other nature management objectives.

The main problem culminates in the question of diversified use, and the special interpretation of the term. There seems to be some ambiguity concerning the interpretations. In the Government Proposal (HE 42/1991), it is interpreted to mean “safeguarding the facilities for traditional means of livelihood and Sámi culture” and “promoting natural-like forestry.” Additionally, “promotion of the facilities of recreational use of nature” is listed. It is obvious that the spirit of the Wilderness Committee Report laid remarkable stress on safeguarding traditional means of livelihood and Sámi culture, and facilitating continuation of forestry in Northern Lapland. However, along with the overall societal development, which has witnessed the significant growth and demand for nature tourism, the initial definitions of objectives of the Wilderness Act are given a new emphasis. For instance, in Käsivarsi Wilderness Area, the diversified use of nature is interpreted to mean promotion of recreational use of nature and commercial nature tourism. Strictly speaking, however, we are talking about two different phenomena: free open-air recreation based on open access to nature and nature tourism as the commercial activity of certain entrepreneurs. The line is not completely clear-cut, and the measures in favor of one support the other. Similarly in the argumentation of the management authorities there is some overlap.

According to the research results, it seems obvious that the ambiguity of the concept of the diversified use has enabled relatively flexible interpretation both of the character of wilderness areas and of the consequent operative policy. Resulting from the practiced policy of promoting diversified use of nature, the average volume of usage and the variety of user interests are multiplied. It has, in turn, opened arenas for numerous conflicts between different users and between the operative targets. Considering this, it is pertinent to say that the excessive weight put on *the ideal of the diversified use of nature* in managing the Wilderness Areas, appears to surpass deliberation of the initial conservation objectives, and plays a part in causing or sustaining confrontations.

### *The extended views*

The argumentation of the reindeer herders seems to draw from a widely divergent contextual understanding compared to the management authorities. It involves deviating conceptions of the basic setting, premises, central actors, and the power relations between the actors. As a result, there is also a considerable difference concerning how the central management problems are defined. The argumentation talks back to the conceptions of state's land-ownership, common use, and the particular interpretation of rational management as the taken-for-granted assumptions of nature management.

First and foremost, the argumentation of the reindeer herders revives the long historical perspective of the region. Central to the contextual perspectives of Sámi reindeer herders is a conception of particular land use rights that reindeer herders possess. This usage right is established through continuous immemorial use. On one hand, this is a qualified argumentation that is based on an alternative juridical conception of private ownership. It is supported by several legal scholars, as was explained in chapter 3. It is thus a valid argument in the management negotiations, but on integral parts challenges the basics of the prevalent juridical conception, where state is considered to be the owner of all non-private land. On the other hand, it appears to be the continued lived reality in land use that is specific to this region. Like I have pointed out in text, state land-ownership had, until the 1990s, manifested itself relatively little, in this area. As a result, local ways of organizing use of nature have been able to continue until present time relatively freely without a decisive control of external authorities. Furthermore, included in the perspective is also a particular conception of history that extends the boundaries and time of nation-states. Nation-states represent a relatively newcomer to the region, in the perspective of people that extends back to several thousand years.

The understanding of the reindeer herders is founded on a conception of nature as a distinct place where continuous use of same areas entails usage rights. Moreover, continuous use entails a special bond attached to the place and to personal history.

Similar perceptions characterize typically the cognition of most nature-bound cultures, which often are referred to with the term primitive people. In a wider sense, it seems to be inscribed in the foundation of the traditional human-nature relationship. However, in modern society this natural bondage is often weakened or broken, because modern lifestyle seldom entails a direct intercourse with nature (other than agricultural land), and because the relationship to nature between the people using it is increasingly mediated by administrative authorities. At the same time, it is evident that reindeer herders together with other people live basically in the modern world and subscribe to many of the modern values and material goods. Still, it is obvious that part of their cognition relates to the traditional society. In actual fact, the reindeer herders, like other indigenous people, live in the border of two worlds, and relate to two signification systems. Therefore their argumentation can be seen as a part of the ongoing overall conventionalization process, where traditional and modern values and world views are being processed.

Another point that characterizes the argumentation is a distinct knowledge of the background conditions of the local community. It appears in the form of a tacit knowledge, laying the founding premises of the argumentation but not explicitly articulated. It concerns the strong and valued social status of reindeer herding in the local society. Reindeer herding has traditionally been the single most important economical resource in this area, supporting in one way or other the entire local population up to present day. In this respect, it has had an undisputed role as the dominant land user in tundra zones. It has thus enjoyed a determining status as a land user among local population. Although disputes between agriculture and reindeer herding or between fishing and hunting rights between different local population groups have emerged from time to time, the ultimate status of reindeer herding has remained dominant in these remote areas. It has also enjoyed a highly valued social status in the local society regardless the ethnic and occupational borders.

Over the times, things have naturally changed, and the economic weight of reindeer herding in local economy has



declined. On one hand, the economic return of reindeer herding has declined due to the collapse of the price of reindeer meat since two decades and the simultaneous rise of expenses (increased industrial costs and the life costs). On the other hand, modern society has provided new occupational facilities for local people securing stable cash income. These factors have contributed to decrease of the negotiation status of reindeer herding in the local community. However, in their argumentation reindeer herders seem to appeal to their old authority status and the included privileges in land use.

There are two foremost implications from this perspective. First, the reindeer herders claim for a particular authority status and rights in nature management. It is a claim for an extraordinary treatment in nature management. It questions the primary principle of equality of interests, which is the pronounced starting point of nature management. It makes a demand for a particular consideration of the needs of reindeer herding, and the right to limit the access of other users if necessary. The clearest example is the demand of reindeer herders for restrictions on off-road traffic or allowing cabins in the wilderness areas. Second, closely associated with the previous point, nature is not regarded as a common property in the sense that there is an equal access to it. According to the reindeer herders' argumentation, right to particular ranges of land, is actually gained through continuous usage inherited from the ancestors in association with the group members and other users. It does not necessarily mean that other usage forms are prohibited, but it returns the authority in land use decisions to the primary land users.

## **6.2 The paradoxical role and space of reindeer herding**

How is the role and space of reindeer herding then defined against the dominant framework of nature management, and does it contain some features that may sustain confrontations? Regarding reindeer herding, the view of the management authorities is characteristically heterogeneous and not fully consistent, and even within the argumentation of single documents there is variability.

This is an obvious sign of the fact that the position of reindeer herding is not stabilized, but is currently undergoing changes and redefinitions in relation to nature management, other land use forms, and to the legislative order. Yet, certain common features and outlines are discernible.

Based on the research results, it is reasonable to say that the role and space of reindeer herding in nature management is typically dual and partly paradoxical. On one hand, reindeer herding has a special juridical status that is recognized and verbally validated in all the management documents. On the other hand, because of this special status, reindeer herding is virtually outlined beyond the authority of management authorities, and remains mostly outside of the defined operative responsibilities. In principle, reindeer herding is articulated on to the overall management objectives that include sustainable and profitable use of nature. Accordingly the same expectations are directed to reindeer herding as the other land use forms or industries. It is expected to be practiced in a sustainable manner in relation to the biological conditions, and to be economically profitable.

In general, reindeer herding appears as an exception to other land use forms that constitute the main concerns and responsibilities of nature management. Based on separate legislation – i.e. the Reindeer Herding Act – reindeer herding has a partly independent status as a land user. Reindeer herding establishes a particular land use right, which cannot be prohibited without solid ground (within the nominated range). Conversely the Reindeer Herding Act obliges land use authorities and economic actors to pursue a cautious policy within the specially defined Northern District, so as not to cause considerable harm on reindeer herding. Second, the Act obliges the land use management authorities to negotiate with the representatives of reindeer herders. At the same time, the Reindeer Herding Act outlines the primary responsibilities, whereby the main authority in reindeer herding is at the administrative institutions of the industry or livelihood itself. In comparison, management of other traditional means of livelihood such as fishing and hunting belongs in substantial parts to the authority of the nature management authorities.

Another distinguishing feature is that the Indigenous People's Rights provide a special protection for reindeer herding as the material foundation of Sámi culture. This obligation is entered in the Constitution of the Modern nation-states. In accordance, reindeer herding enjoys constitutional protection. And while the same goes also with other traditional Sámi means of livelihood such as fishing and hunting, Indigenous People's Rights are predominantly articulated on to reindeer herding. On the whole the indigenous status is visibly recognized throughout the management documents today. Yet, it is difficult to point out which management decisions or measures would have originated from it. In this respect, we could say that the rhetorical status of reindeer herding is high, but in practical situations it is expected to adjust to other land use forms. Correspondingly, in the management documents the administrative authorities explicitly mark off their authority and responsibility in relation to reindeer herding. This illustrates the main controversies of the role and space of reindeer herding. The special status of reindeer herding is reinforced at the same time as it is outlined beyond the management authority. As a result, reindeer herding is placed largely beyond the defined operative objectives of nature management. According to the declared operative policy, reindeer herding is not obstructed by the management measures. Correspondingly it is stated that the needs of reindeer herding are considered only up to the extent that they do not cause considerable restrictions on other land use forms. For instance, in the wilderness area management plans the land use interests of reindeer herding are stated to be protected from unnecessary external disturbance such as roads and other major encroachment. It clearly functions to the benefit of reindeer herding. At the same time, it functions to the benefit of nature conservation, too. This describes in a condensed form the space and role of reindeer herding in nature management; it is tolerated, but not actively favored or promoted as such.

The role and space of reindeer herding is shaped somewhat differently in regard to single management duties, such as nature conservation, economic production and provision of recreational services. Ultimately, the goals of reindeer herding and nature

conservation are parallel, focusing on protection of nature. However, on an operational level some obvious divergences arise. Conservation of nature is organized based on globally approved directives concerning the protection of endangered species and the diversity of habitats. Accordingly, a network of designated protected areas has been formed and detailed conservation duties have been identified. In connection with it, some restrictions and reservations are imposed on reindeer herding activities.

Nature conservation bears on the role and space of reindeer herding in different ways depending on the designation of the area in question. The first implication concerns sustainability of pastures. The ecological dimension of sustainability has clearly obtained a prominent position in nature management. In association with it, the biological carrying capacity of pastures has become the predominant management concern. The main – and in fact the only – pronounced operative function and monitored issue concerning reindeer herding is the level of sustainability of pastures as judged by the biological criteria. The nature management authorities seem to rely unquestionably upon the results of biological pasture research and especially the generalized views of overgrazing. Since the management plans generally contain relatively little written text about reindeer herding this particular matter takes on increasing importance. Besides representing a narrow interpretation of the needs and elementary concerns of reindeer herding, it is apt to put a negative label on the public image of reindeer herding.

Another fact which feeds confrontations between nature conservation and reindeer herding concerns limited access to nature. This refers most acutely to strict nature reserves where reindeer herding is, in some places, completely forbidden in order not to disturb scientific research work or destroy “the original state of nature.” Nature appears as an absolute value and watched objective in these areas. In such circumstances reindeer herding forms a potential risk. The overall range of strict nature conservation is relatively minor, but similar protection goals apply also to national parks. National parks are established for protecting unique landscapes and specific biological values. In this view, several reindeer herding activities, especially those

utilizing motorized vehicles or involving establishment of fences or other permanent constructions, are not desired.

Yet another pressing issue that entails conflicting viewpoints, concerns the question of predators. Several of the protected endangered species are predators, such as wolverine, eagle, wolf, and bear. Protecting the biological diversity necessitates maintaining a solid and sufficient population of these species. This aim functions partly against the interest of reindeer herding. These predators hunt and kill reindeer, and by dispersing herds entail extra herding work. Evidently, the disturbed grazing behavior also contributes to irrational use of pastures. Besides, according to the reindeer herders' opinion the compensation for damages caused by predators has not been sufficient. Therefore the herders often press for reducing current predator populations. As was stated above, these questions are predominantly beyond the authority of the wilderness area management authorities.

It is evident that the Wilderness Act safeguards the facilities of reindeer herding by prohibiting sale of land and major encroachments such as roads. However, from the reindeer herders' point of view, the protection measures are currently not sufficient. They are referring to disturbances caused by promotion of recreational use of nature and nature tourism industry. Yet, the situation is not altogether unambiguous. On one hand, increased and intensified use of nature may conflict with the needs of reindeer herding for peaceful pastures. On the other hand, reindeer and reindeer herding are important images for nature tourism. In addition, some reindeer herding families receive part of income from nature tourism related occupations, and therefore may profit from promotion activities.

Finally from a local perspective, reindeer herding assumes a somewhat specific role. Local interest and local customs are especially enhanced categories in the operative nature management plans. One of the primary arguments is "safeguarding the continuance of local habits of using nature." Local interest is mostly described as a unified category, where the diversity of local usage forms and interests are not addressed separately. As a result, the administrative authorities profess to enhance local democracy by providing all local usage forms

equitable facilities. The most visibly applied argumentation principle is the democracy of majority. According to this argumentation, democratic decision-making is the central value and the most important criterion in case of contradicting interests. This conception is founded on the idea of nature as a common resource that should be utilized to the greatest benefit of the majority. The approach disregards the fact that the interests and demand of reindeer herding and other traditional means of livelihood are not necessarily symmetrical, and may, in some cases, be mutually incompatible. Equitable promotion of everybody's interests may not be possible or feasible. Besides, this principle appears to overlook the traditional local system of arranging use of nature and the included internal value systems, which is not necessarily based on equality or democracy. Within the scope of this study, however, it was not possible to examine this matter in detail.

### **6.3 Numerous side-negotiations**

The second major observation from the text analysis is that, in parallel with the ordinary questions of nature management, numerous side-negotiations seem to be conducted. Quite obviously the argumentations of reindeer herders address many of the factors that are related to the contextual assumptions, but are not on the official negotiation agenda. Alternatively, these matters are beyond the authority of Metsähallitus, or presented as taken-for-granted starting points.

Numerous court cases are associated with the nature management procedures. An appeal was made to High Administrative Court against Pöyrisjärvi Wilderness Area Management Plan, for example. Partly this state of affairs is due to the fact that certain laws and decrees have mutually exclusive elements or allow contradictory interpretations. In such cases the nature management authorities are forced to draw precedents. Most clearly this situation is evident in connection with the relations of the Indigenous People's Rights to other national legislation. Indigenous People's Rights are today considerably

well secured on a constitutional level. However, their reference is not properly considered in subordinate legislation. For instance, legislation for directing and regulating off-road traffic on motorized vehicles, fishing, hunting, recreational use of nature, mining, and other land uses seem to contain some principled and practical elements that are or may turn out to be in contradiction with the Indigenous People's Rights (i.e. right to practice traditional means of livelihood and enhance culture).

Seen from this perspective, the various procedures of nature management also serve the purpose of clarifying legislation and the juridical foundation of the society. It is an important subprocess of the management negotiations which often goes unnoticed. From the viewpoint of management authorities, whose aim is at accomplishing the office duty under the prevailing legal order, these lawsuits often appear as delays to the administrative praxis and are experienced as obstacles. From the point of view of the Sámi, however, the question concerns their principled rights and the securing of the material foundation of reindeer herding. Yet, the matter is neither completely straightforward nor simple. The interests of different Sámi groups are not necessarily mutually consistent in all situations and respects either, but may require some additional deliberation. Implementation of Indigenous People's Rights on land is clearly a complex and delicate issue, which should be handled with proper consideration.

Apparently, there is not enough interest or opportunity in other societal spheres for negotiating these principled questions. It seems to fall predominantly upon nature management authorities to run these negotiations. At the same time, it is obvious that land use questions are the most urgent issues for the local community. It is clear that the nature of stakes of the negotiation parties is therefore equally urgent. For reindeer herders land is the most important resource of their livelihood, and the source and symbol of identity and cultural belonging. For the management authorities it is a matter of expertise and professional prestige. Land use issues are clearly the context, where the bearings of Indigenous People's Rights are most concretely perceptible. The recent and ongoing nature management projects are involved in

pioneering work in discussing and proving the extent and implications of Indigenous People's Rights and their bearings on our society.

Another point is that the status of Sámediggi, as a relatively newly established administrative body in relation to the central administration institutions in Finland is clearly not fully consolidated. The side-negotiations of nature management, therefore, also entail a constant search for the role and authority of Sámediggi. For instance the legal interpretation and practical reference of the constitutional paragraph concerning the hearing obligation with the Sámi is cleared through the ongoing court processes. The matter is significant because it contributes to establishing the principled status of Sámediggi.

Concerning the power-relations it is obvious that the basic setting of the negotiations induces certain power relations and subject positions as such which bear significantly on the negotiations. Accordingly, the management authorities are the responsible actors in producing a composite management plan, where the divergent regulations, interests and needs directed to the designated wilderness areas are taken into consideration. The question of the role and space of reindeer herding is dealt with within this framework. The acts of the management authorities are directed and bound by the laws, regulations, plans of action, and the prevalent administrative practices, and conceptions of "good governance." In relation to the management authorities, reindeer herders and their representatives are subordinate actors. They are an interest group whose claims oblige the authorities, but are submitted to their decision-making. Reindeer herders as stakeholders in the negotiations are primarily only concerned with the realization of the needs and interests of reindeer herding in practical land use situations. In other words, their argumentation predominantly represents the narrow angle of reindeer herding, and advocates for the inherent rights and interests of reindeer herders. Additionally, as I have pointed out, the reindeer herders' argumentation contains also some conceptions of governance that challenge the authority and the taken-for-granted assumptions of the administrative regimes.



The balance of power in the negotiations is quite obviously unsettled. There is not full unanimity among all the participants of the power relations and the authority status of the central planning body. This means that the legitimacy boundaries of the negotiations are not altogether clear, but constantly challenged and renegotiated at each stage. It makes the negotiations complex and prolonged. As Foucault has pointed out, power is never one-way, but it circles and arises from different sources in different occasions. Power is taken hold of and actively exploited in the argumentation. Considering this, there appear to be two distinct power poles in the negotiations with included conceptions of sovereignty. Reindeer herders and management authorities typically construct their argumentations respectively on their conceptions of authority status, which is not, in every respect, congruent and partly challenge one another. Because of this, it is apparent that in practical nature management cases, a partial negotiated order is apparently feasible, but it must be negotiated anew in every occasion.

#### **6.4 Reconsidering environmentalism**

Finally, I will transfer the discussion to another level, and present some interpretations concerning how the views of the Sámi reindeer herders comment the hegemonic environmentalist discourse that underlies the dominant nature management discourse. These interpretations are based on my own considerations of the research results. The idea is to open a debate about some of the salient features of the hegemonic discourse behind nature management.

Environmentalism is a specific cultural interpretation of nature-human interrelation. It has become a naturalized part of the dominant public discourse, and is usually taken as the given relevant framework of signifying the world and defining the most urgent sources of concerns and threats to the existence of human life. Nevertheless, environmentalism is not a one-way, consistent ideology or ideological framework but, rather, a junction point for divergent concerns, knowledge systems, and practices related to

the environment. It facilitates many divergent emphases and interpretations of the partly contradicting elements. In this respect, environmentalism can be conceived of as a resource base that provides the foundation and can be used for legitimating environmental and nature policies. The national applications of nature management were investigated as interpretations of it.

Argumentations of reindeer herders in connection with the Wilderness Area Planning Projects are an example of talking back, which returns to the negotiation agenda some of the taken-for-granted contextual assumptions of nature management. It reminds us of their cultural constructedness and enables assessment and re-evaluation. At the same time, it is clear that the particular ways of defining the research problem in this study has influence on which specific viewpoints of environmentalism are exposed and how. Obviously, if the research perspective had included a wider variety of subjects and topics, such as Sámi politics or a wider scope of stakeholders, some redefinition of subject positions and new coalitions of interests might have come to the fore. For instance, Lehtinen (2004, 2006) pointed out the emergence of certain post-modern (post-colonialist) features and alliances in connection with the conflict between forestry and reindeer herding in Inari. This study rather brings into focus certain pre-modern features that have persisted through the modernization tendencies, and continue to challenge some aspects of it.

On the whole, the argumentation of reindeer herders raises a question of the overall character and foundation of environmental management (with nature management as a case of it). It comments and questions the way in which nature is made manageable and negotiable. In particular the argumentation of reindeer herders raises a question of the conception of rational management, according to which nature is rendered into manageable problems and solutions. Intensive planning activity is generally conceived as an essential precondition of rational management. Planning is thus an effort to apply structured rationality. According to Sachs (1983), Escobar (1996), and Marcussen (2003), the planning concept is based on the idea of rationality, whereby reality can be structured and controlled,

changed at will with some external help or force, and the outcome predicted. According to Healey (1996), a more current trend within planning theory has been to move from these stereotyped versions of rationality, predictability, and societal action to emphasizing contextuality, participation, and partnership building. Here, outcome is more uncertain than previously considered and the political dimension is assigned a more conspicuous role. Correspondingly, power struggles, conflict of interests and politically motivated maneuvering are in the fore. In connection with it, divergent theoretical strands have emerged, where focus is either on the more substantive issues (with concern for culture, consciousness, community and “placeness”), or on process-oriented questions that emphasize communicative dimensions (collectively debating and deciding on matters of collective concern).

It should be noted that the overall principles of nature management represent a particular interpretation of the economic and conservation aspects, which derive from the environmentalist thought and are most clearly manifested in the tenets of sustainable development. On one hand, this means a relatively categorized implementation of nature conservation through stipulated objectives following the international conventions and the national programs that are connected with diversified habitats and endangered species. On the other hand, it means promotion of national economic growth. Sustainability is then seen as the precondition of economic activities and the corresponding qualification of all functions. At the heart of this thinking is a conception of increased use in the form of categorized nature conservation objects and as a field of business operations. Altogether this has brought about considerable increase of interest toward nature and functions directed at it.

The argumentation of reindeer herders raises a question of the particular interpretation of rational management, according to which economic growth, stipulated nature conservation, and promoting recreational use of nature are the predefined objectives of nature management, and especially the particular interpretations of these points. In this view, nature is understood primarily as resources. It is a resource for economic production

and biological resources (biodiversity, ecosystem). As a consequence, management tasks are essentially defined as production; production of multiple goods (such as nature services) and facilitation the production of ecological services. The goals and expectations of nature management are set accordingly. Productivity is an essential element of the discourse of sustainable development, which forms the key metaphor of the environmentalist thought. In the discourse of sustainable development, economic growth and ecological sustainability are treated in conjunction with one another. They are inscribed in the same story-line, and regarded as two aspects of the aspired development. In practical adaptations – such as the national nature management policy – these aspects are usually operationalized into two diverging policies. The idea of economic growth is converted to a policy of promoting diversified use of nature, whereas the idea of economic sustainability is converted into statutory nature conservation programs.

The economic angle has signified, among other things, proposed priorities of functions on a cost-benefit basis. These are defined in the natural resource management plan, which directs use of nature also in wilderness areas. In wilderness areas it is primarily interpreted to mean promoting recreational use and increasing nature tourism industry, and includes active measures for promoting both increase of volume and diversity of use of nature. Although promoting nature tourism industry may profit some single reindeer herders who are engaged in nature tourism business, one cannot deny the fact that, on the whole, this policy tends to accelerate the confrontations between different land use forms. In other places promotion of industrial forestry leads to evident confrontation of interests.

Implementation of the ecological dimension of sustainability has brought about a relatively normative adaptation of nature conservation measures following from the international agreements and obligations. The ecological dimension focuses typically on the risk angle. Environmental degradation and endangered species are the particularly watched objects. Biological carrying capacity is a widely applied theoretical starting point also in nature management. From the perspective of

reindeer herders, it leads to a narrow scope of concern related to pastures. Attention is paid predominantly to biological qualities, such as adequacy of lichen or other seasonal fodder. Biomass and/or its resilience capacity are the closely monitored indicators. Without any doubt this is an important aspect, as such. However, this comes at the cost, as several other factors which may be equally vital seem to be neglected. For instance, factors connected with the total extent of fallow, peaceful, wilderness-like pastures and their overall usage pattern pertaining to grazing conditions are given less attention.

Furthermore, a consensus-oriented approach is typical for the environmentalist thought. Accordingly, consensus regarding certain superficial interests often prevails. In nature management, a certain non-adversarial approach prevails. Accordingly, the unity of interests supersedes diversity of interests. This is undoubtedly a beneficial strategic device in enhancing cooperation between different interest groups. However, it does not necessarily lead to a viable policy in practice. The exercised nature management policy tends to conceal the obvious heterogeneity of the social and cultural features as well as the gravity of the confrontations between different users. As a result, the conflicted matters are not openly addressed and dealt with. From the perspective of reindeer herders, the superficial consensus behind nature management does not necessarily correspond with reality. Instead, the ideology conceals many internal confrontations and conflicted views.

It is obvious that in nature management projects, power and conflict are not seen as the constituent elements of planning work. Instead, planning seems to be viewed as a neutral instrument functioning in a relatively harmonious, socio-economic context. Eventual problems in management are understood predominantly in terms of perfecting the tools, not in the need for fundamental structural changes. However, it is probable that refusing to address and process inherent confrontations that are experienced by the stakeholders in one way or other will undermine chances of a successful completion of the management plan.

This leads to another, more broadly defined issue of whether the central question in nature management – and in environmental

management in general – is more than merely adjusting the various uses of nature in order to safeguard the natural foundation of human kind. The fundamental issue concerns not only the organizing of human/nature relationships, but increasingly also the organizing and reorganizing of inter-human relationships. Many living nature management measures have direct impact on the immediate life and living conditions of local people. Nature is the foundation of livelihood, culture, and identity. As a result, the practiced nature management policy plays a significant role in organizing the mutual relations between people. Accordingly, questions concerning the relations between different user groups and between the users and management authorities should be paid more explicit attention. On the whole this reminds us of the fact that current conflicts between different land use forms are not separate from the practiced nature management policy, i.e. the policy itself that was designed for coping with the problems.

Fundamentally, the views of reindeer herders appear to raise an important question as to whether it is possible to realize all the proposed usage forms in the proposed extent, when the areas in question are geographically limited and relatively restricted wilderness areas. It is obvious that some kind of mediation is needed for adjusting the various usage forms. In addition some decisions are needed concerning which usage forms are prioritized and completed with, and an additional system of compensation for those who suffer most from the practiced nature management policy needs to be put in place. Moreover, it reminds us that power and responsibility go hand in hand, and should be returned in more substantial form to the immediate users. Although the current administrative practices in nature management utilize relatively extensive participatory methods, the final decision-making power in major issues is still retained at the central authorities.

Finally, the views of the reindeer herders seem to leave room for the elementary question of how well it is generally possible to conduct such rational governing and planning of nature. Naturally, some kind of control and coordination of human impact is always needed. However, the talking back of reindeer herders seems to suggest that certain relativity and limits should

be maintained in this respect. It is clear that nature is limited. At the same time, however, our knowledge concerning nature is also limited and relative. This should be kept in mind when organizing governance related to nature.

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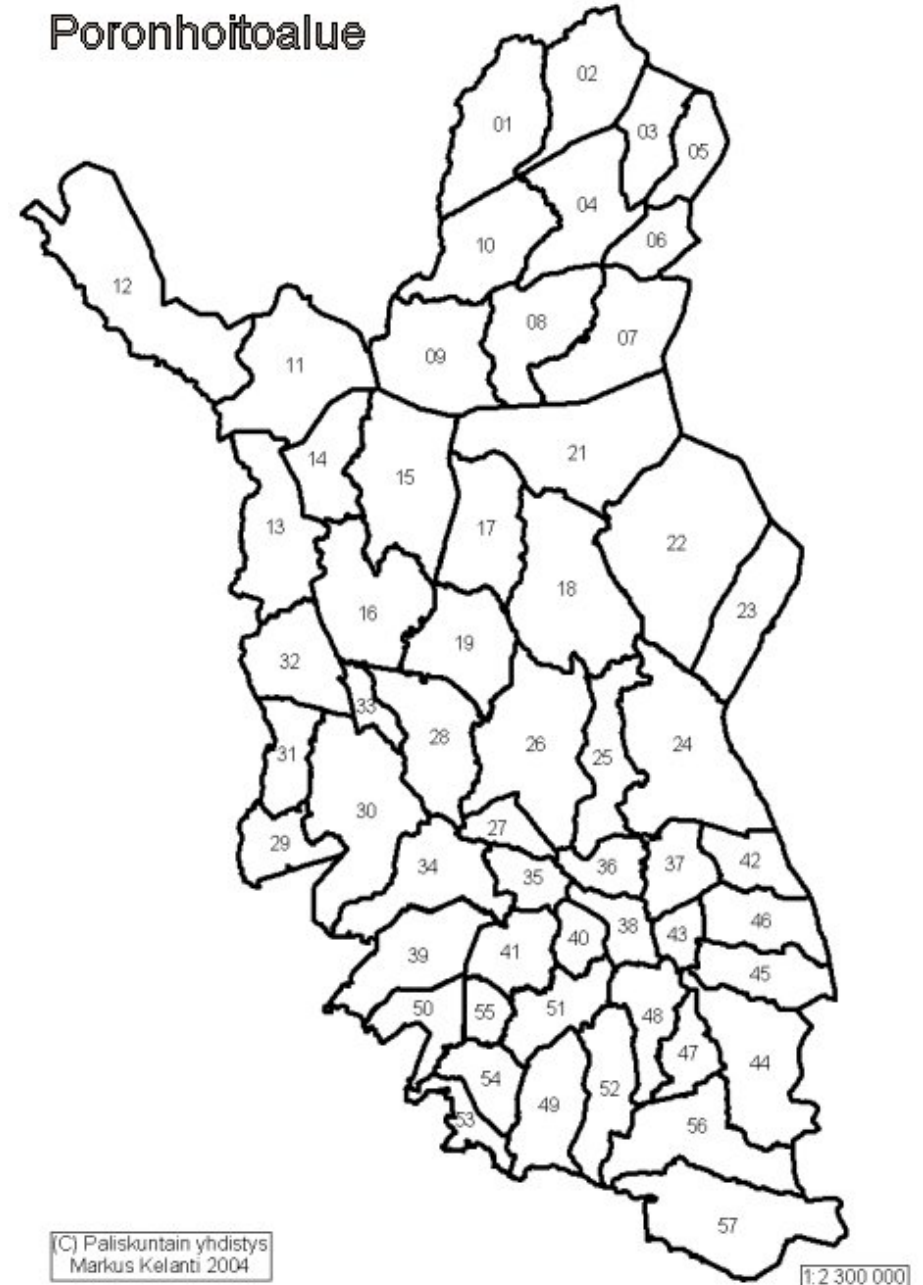
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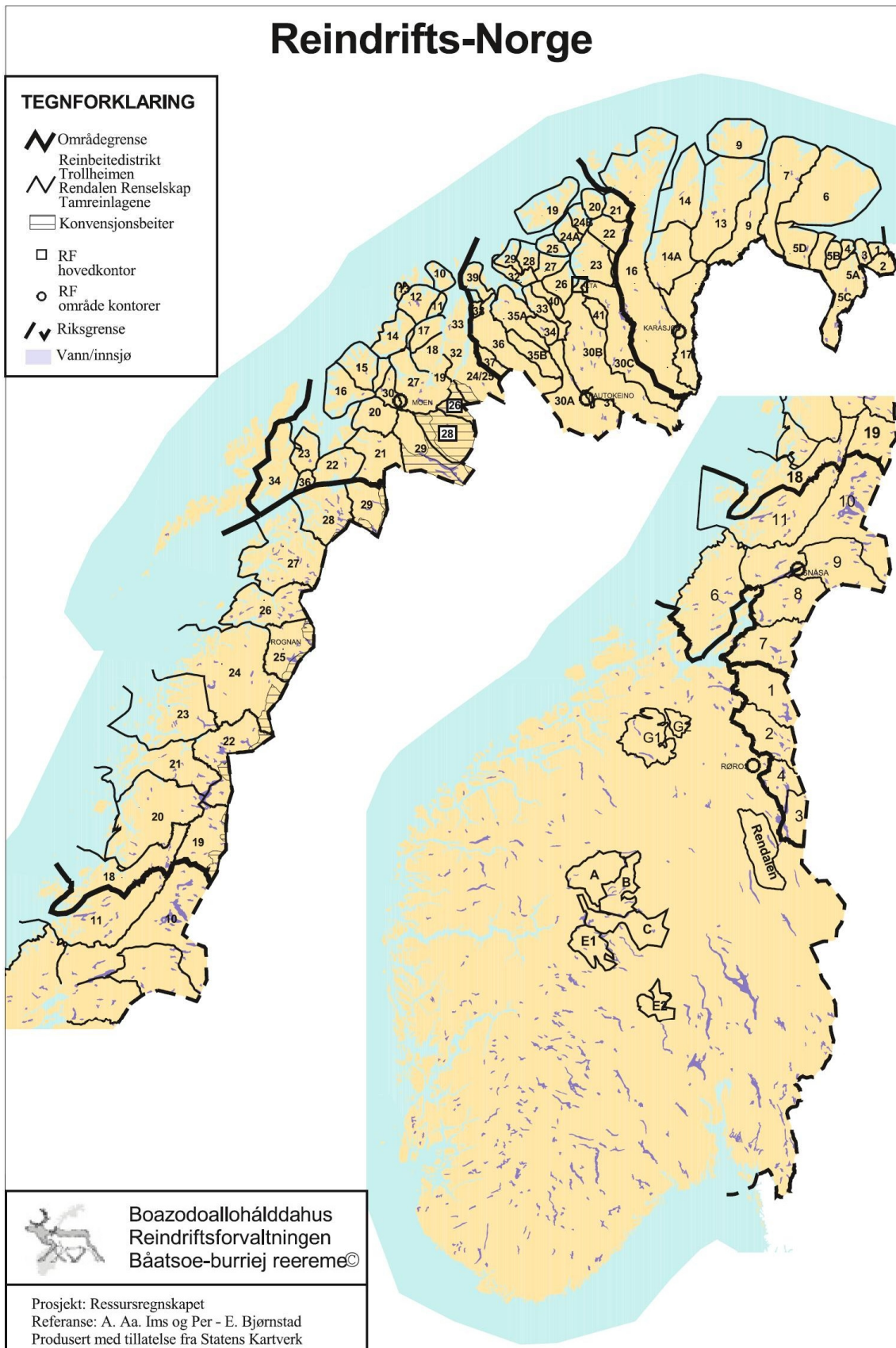
## Appendix 1

1 Paistunturi	25 Hirvasniemi	49 Pudasjärvi
2 Kaldoaivi	26 Pyhä-Kallio	50 Oijärvi
3 Näätämö	27 Vanttaus	51 Pudasjärven Livo
4 Muddusjärvi	28 Poikajärvi	52 Pintamo
5 Vätsäri	29 Lohijärvi	53 Kiiminki
6 Paatsjoki	30 Palojärvi	54 Kollaja
7 Ivalo	31 Orajärvi	55 Ikonen
8 Hammastunturi	32 Kolari	56 Näljänkä
9 Sallivaara	33 Jääskö	57 Halla
10 Muotkatunturi	34 Narkaus	
11 Näkkälä	35 Niemelä	
12 Käsivarsi	36 Timisjärvi	
13 Muonio	37 Tolva	
14 Kyrö	38 Posion Livo	
15 Kuivasalmi	39 Isosydänmaa	
16 Alakylä	40 Mäntyjärvi	
17 Sattasniemi	41 Kuukas	
18 Oraniemi	42 Alakitka	
19 Syväjärvi	43 Akanlahti	
	44 Hossa-Irni	
21 Lappi	45 Kallioluoma	
22 Kemin-Sompio	46 Oivanki	
23 Pohjois-Salla	47 Jokijärvi	
24 Salla	48 Taivalkoski	

## Poronhoitoalue







**Appendix 3.** Central nature and land use management laws, targeted areas, and authorized administrative bodies in *Finland* and Norway.

Source of authority	Target areas	Authorized administrative bodies	Functions
<b>I nature management</b>			
<i>Laki Metsähallituksesta 1993</i> (Act of Forest and Park Service)	state-owned land	<i>Parliament of Finland</i> <i>Maa- ja Metsätalousministeriö (MMM)</i> (Ministry of Agriculture) <i>Metsähallitus</i> (Forest and Park Service) <i>Johtokunta</i> (The Board of Directors) <i>Konsernin tulostuotantoalueet</i> (Business units) <i>Luontopalvelut</i> (Natural Heritage Service) <i>Ylä-Lapin luonnonhoitoalue</i> (The District of Northern Lapland) <i>Kuntakohtainen neuvottelukunta</i> (Municipal advisory committee)	Principled guidelines Business targets  Management responsibility Strategic plans Executive management Executive management  Advising
<u>Lov om statens umatrikulert grunn i Finnmark 1965</u> (Land sales Act)	state-owned land	<u>Statskog</u> (Forest and Park Service) <u>Jordsalgskontor</u> (Land sales office) <u>Jordsalgstyre</u> (The Board of Mountain Service) Fjelltjenst (Mountain Service) Fjellstyre (The Board of Mountain Service)	Executive ground management  Executive man. of use of nature
<b>II land use management</b>			
<i>Maankäyttö ja rakennuslaki 1999</i> (Land use management and building Act)	land use in municipalities and provinces	<i>Ympäristöministeriö (YM)</i> (Ministry of Environment) <i>Ympäristökeskus</i> (Regional Bureau of Environment) <i>Maakuntaliitto</i> (Regional Planning Authorities)	General guidelines, supervising  Regional land use plan



		<i>Kunnan rakennus- ja ympäristötoimi</i> (Municipal Planning Authorities)	Municipal land use plan
<u>Plan og bygningsloven 1985</u> (Building and planning Act)	land use in municipalities and provinces	<u>Kommunal- og regionaldepartementet</u> (KRD) (Ministry of Municipal and Regional Development) <u>Miljøverndepartementet</u> (MD) (Ministry of Environment) <u>Fylkeskommunes planavdelning</u> (Regional Planning Authorities) <u>Fylkesmannen/miljøavd.</u> (Provincial Government / Section for environment) <u>Kommun</u> Planavdeling (Municipal Planning Section)	Surveillance in building matters       Mediating disputes  Municipal land use plans, hearings, execution
<b>III nature conservation</b> <i>Luonnonsuojelulaki 1996</i> (Nature Conservation Act)	national parks and other protected areas	<i>Ympäristöministeriö – YM</i> guidelines, (Ministry of Environment) <i>Ympäristökeskus</i> (Regional Bureau of Environment) <i>Metsähallitus</i> (Forest and Park Service) <i>Luontopalvelu</i> (Nature Services)	General guidelines, supervising Validates plans  Surveillance Executive management Management plans, hearings
<u>Naturvernsløven 1992</u> (Nature Conservation Act)	national parks and other protected areas	<u>Miljøverndepartementet</u> (Ministry of Environment) <u>Direktorat for Naturforvaltning</u> (Department of Nature Management) <u>Fylkesmennes miljøvernnavdelning</u> (Provincial Government / Dept. of Nature Conservation) <u>Statskog</u> (Forest and Park Service) <u>Fjelltjenst</u> (Mountain Service)	Principled guidelines Supervising, delegated Management responsibility Management plans, EIA/SIA Impact assessment   Executing management duties

**IV specific laws**

<i>Erämaalaki 1991</i> Wilderness Act	wilderness areas	<i>Mestähallitus</i> (Forest and Park Service) <i>Luontopalvelut</i> (Natural Heritage Service)	Executive management Management plans, hearings EIA/SIA
<i>Laki saamelaiskäräjistä 1995</i> (Act of Sámi Parliament)	Sámi home area	<i>Oikeusministeriö</i> (Ministry of Justice) <i>Sámediggi</i> (The Sámi Parliament)	Supervision Hearing statements, appeals
<u>Lov om. Sametinget 1987</u> (Act of Sámi Parliament)		( <u>Kommunal- og regionaldepartementet</u> ) Department of Municipal and Regional Development Municipal Affairs <i>Sámediggi</i> (The Sámi Parliament)	Supervising  Hearing statements, appeals
Muinasmuistolaki 1963 (Cultural Heritage Act)	cultural landscapes	<i>Ympäristöministeriö</i> (Ministry of Environment) <i>Museovirasto</i> (Board of Antiquities) <i>Ympäristökeskus</i> (Regional Bureau of Environment)	Supervising, registering
<u>Kulturminnelov 1978</u> (Cultural Heritage Act)	cultural landscapes	<u>Miljøverndepartementet</u> (Ministry of Environment) <u>Riksarkivet</u> (Board of Antiquities) <u>Sámi kulturminneråd</u> (Sámi Council of Cultural Heritage)	Supervising, registering  Hearing statements
<u>Sámi kulturminnelov</u>	Sámi cultural landscape	<i>Sámediggi/Sámi Parliament</i>	Hearing statements
National acts, decrees and rules of reindeer herding, hunting, fishing, off-road traffic, outdoor recreation, everymans' rights, etc. EU nature directives	designated targets		