

Environmental Politics in Sápmi: The Conflict Between Sámi Reindeer Herding and State Forestry in Anár/Inari, Finnish Sámpi¹

> by Kaisa Raitio Act 4: Finnish Sápmi, June 16 - July 9, 2006



1. Environmental Politics and Conflict Management

Disputes and conflicts related to the use of the environment and natural resources have become commonplace in today's world. With increasing environmental changes, more conflicts occur over the distribution of benefits and costs related to these changes. There is no overarching agreement on how to protect the environment the best, or consensus on the importance of environmental issues over other goals. The commitment of democratic societies to the liberty of individuals to choose their own values and to act accordingly inevitably opens them up to various kinds of political disputes. Disagreement, rather than agreement, characterises the normal state of society.2 The diversification of values regarding the environment provides a challenge to the responsible authorities in reconciling between different groups in accordance with the rules of the game of democratic societies. It is essential to address conflicts in a way that respects the democratic procedures of decision-making and maintains the faith of all stakeholders and citizens in the decision-making process, while succeeding in both formulating and implementing tangible policies.

According to the theories of conflict regulation³ conflicts *per se* should not be considered as problems. On the contrary, lack of conflicts can be a sign of a very undesirable and undemocratic development, if the political system does not allow conflicts to surface.⁴ On the other hand, intense conflicts can be considered a problem, if they create breakdown or rapid, uncontrollable changes in the society or if unmanaged and persisting conflicts create insecurity and frustration. If, however, conflicts – even intense ones – raise important political concerns, help to keep the administration alert, motivate creative planning and problem-solving and make sure everyone's opinions are heard, they can work as important catalysts for positive social change and development.⁵

From this point of view, it is important to analyse the capacity of different planning and decision-making processes to work as conflict regulation mechanisms capable of utilizing the constructive potential of conflicts. Social institutions should be developed so as to react to conflicts constructively, and to make gradual social change possible. Conflict management can therefore be seen as an integral part of the functioning of democratic societies.⁶

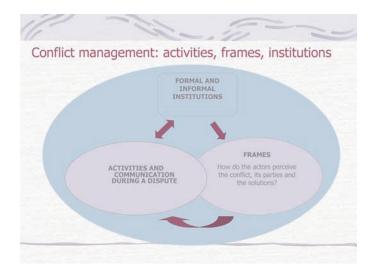


In this paper, conflict management is understood as a combination of three interlinked factors: activities, frames and institutions. The *activities* of the different stakeholders are affected by the perceptions they have of the conflict, the parties involved in it and of the potential solutions. These perceptions can be called *frames*. Frames are meaning-making structures that help us make sense of the events around us, and to focus our attention and actions. By framing, we place ourselves in relation to the issues and events; it is our

interpretation of "what is going on". An illustrative analogy to frames is wearing eyeglasses: the same events can look very different when interpreted through different frames.⁷ The relevance of the concept of frames in this context is that recent research shows that parties in a conflict often develop considerably different frames, and that the frames play a central role in determining how difficult the conflict is to resolve, i.e. how tractable or intractable it is.⁸

The activities – as well as the frames of the actors – are also affected by the social structures in which actors find themselves. These factors are numerous, but in this paper focus is paid to informal and formal codes of conduct, here called *formal* and *informal institutions*. These include laws, regulations, organisational habits, etc.⁹

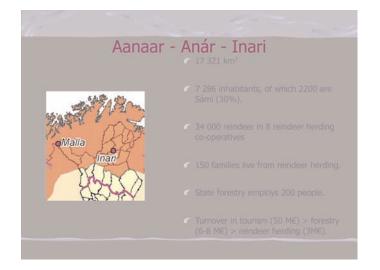
When defining conflict management as a combination of frames, institutions and activities, attention is directed to how the process design can promote communication and learning between the stakeholders regarding their frames and ways of widening or bending them (so-called *frame reflection*). Simultaneously, the definition highlights the importance of institutional design for successful conflict management, since institutions are considered a major factor in restricting or supporting activities as well as in affecting the way the conflict situation is framed.



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2. The Conflict Between Reindeer Herding and State Forestry in Anár

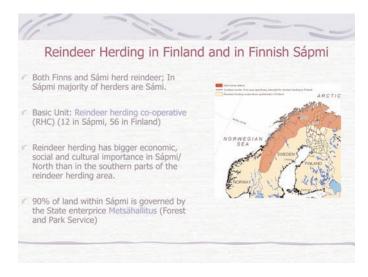
Anár lies on the timberline between the northern boreal forest zone and the hemiarctic zone. It has an area of 17,321 km² and a population of 7,120. One third of the population is Sámi. The population density (0.47 inhabitants/km² of land) is among the sparsest within the EU.¹⁰ Reindeer herding, forestry, and tourism, as well as nature conservation are the major land users in Anár.



Unlike in Sweden and Norway, reindeer herding in Finland is not an exclusive right of the Sámi people. Both Finns and Sámi practice reindeer herding in Northern Finland. However, within the Finnish part of Sápmi, which covers the northernmost municipalities in Finland (Anár, Utsjoki, Enontekiö and the northern part of Sodankylä municipality), the majority of the herders are Sámi. It is within this area that the herd size per herder is the highest in Finland, and that the role of reindeer herding for the employment and income of families is more significant than elsewhere." The basic administrative and geographical unit of reindeer herding is Reindeer Herding Co-operative (RHC, *paliskunta* in Finnish, equivalent to *sameby* in Sweden). In Anár, there are eight reindeer herding co-operatives, in which reindeer herders own privately altogether 34,000 reindeer.

Within Finnish Sápmi, over 90% of the land is owned by the state and managed by the state enterprise Metsähallitus. The majority of this land is protected as national parks, wilderness areas and other protected areas. Most of these consist of *fjells*, mires and high elevation forests. Productive forests and, as a result, forestry activities are to a large extent restricted to the municipality of

Anár.¹² Anár is one of the northernmost localities in the world where commercial forestry is practiced. While state forestry there is based on the same principles of final felling, regeneration, active management of the stands, thinning and so on, the management methods have in the past decades been adjusted more to the northern conditions. Chemical pesticides are not used, peatlands are not ditched and a number of retention trees are left to the harvested sites. Due to the closeness of the northern timberline of spruce, spruce forests are not logged. Metsähallitus has also introduced a selective logging method to multi-layered old forests.



Reindeer herding is based on the capacity of reindeer to utilize the scarce northern vegetation for nutrition. The quality and accessibility of wintertime pastures create a bottleneck for survival. In Finland, the Reindeer Husbandry Act guarantees free access to reindeer pastures irrespective of land ownership. Since a majority of the land in Anár is currently state-owned, reindeer herding is largely dependent on pastures on state land. The most important winter nutrition includes ground lichens and arboreal (tree hanging) lichens. Forestry affects the occurrence and availability of both of them in a number of ways. Logging mature forests removes arboreal lichen pastures while logging residues makes it harder for reindeer to dig and reach the ground lichen. Soil scarification as well as the collection of timber disturb the ground vegetation. Logging and the construction of access roads fragment the pastures, which affects availability of the pastures and the movements and control of the reindeer. In some cases, reindeer can graze on logged areas in winter, but less so than in old unmanaged forests.¹³

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The adverse impacts of forestry on reindeer herding or the special status of reindeer herding as a part of the Sámi culture are no longer under dispute between the Finnish state and the Sámi reindeer herders. It has been recognised by the state forest authorities that of all land use forms, forestry has the most significant adverse impact on reindeer pastures.¹⁴ However, conflicts between nature conservation, reindeer herding and forestry have not ceased to take place in Anár in the 21st century. They have also emerged regularly in other parts of the reindeer herding area further south.

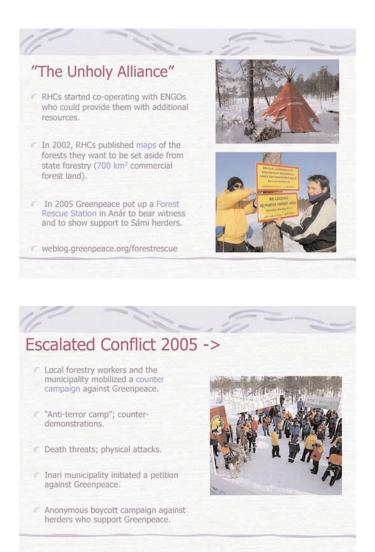
The primary actors in the disputes are on one hand the reindeer herding cooperatives who have contested the state forestry operations within their area, and on the other hand the state forestry administration, namely Metsähallitus

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and its superior, the Ministry of Agriculture. In addition, the conflict affects and is affected by a number of actors whose direct involvement in the events vary. These include other ministries (Ministry of the Environment, Ministry of Justice), a number of Sámi organisations, forest industry and forestry workers' organisations, the environmental movement, as well as Anár municipality and the local people at large.



While the conflicts between forestry and reindeer herding have existed since the late 1970s, a new phase in the dynamics started when the different herding co-operatives started to work together and allied themselves more closely with the environmental movement at the turn of the millennium. As a part of its campaign to support the herders, Greenpeace put up a Forest Rescue Station in Anár in the spring of 2005. This provoked the local forestry workers to a counter campaign, (Anti Terror Info Center), at the same time as the municipality expressed its opposition to the presence of Greenpeace. The escalation of the conflict has also included death threats and boycott campaigns.¹⁵



3. What Has the Finnish State Done to Mitigate the Conflict So Far?

In Anár, regular meetings between Metsähallitus and reindeer herders have taken place since 1977, when the first semi-annual meetings were launched.¹⁶ Since then, the planning system for state lands has been developed extensively and today Metsähallitus uses a multi-stage planning system throughout the country in which public participation plays a central role. The framework of the planning system consists of regional-level strategic Natural Resource Plans (NRPs). The NRP covering most of Finnish Sápmi (so-called Upper Lapland in Metsähallitus administration) was published in 2000. In addition, there are management plans for e.g. conservation areas as well as detailed plans for any particular forestry operation. The planning processes aim at reconciling the

different needs related to state forests, which is why participatory methods are used on all levels of the planning with all interested stakeholders. For all major planning processes, such as NRPs, stakeholder working groups are established. The aim of these working groups is to find consensus on the chosen strategy for the coming ten years. In the case of the NRP for Sápmi, however, the reindeer herding co-operatives disagreed on the chosen strategy, in particular on the annual allowable cut.17

In 2002, Metsähallitus developed a specific operational management plan for individual reindeer herding co-operatives in order to address the conflicts between forestry and reindeer herding. The aim of the plans was to find indicators for the adverse effects of forestry on herding, and to mitigate those effects. However, the plans never got past the drafting stage. According to the Ministry of Agriculture and Forestry, this was due to the fact that some of the co-operatives declared they would not accept any logging in their area.¹⁶ The problem for reindeer herding has been that throughout the aforementioned processes, logging has proceeded in areas that Metsähallitus has defined as commercial forests, while the herders consider them valuable winter pastures for reindeer and have requested that they be permanently set aside from forestry operations. Since several meetings with Metsähallitus at the local level did not lead to permanent exclusion of the winter pasture areas from forestry, a delegation of the representatives of four RHCs in Anár took up the issue with the representatives of the Finnish Government and appealed to the Ministry of Justice, Ministry of Agriculture and Forestry and the Ministry of the Environment in 2002. Their message was that as the owner of the forests, the state must intervene in Metsähallitus operations and that the logging of remaining oldgrowth forests in winter pasture areas must be stopped immediately.19

Since both reindeer herding and forestry are under the jurisdiction of the Ministry of Agriculture and Forestry, it assigned an arbitrator to study the issue. Based on the report of the arbitrator,²⁰ the ministry formulated an Action Programme²¹ which delegated the negotiation power regarding set aside areas and timber harvest levels back to Metsähallitus in Anár and its Natural Resource Planning. Logging of the disputed areas that had been mapped out by the RHCs was stopped temporarily.²² However, the negotiations between Metsähallitus and the RHCs ended in June 2005 without resolution²³ and the logging restarted in some of the disputed areas in August 2005, without the consent of the affected RHCs.

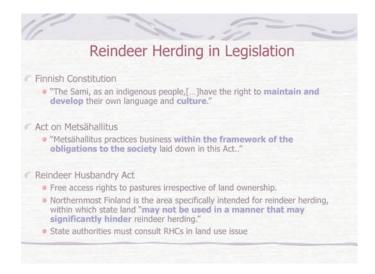
| Wha | at has the state done to mitigate the dispute? |
|------------|---|
| | nnual consultation between RHCs and Metsähallitus since the 970's on logging plans. |
| r s | trategic Natural Resource Planning by Metsähallitus (2000) • Participatory process • Main goal to secure the prerequisites of reindeer herding. |
| e 4 | 0% of the productive forest land is protected in Ánar. |
| A | rbitrator 2002 |
| C = | > MAF Action Plan 2003 |
| C = | > Updating the NRP in 2006 |

4. Reindeer Herding in Legislation

The demands of the reindeer herders have been based primarily on the fact that numerous pieces of Finnish legislation in principle give reindeer herding, and in particular Sámi reindeer herding, a rather strong position in decisionmaking regarding the use of state land. According to the Finnish Constitution (17.3 §), "The Sami, as an indigenous people, [...] have the right to maintain and develop their own language and culture." According to the government bill, this provision covers also the traditional livelihoods of the Sámi (HE 309/1993 vp, 65/II).

The Reindeer Husbandry Act (1990/848, 3 §) guarantees free access and user right of the pastures, irrespective of land ownership or possession rights. More importantly, the Act includes substantive and procedural regulations. According to 53 §, state authorities are obliged to consult the representatives of the affected reindeer herding co-operative when planning activities on state land that will have substantial effect on reindeer herding practices. Furthermore, section 2.2 prohibits any activities on state land that might "significantly hinder" reindeer herding.

The recently revised Act on Metsähallitus (1378/2004, 4 §) declares that the utilization, use and conservation of natural resources administered by the agency in Sápmi shall be adjusted to "[ensure] the conditions of the Sámi people to practice their culture." The law specifically mentions reindeer herding and the regulations of Reindeer Husbandry Act as a social obligation that limits the extent to which business activities can be practised (2.2 § and 4.2 §).



Considering the current legislation and the number of steps the Finnish state has taken to reconcile the interests of forestry and reindeer herding, why has the conflict not been resolved? While the answers to the question are manifold, this paper analyses in the following two factors that can be considered relevant in conflict management, based on the definition of conflict management given in section 1. These factors are actors' frames and the institutional framework.

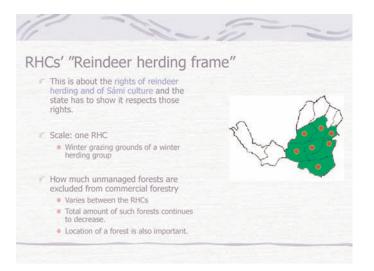


5. Conflicting Frames

While there is no disagreement between herders and Metsähallitus on the general fact that forestry causes adverse impacts on reindeer pastures, the parties assess the current impacts in Anár rather differently. This can be illustrated by describing their way of framing the conflict. The conflict frame of Metsähallitus Forestry Division (and its superior Ministry of Agriculture and Forestry) on the conflict is here called Forestry frame (Table 1). According to the Forestry frame, the extent to which forestry operations have been reduced from the potential maximum illustrates the reconciliation between forestry and herding.²⁴ The impacts are assessed in terms of annual harvest levels because that is the relevant unit for forestry and the basis of the economic calculations. Furthermore, the impacts are assessed within the area of entire Anár or Finnish Sápmi because these are the operative areas of state forestry. State harvest levels in Finnish Sápmi have been reduced from the record high of 270,000 m³ in 1980 to 150,000 m³ annually in 2000.²⁵ In 2005, the harvest levels were further reduced to 136,000 m³ annually.²⁶ In Anár, almost half of the forests are protected, and the annual regeneration loggings cover only 0.2% of the total forest area in Sápmi.²⁷ When assessed through the forestry frame, the needs of reindeer herding have been well taken into account, as has been argued by Metsähallitus Forestry Division and the Ministry for Agriculture and Forestry.28



Herders, in turn, possess a conflict frame that provides a different picture regarding the impacts of forestry on herding (Table 1). RHCs have legally defined geographical borders that limit the possible pasture areas of each RHC. This geographical unit of reindeer herding is different from the geographical unit of forestry. As was mentioned earlier, within Anár municipality there are eight co-operatives and they are separated from each other with a fence. Furthermore, different parts of a RHC's area have different functions as pastures. Some are used in summer, others in winter, and they are replaceable with each other only to a limited extent. From the perspective of reindeer herding, the conflict is about the amount and availability of winter pastures that have not been affected by forestry operations in each co-operative. When assessed through this frame, co-operatives have argued that the pastures have not, in all cases, been adequately protected from forestry. The protected forest areas are unevenly distributed between RHCs and they have not been chosen based on the needs of reindeer herding. In some RHCs, none of the forests in winter pasture usage are protected from forestry operations. Despite the declining harvest levels, forestry still keeps spreading to new, previously unmanaged, areas and the impact of forestry on pastures is therefore in fact increasing and not decreasing.²⁹ Even according to the management plans by Metsähallitus, the amount of forests over 140 years of age will decrease in Finnish Sápmi from close to 60% to 40% between 2000 and 2040.30

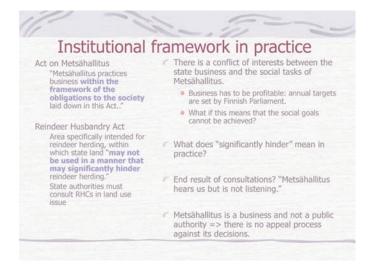


| Name of frame | Forestry frame | Reindeer herding frame |
|-------------------------------|--|--|
| Issue | Amount of area not available for timber production | Amount and availability of winter pastures |
| Relevant geographical area | Anár, Sápmi (Upper Lapland) | Winter pastures of each RHC |
| Measure of impact | Reductions in the harvest level | Amount of winter pastures in timber production |
| Role of context | Impacts are similar in all RHC s | Impacts depend on local ecological and social conditions; each case is unique |

Table 1. Comparison between the conflict frames in the Anár conflict

6. Institutional Network in Practice

As previously mentioned, forestry and other business operations by Metsähallitus are allowed only "within the framework of the obligations to the society laid down in this Act", including the needs of reindeer herding (Act on Metsähallitus, 4 §). During the conflict in Anár, however, the interpretation of the law in Metsähallitus and in the Ministry of Agriculture and Forestry has been rather unclear and has been muddled by internal conflicts.³¹ On the one hand, representatives of the Ministry have emphasized that economic profitability is not an acceptable justification for bending the social obligations stipulated by the law. On the other hand, they refer to the State Enterprise Act (1185/2002 2.2 §) by saying that the activities of a state enterprise must be profitable, and therefore economy sets limits to the social obligations.³²



In their strategic documents, both the ministry and Metsähallitus have set profitability as the basic rule for all state forestry operations nationally as well as locally in Anár.³³ This has been one of the major constraints in resolving the conflict between reindeer herding and forestry. Despite the demand to keep operations profitable, state forestry in Anár does not provide the state with major income, nor does it play any major role for the wood procurement of the paper industry. Instead, the most significant impacts of the dispute are likely to be caused by the employment of local loggers and other forestry dependent workers. Anár municipality has an unemployment rate of 19% (in 2003, www.inari.fi), and therefore any decisions that reduce jobs are unwelcome. The conflict between the two social obligations given to Metsähallitus by legislation (promoting employment and safeguarding the pastures for reindeer herding) might be easier to mitigate if the economic constraints on Metsähallitus could be relieved and loggers could work on such forestry measures that are useful for both forestry and reindeer herding, but not economically profitable in the short term (e.g. thinning).

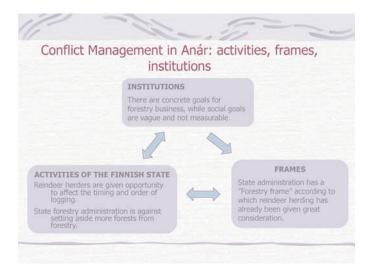
In addition to the regulatory conflicts related to the substance (how natural resources should be used), the conflict has also revealed defectiveness in the regulation related to the process of how such decisions are made. The duty of the state to negotiate with affected RHCs as stipulated by the Reindeer Husbandry Act does not mean that an agreement must be reached or that RHCs would have a veto to forestry operations. Should the co-operatives not agree, herders lack the right to appeal against Metsähallitus forestry plans.³⁴ This deficiency in the legislation applies to all citizens. According to the

government bill to reform the Act on Metsähallitus in 2004 (HE 154/2004), Natural Resource Planning is an important tool to reconcile the many needs and uses of state forests. However, the Act itself does not include any regulation on the planning or the role of public participation therein. Since the planning process does not exist in the legal sense, the plans lack a process of administrative appeal. A right to appeal against decisions by the authorities exists in Finland only for final administrative actions.³⁵ Preparatory decisions or decisions by a state enterprise are not appealable because they are not decisions in this legal sense. Thus, any decisions by Mestähallitus can be made unilaterally and Sámi reindeer herders have no right of appeal.

7. Interaction Between Conflict Management Efforts, Frames and Institutions

To summarize, the role of framing of the conflict and the institutional framework on the ways the conflict has been managed so far, it can be concluded that the ambiguity or lack of regulation on the social obligations of Metsähallitus regarding Sámi culture reindeer herding and on public participation allow for a lot of leeway in how Metsähallitus chooses to reconcile the interests of forestry and reindeer herding. The concrete, measurable economic goals as well as the forestry-dominated frames of the staff of the organisation lead to solutions that try to minimize any further restrictions on forestry.

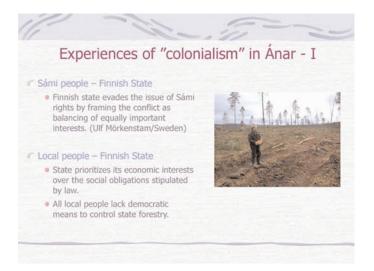
While significant reductions to state forestry have been made throughout the years by establishing nature conservation areas and reducing timber harvest levels, it seems that these processes have not been informed by what in this paper is described as the reindeer herding frame, since the conservation areas are distributed unequally between the co-operatives and not always in the areas that would matter the most for them. Perceived through the forestry frame, it is reasonable to argue that forestry has made enough sacrifices already, whereas perceived through the reindeer herding frame, it can equally understandably be argued that the measures taken so far have not been relevant or adequate for reindeer herding. Considering the legal requirement for Metsähallitus to safeguard the prerequisites of reindeer herding, it can be argued that it would be reasonable to expect that Metsähallitus is able to show that this is indeed the case by assessing the situation with indicators and scales that are in fact relevant to reindeer herding.



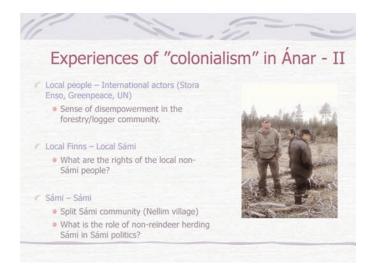
8. Discussion: Many Experiences of "Colonialism" in the Anár Forest Conflict

It is apparent that one of the underlying and focal issues in the Anár dispute is the unresolved colonial relationship between the Finnish state and the Sámi as an indigenous people. The Finnish state evades the issue of Sámi cultural and land rights by framing the current conflict as balancing of equally important local interests. Simultaneously, the state fails to recognize the colonial history of the area and hence, the opportunity to deal with the past and to find ways forward is missed. Unfortunately, this strategy is not unique to Finland within the Nordic countries or in the world. While by no means the only aspect of the conflict, the relationship between the Finnish state and Sámi rights is one of the most central ones.

As was pointed out in section six, the rights of the local people to participate in the planning processes by Metsähallitus are only partially safeguarded by legislation. Furthermore, the affected citizens and groups cannot, should they disagree with the plans, file a complaint and get an independent court of law to assess the plans. The problem of lack of democratic control over state forestry operations in Anár is a problem common to all local people, irrespective of their ethnic background.



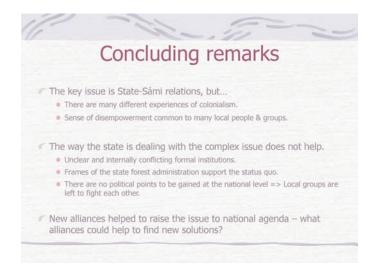
During the age of globalisation, the range of actors – and also the experiences of colonialism – has changed from what is was some decades ago. The debate over the forests in Anár is not restricted to local or even national actors. International corporations such as Stora Enso procure timber from the area, and their watchdogs, the environmental NGOs, are at least as international and globalized as their counterparts. While those of the local actors well-connected with the international players have acquired more resources and political influence through their networking, those without such connections may feel less empowered than before and being ruled over by the logic of international trade and campaigning. Interventions by the UN Human Rights Committee, while based on international law and conventions, may feel just as uncontrollable to unorganised local people whose main concern maybe is their employment in the near future.



Rethinking Nordic Colonialism

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As the dynamics of the Anár conflict have shown, the local community is far from uniform. The increased political activism of Sámi and their demands to get their voice heard have raised concerns in the local non-Sámi population on how their existing rights will be respected in the future. Even more sensitive is the issue of different groups of views within the Sámi community itself. While reindeer herding and herders dominate the public debate and imagery of Sámis and Sámi culture, the community is more diverse as such. There are Sámi loggers and forestry planners working for Metsähallitus, and there are those among the Sámi, who criticize reindeer herding for blaming its internal problems on others. How does a minority deal with its own minorities?



To conclude, it can be said that a sense of disempowerment seems to be a common denominator for most local actors in the Anár conflict. The problem at the national political level, on the other hand, is lack of interest. Sámi issues are not high on the agenda of any of the political parties. There are no political points or important votes to be won in trying to resolve such complicated issues as the conflict in Anár. Although the conflict remains unresolved, by joining forces with the environmental movement, which is often perceived as the enemy in rural Finland, Anár reindeer herders have nonetheless been able to raise their issue to the attention of both national and international actors and media. The question is, what kind of new, unconventional alliances could help to find a resolution to the conflict?

Notes

1. The paper is a part of on-going Ph.D. research on conflict management in State Forestry in Finland. It is part of the project "Legitimacy of Environmental Governance" at the University of Joensuu, funded by the Academy of Finland.

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17. Sandström et al., op. cit., p. 172.

18. Piiparinen & Kotisaari, op. cit., p. 42.

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Muotkatunturi & Reindeer herding co-operative of Paatsjoki, To the Ministry of Forestry and Agriculture, Ministry of Justice and Ministry of Environment: About the impacts of state forestry towards our reindeer herding and proposals for correcting the situation. Inari: March 20-21, 2002. www.inarinpaliskunnat.org [Cited August 17, 2005].

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