

8 Unpacking reindeer husbandry governance in Sweden, Norway and Finland

A political discursive perspective

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Introduction

Sociopolitical governance entails processes of formulating and addressing societal issues – or negotiating which “problems” need solving and how (Kooiman 2003; Torfing et al. 2011). The ability to navigate pluralistic problem representations and develop public acceptance for different governance models and interventions (either through procedural mechanisms [so-called input legitimacy] or desired effects [so-called output legitimacy]) (Scharpf 1999) is an essential governance quality. However, as this volume – as well as previous research – demonstrates, reindeer husbandry governance suffers from deficits in relation to both dimensions – procedurally and in delivering results relevant for herders (e.g., Heikkinen 2011; Widmark & Sandström 2012; Löf 2014; Kivinen 2015; Brännström 2017; Larsen et al. 2017; Raitio et al. 2017; Risvoll & Kaarhus 2020; Turunen et al. 2020; Österlin & Raitio 2020; Pekkarinen et al. 2021; Sarkki et al. 2021). In this chapter, we provide explanation for why these deficits occur and are so persistent. We do so by exploring how problem representations in reindeer husbandry governance are constructed, contested and handled. We thus unpack the discursive and political dimensions of reindeer husbandry governance (cf. Arts & Buizer 2009; Bacchi 2009; Voß & Bornemann 2011) and provide, to our knowledge, the first meta-level comparative analysis of reindeer husbandry governance in Norway, Sweden and Finland.

Governance analyses take many different forms. Ours centres on identifying which societal *issues, solutions and opportunities* are recognized, institutionalized and negotiated in reindeer husbandry governance. Our chapter demonstrates how the governing systems of reindeer husbandry have been created to address – and continue to address – problem representations and solutions defined by state and other land use actors – not the herders. We further show how the failure to address and handle herders’ most important issues and needs is directly related to the discursive construction of reindeer husbandry as a

policy area. Despite apparent differences between the governing systems in the three countries, reindeer husbandry governance in Fennoscandia is also similar in how it:

- frames reindeer herding solely as an industry, thereby disregarding herders as rights holders and the broader cultural and livelihood dimensions associated with herding practices
- ignores the needs of reindeer herding and fragments reindeer herding lands by separating reindeer husbandry governance from other forms of land use governance and planning
- enables the states to escape responsibility for ensuring conditions necessary to meet the goal of socially, environmentally and economically sustainable reindeer herding practices
- fails to provide reindeer herding communities with tools and opportunities to regulate herding conditions and exert influence over accumulating pressures
- is based on a minimalist understanding of “co-existence” where reindeer herding is repeatedly forced to adapt to others’ needs and demands.

Reindeer herding’s key issues remain unresolved

Despite herding organizations’ repeated and considerable efforts (e.g., Sametinget 2020; Paliskuntain yhdistys 2021; Chapter 15), the key issues identified by herders typically remain unresolved (see also Chapters 4, 5 and 6). Importantly, the negative, interacting and cumulative impacts of competing land uses, predation by large carnivores and climate change lead to *increasing and continued loss of grazing peace, land and flexibility*. Herders’ opportunities to deal with this situation by implementing strategies that are desirable in the long run are circumscribed by interactions with competing land users, institutional limitations and structural asymmetries (Löf 2013; Risvoll & Hovelsrud 2016; Holand et al. 2021; Landauer et al. 2021). In other words, while single disturbances may be manageable, navigating the present complex of multiple and interacting drivers with cumulative and often unpredictable impacts under poor institutional conditions proves to be an insurmountable task for most herding communities (Kaiser et al. 2010; Löf 2013; Benjaminsen et al. 2015; Risvoll & Hovelsrud 2016; Sametinget 2020; Österlin & Raitio 2020; Sörlin 2021; Tyler et al. 2021). Taking herders’ issues seriously thus requires governance to address herding as a system, not as fragmented components.

A systems approach essentially entails recognizing the interdependencies and relations between different parts and functions. Herders often describe herding as a way of life (Chapter 15) intimately tied to Sámi culture (including community, family, language, histories and futures) and other traditional practices such as hunting, gathering and fishing. As a semi-nomadic pastoral practice, herding also ultimately depends on land and secure access to diverse natural pastures

and grazing peace. As the pressures on these lands increase, it becomes increasingly important to recognize and protect existing land rights. We posit that the governance of reindeer herding requires attention to all three dimensions: livelihood, land and rights.

Key terminologies used

We use somewhat different terminologies than other chapters. In order to recognize the cultural and relational dimension, we use the umbrella concept of reindeer herding communities (RHCs) rather than herding districts. We also make an important distinction between *reindeer herding* and *reindeer husbandry*. Herding refers broadly to the herding system and practice, while we use *reindeer husbandry* to denote the construction of reindeer herding as a policy area in public governance. This is more than mere semantics. Acts of labelling and translating both impose and disguise meaning in more or less visible ways but with tangible consequences (Joks et al. 2020). Naming and classifying should therefore be scrutinized critically as they are neither innocent nor neutral actions but part of negotiating meaning and thus acts constitutive, impacting how socio-political governance is constructed and performed (Arts & Buizer 2009).

The discursive and political dimensions of governance

Following interactive governance (Kooiman 2003) and other discursive-institutional governance approaches, we consider governance to be embedded in governing structures while at the same time emerging from the interactions between sociopolitical actors. The relationship is dialectic; governing structures shape interactions and agency, while interactions simultaneously shape those very governing structures – including norms, formal institutional contexts and boundaries of governing objects and systems (e.g., Arts & Buizer 2009). In our governance analysis, we consider this dialectic through one of the most central tasks in sociopolitical governance, namely to formulate and address societal issues (problems) with associated “solutions” and opportunities (visions) (Kooiman 2003; Torfing et al. 2011).

The so-called *discursive dimension of governance* (Arts & Buizer 2009) recognizes that governance is not an external or neutral tool for solving societal issues independently of its own conditions. On the contrary, any governing system is based on particular understandings and representations of “problems” that it is designed to address and “solve” (Kooiman 2003; Arts & Buizer 2009; Bacchi 2009). By structuring representations of societal issues, governing systems effectively limit the scope of solutions available for discussion: some are included, while others are excluded. Governing systems, moreover, construct and reproduce specific understandings, so-called governing images, of the objects governed (so-called systems-to-be-governed) (Kooiman 2003). Governing images entail e.g., specific understandings of what reindeer herding is or should be. The perceived boundaries of these systems (the governing and

governed) are a direct function of governing images. Because of these structuring effects, a governing system is a force in its own right and plays a critical role in determining the possible outcomes of governance interactions (Voß & Bornemann 2011). Governing systems cannot, therefore, be considered separate from what is governed. In our case, the system-to-be-governed is *reindeer herding* while *reindeer husbandry governance* is the governing system.

The *political dimension* of governance (Voß & Bornemann 2011) recognizes that societies and sociopolitical actors' views and wills are diverse. Governance is always a form of negotiation and display of power. By acknowledging the so-called politics of governance, we direct attention to negotiation and contestation: how the struggle over meaning and competing problem representations between different sociopolitical actors in governing interactions are addressed, dealt with or ignored (Voß & Bornemann 2011). Present reindeer husbandry governance can be seen as an imprint of power relations between actors struggling to gain hegemony over what and whose problem representations should be prioritized (North 1990).

Methodology: an iterative process of unpacking governance

Three broad questions, derived from the discursive and political dimensions, formulated as “*what*”, “*how*” and “*for and by whom*” in reindeer husbandry governance guided our initial empirical search. In operationalizing “*what*”, we primarily used the concept of governing images (encompassing preconceived ideas and norms about the system-to-be-governed), descriptions of problems and issues to be addressed and identification of solutions and visions that provide direction for governing interactions (Kooiman 2003; see also Löf 2014). In terms of “*how*” we considered governance as policy according to Voß & Borneman (2011), how conceptions and perceived problem representations are translated, negotiated and implemented through specific governing instruments (instrumentalized, see also Kooiman 2003) where we also used classic policy typologies (legal/regulatory, economic and agreement/incentive-based) in order to identify the prevalence of different techniques and types (Bevir 2010). Finally, we looked at how key actors are positioned vis-à-vis each other in governance negotiations and interactions (cf., the use of politics proper in Voß & Borneman 2011). In terms of material, we canvassed broadly, including goal formulations, strategies, legislation, preparatory works (for an overview of sources cited in the text, see Table 8A.1) and previous research from respective country context.

After our first comparative assessment, it surprised us how similar the governing systems were. Considering the varying institutional and political contexts, we found this an important finding and have therefore chosen to highlight such similarities, often in the form of examples from one or several governing systems. Attempting to adopt a systems approach to reindeer herding, we additionally consider three overlapping and relationally focused themes: (i) mismatches in boundaries between the governing systems and

system-to-be-governed, (ii) contestations and tensions between problem representations, instrumentalized solutions and visions and (iii) interactions with other governing systems and competing land use.

Unpacking reindeer husbandry governance

There are few comparative studies in this field. The study by Allard (2015) – the first comparative assessment of reindeer herding legislation and rights on a Nordic scale – is an important exception. While showing how the legal basis for reindeer herding rights have been established similarly (through undisputed long-term use), she reported large differences (particularly between Sweden and Finland, compared to Norway) in how these rights are perceived and treated in the different legal systems (Allard 2015). Importantly, she also noted growing tensions between legislating and governing reindeer herding as an *internal* matter (of national concern) and recognizing its more *universal* aspects resting on human rights and international law (Allard 2015; see also Allard & Brännström 2021). However, there are many other relevant studies that examine both broader and specific issues within each governing system, and we have included these as far as possible. The following account combines empirical results with analysis and each section leads with a brief summary.

Boundaries of governing systems: a history of structured fragmentation

In all three countries, reindeer husbandry governance is structured in a way that separates and fragments the herding system (livelihood, land and rights) into separate silos – discursively, politically and administratively. We find that this structured fragmentation places effective limits on problem representations, solutions and visions and represents a major mismatch compared to herders' own understanding of reindeer herding and its challenges.

In Sweden, reindeer husbandry administratively belongs to the Ministry of Enterprise and Innovation (*näringsdepartementet*), in Norway the Ministry of Food and Agriculture (*landbruksdepartementet*) and in Finland the Ministry of Agriculture and Forestry (*maa- ja metsätalousministeriö*). These ministries also govern many other land uses that impact the conditions for reindeer herding, e.g., agriculture, forestry (which in Sweden and Finland are the competing land use with most widespread impact on reindeer pastures [Sandström et al. 2016; Turunen et al. 2020]), mining (Sweden) and large carnivores (Finland). Yet, both practically (due to different administrative units and personnel within the ministries) and formally (due to different sectoral regulations such as the Minerals Acts, Forestry Acts, etc.) the interactions *between* these governing systems are limited. Institutionalized interactions are moreover poorly regulated, particularly the processes that regulate access to and use of reindeer herding land by competing land users (see e.g., Larsen et al. 2017; Sjölander et al. 2020; Österlin & Raitio 2020).

Separating herding practices from Sámi culture and rights

Sámi culture and Indigenous rights (despite the inclusion herein of reindeer herding rights) are governed as entirely other entities, both administratively and discursively. While reindeer herding is not an exclusive right of the Sámi people in Finland (but requires residence in the reindeer herding area), all three states recognize reindeer herding as an inherent part of Sámi culture and emphasize that reindeer herding enjoys constitutional protection (see e.g., Prop. 2009/10:80 pp. 188–191; Anaya 2004 pp.135–138 on *Kitok vs. Kitok*). The Finnish Reindeer Husbandry Act (848/1990) moreover recognizes and protects reindeer herding as a *traditional livelihood* in Northern Finland for Sámi and Finns. In Sweden and Norway, reindeer herding is often described as a unique Sámi livelihood, tradition and “bearer” of Sámi cultural heritage (e.g., Swedish Ministry of Culture and Democracy 2015).

However, in Finland, governance of Sámi matters falls under the Ministry of Justice, including the implementation of the Sámi people’s right to self-determination. This task has, through the Act on Sámi Parliament (974/1995), been focused on ensuring effective consultations between the state and the Sámi Parliament; whereas, reindeer herding rights and the role of Sámi reindeer herding cooperatives as rights holders have received surprisingly little attention. For example, guidelines for implementing the established principle of Free, Prior, Informed Consent (FPIC, see, e.g., the United Nations Declaration of the Rights of Indigenous Peoples and the International Labour Organization Convention no.169) do not specify reindeer herding communities in the Sámi homeland area as FPIC communities (Ministry of Justice in Finland 2017).

In Sweden, Sámi matters, except reindeer herding, belong (since 2014) to the Ministry of Democracy and Culture where, in recent years, rights-focused rhetoric has become more visible. The former Sámi Minister Bah Kunkhe (not to be confused with the Minister of Reindeer Husbandry) officially stated that the Swedish state had the pressing task to update Swedish Sámi politics by taking responsibility for the present and previous injustices, sharing power and increasing self-determination in issues concerning the Sámi (Swedish Gov. 7 February 2018). This demonstrates a significant step for a colonial state that has never officially apologized for past and present wrongdoings (see e.g., Löff 2016) although truth and reconciliation processes are currently underway. The recognized links between Sámi culture and rights stop short of reindeer husbandry governance and have moreover failed to translate into concrete governing action. Initiatives such as developing a formal order of consultation with the Sámi people (Prop. 2020/21:64) have been met with resistance and early in 2021 forced the Swedish government to withdraw the proposition. However, when the new Swedish government took office in fall 2021, the parliament voted for a new legislation that demands consultation with the Sámi people in matters that concern them. The Sámi Parliament is similarly tasked to monitor questions with relevance for Sámi culture and take initiatives promoting

Sámi culture (Sámi Parliament Act 1992:1433) but the influence over reindeer herding remains administrative and the Sámi Parliament, in its current form, is unable to exercise actual self-determination (Sámediggi 2016). Together, these examples demonstrate both diversity and significant gaps between governing rhetoric and implementation.

We conclude that the formal governing systems divide different dimensions of reindeer herding into different administrative silos where the governance of land takes place through multiple, overlapping and fragmented but poorly coordinated land use planning and authorizing processes.

Governing what? The dominant image of reindeer herding as an industry

Reindeer husbandry is constructed almost exclusively as an industry and the broader conception of reindeer herding is thereby deprived of sensitivity to culture, land and rights. The objective of reindeer husbandry is thus reduced to a primarily economic dimension, even when redressed in the meta-narrative of sustainability. Importantly, this positions and reinforces reindeer herders as stakeholders with interests – on par with other industries – instead of recognizing them as rights holders. This, in turn, has important implications for how interactions with other land uses unfold (see also Löf 2014; Sarkki et al. 2021).

An industry underpinned by economic rationalization

One of the most striking similarities between reindeer husbandry governance in Sweden, Norway and Finland is how it constructs the dominant image of reindeer herding as an *industry*. It is visible in the organization of governing systems (see above) and in the terminology used. For example, the Swedish concept “*rennäring*” (synonymous with industry) and the Finnish term “*porotalous*” (“reindeer economy”) are the institutionalized governing terms (e.g., in legislation). Alternative terminologies (e.g., *renskötsel*, “reindeer management”) are sometimes used simultaneously, but the industry image maintains a discursive dominance. For example, the Norwegian government acknowledges that “Reindeer husbandry as an industry, culture and way of life is unique, both nationally and internationally” (Ministry of Food and Agriculture 2020), yet claims husbandry (*reindrif*) as an “extensive landscape-based industry” similar to forestry and agriculture (ibid.).

Underlying this “industrialization” is the associated logic of *rationalization*, particularly visible in the Norwegian and Finnish governing systems. While the Norwegian state has implemented various policies and regulations in different historical phases (Johnsen 2018), a major structural change has been ongoing for the past 40 years. The objective to transform Sámi reindeer husbandry into a corporate, market-oriented, economically efficient and environmentally sustainable industry was driven parallel by internal demands and general modernization and the understanding that too many reindeer and people were engaged in pastoralism, risking overgrazing and poor herding economy. While traditional and experience-based knowledge played a major role in Norwegian reindeer

husbandry governance prior to the 1970s, rationalization has been underpinned by a Western scientific perspective to increase meat production and the income and welfare of pastoralists (St. Meld. 32 (2016–2017) p. 7; Johnsen et al. 2017).

In a similar fashion, Finnish reindeer husbandry governance has been built around the logic of fewer herders making a full-time living from reindeer husbandry, as opposed to having multiple smaller income streams, as otherwise typical in Sámi culture. Herders are thus expected to make their living from meat production and not from reindeer herding more broadly, e.g., hunting, engaging in tourism, production of handicrafts and so on. How reindeer herding is perceived as a meat production industry is evident in the way regulations and economic incentives steer towards bigger herds per herder, reinforced by EU policies, and informed by agriculture-like rationalities (Hukkinen et al. 2006; Raitio & Heikkinen 2003).

The idea of what constitutes “good” herding practice thus shifts over time. In Sweden for example, the governing objective in the early 1900s was to keep reindeer herding as “traditional” as possible (Mörkenstam 1999) while from the 1970s onwards “good” herding became synonymous with rationality and profit. This demonstrates how seemingly universal ideas are always bound to specific contexts. This includes the currently dominating goal for reindeer husbandry – the meta-narrative of sustainability (cf. Voß & Bornemann 2011).

The narrative of sustainable reindeer husbandry

The central objective for all three governing systems is framed in terms of sustainable reindeer husbandry, broadly drawing on the three pillars of sustainability. The Norwegian Reindeer Husbandry Act (15 June 2007 nr. 40) states that the state shall arrange for *ecologically, economically, and culturally sustainable reindeer husbandry*. The economic dimension is interpreted in line with the above, as profitable and rational economic practices that can provide a sufficient livelihood for the herding population (Norway) or sustain a “reasonable” number of herders (Sweden, Prop. 1971:51, pp. 29–34; Arctic Strategy 2020).

In Norway, the linkages between dimensions are made explicit, with the ecological dimension seen to provide the basis for economic and cultural sustainability (Riksrevisjonen 2011–2012). The Act’s implementation of provisions about the reindeer herding *siida* is part of the cultural sustainability dimension (Ot.prp. Nr. 25 (2006–2007), 31–33; NOU 2001:35). Notably, the focus on reindeer numbers is based on the concept of *carrying capacity* (Benjaminsen et al. 2015), which has played a major role in the state’s reindeer administration during the past four decades. Here, research demonstrates how the government has established a set of goals and indicators lacking recognition of the complex reality of reindeer herding (Johnsen 2018; Marin et al. 2020). According to the Norwegian Ministry of Food and Agriculture “*It is an explicit political objective to develop an efficient and market-oriented reindeer husbandry industry based on long-term sustainability*” (2020). The statement emphasizes that while sustainability has

taken over as a meta-narrative, rationalization remains a dominant and underlying objective in reindeer husbandry governance.

The Finnish Reindeer Husbandry Act similarly frames ecological sustainability in terms of *carrying capacity of winter pasture areas* (§ 21). In an earlier study, the objective was identified – by the public authorities themselves – as promoting reindeer herding based on natural pastures (as opposed to feeding) (Hukkinen et al. 2006). While this reconnects reindeer herding to landscape conditions, in its present interpretation it fails to include the impacts of other land uses (see below) and ignores that most of the cooperatives are already forced to use supplementary feeding as they no longer have access to natural winter pastures due to habitat loss and fragmentation (Forbes et al. 2020; Pekkarinen et al. 2020).

In Sweden, the goal is for reindeer husbandry to remain an ecologically, economically and culturally long-term sustainable practice (1999/2000:MJU9; SOU 2001:101). The Swedish Reindeer Husbandry Act (1971:437) emphasizes ecological aspects and mandates, e.g., that reindeer husbandry considers the maintenance of biodiversity and the long-term productive capacity of natural pasturelands (65a §). The article was added in the 1990s following public debates on overgrazing (Prop. 1992/9332, pp. 122–125). Initially, overgrazing was considered largely a result of *internal* dynamics (i.e., too many reindeer) but external factors (e.g., other land uses) were soon recognized as critical in this regard. The current appreciation of how to maintain this ecological objective reflects that the productive capacity of pasturelands is *primarily externally determined* and therefore dependent on the actions of many land users, complex interactions and changing environmental conditions (including climate change) (SOU 2001:101). However, as we demonstrate below, there are neither instruments nor arenas in the governing system that sufficiently addresses and divides responsibility between different sociopolitical actors.

Governing issues – instrumental and strategic alignment

If sustainable reindeer husbandry is the overarching governance goal, what are the key issues recognized? Here, there is a partial overlap between herders' accounts (see earlier section) and the formal governing systems. For example, in Norway, the current initiatives of highest priority were recently settled in the annual negotiations between the State and the Norwegian Reindeer husbandry Association (NRL) and include protecting grazing land, crisis preparedness and measures to care for herders who cannot utilize reindeer pastures in Sweden (Prop. 189 S 2020–2021).

Traditionally herders moved freely across borders. Since some years Norway and Sweden lack a Grazing Convention that regulates cross-border mobility, and this has enabled some (Swedish) herders to access their traditional lands (Grönvall & Löf 2020). The State Secretary for Agriculture and Food similarly stated that current major challenges for reindeer husbandry are land encroachment, climate change and large carnivore predation (Ministry of Agriculture and

Food 2021). In Sweden, the currently prioritized policy issues and initiatives include large carnivore predation and climate change (Ministry of Enterprise and Innovation 2020) while in Finland, current policy centres on land use conflicts and planning. These include national goals and National Land Use Guidelines (*VAT*) for different developments with particular concern for reindeer management – including industrial and forestry, EU and Arctic policy as a whole (e.g., Arctic railway plans, development of renewable energy and extractive industries) (du Plessis 2020). However, cumulative impacts resulting from other land uses are paid little or no consideration (Kivinen 2015).

Governing how? Instrumentalization and proposed solutions

Despite the basic alignment around problem representations, our analysis demonstrates that major differences remain regarding how key issues are understood and how to address them. We demonstrate that governing tools able to address problems from herders' viewpoints are still lacking and that the proposed "solutions" typically internalize responsibility, favour incremental change and tend to weigh heavier on reindeer herders compared to other actors. That is, governing instruments are geared towards adapting herding practices, not addressing and recognizing the impacts of competing land use on reindeer herding conditions.

Hierarchical governance and internalized "solutions"

Generally speaking, reindeer husbandry governance is characterized by top-down interactions. We identify the Reindeer Husbandry Acts as the most important governing instruments, with the exception of Norway. Here, the Act alongside the yearly negotiations between the state and herding organization that set operative goals (e.g., to stimulate meat production) is most important (NOU 2001:35; St. Meld. 32 (2016–2017), pp.34–50; Johnsen et. al 2017).

Reindeer husbandry legislation is detailed and governs, among other things, the internal organization, maximum number of reindeer and various forms of boundaries (spatial, temporal and organizational). The Swedish Act interprets and specifies e.g., Sámi rights to land, how herding is organized, what activities RHCs can undertake, where herding can be practised and who decides over internal and external matters.

Our mapping shows how translating problem representation into "solutions" typically targets *incremental* and *internal* responses and/or rests on weak collaborative instruments vis-à-vis other actors. For example, both in response to climate change and predation, supplementary feeding and economic compensation for damage are the only tools in place as agreements on tolerance levels are still to be implemented (Sjölander et al. 2020). Reindeer herding is moreover relatively invisible in public policy at large (Löf 2016). Other than a broad focus on sustainability, reindeer husbandry often lacks clear national-level policy objectives (that can be followed up), especially compared with other sectors (e.g., tourism in Finland Työ- ja elinkeinoministeriö (TEM 2019)).

Dialogue and information-based instruments govern relations with others

Competing sectoral legislation is typically not as detailed as the Reindeer Husbandry Acts and, importantly, do not sufficiently recognize herding objectives or consideration towards reindeer herding (e.g., Brännström 2015). Much effort has therefore been placed on developing soft governing instruments based on dialogue and information. For example, so-called reindeer husbandry plans have been developed to enhance consultations and dialogues with other land users (Löff 2014) and to assist reindeer management (statsforvaltaren.no). While they are meant to provide up-to-date information and description of RHCs' land use strategies, a primary objective is to mitigate conflict between different land users and interests (Sandström et al. 2016). The underlying normative assumptions are, however, based on the continued exploitation of the land, and herders are thus left with tools and processes designed by competing actors for different purposes (in this case industrial forestry) which over time risks eroding the recognition of practice-based knowledge (Löff 2014; Kuoljok 2019; Tyler et al. 2021). This effectively renders RHCs with limited prospects of exercising any real influence over for example forestry-herding interactions, and associated costs have moreover been shown proportionally higher for RHCs than forestry (Widmark & Sandström 2012). So, while such tools are potentially useful in particular interactions, they function poorly under unclear and asymmetrical conditions that characterize much of the land use interaction in Sápmi.

Ironically, both in Norway and Finland, another suggested “solution” that instrumentalizes the image of ecological sustainability is to *reduce* the number of reindeer (see Chapter 9). This begs the question, for whom this is a solution and based on what understanding of the problem? It obscures external pressure on lands and transfers responsibility for mitigating the impacts of multiple land users on pastures solely to reindeer herders. Governing through permissible number of reindeer demonstrates a shared path dependence, beginning in the early 1900s. The underlying rationale was primarily informed by the needs of other forms of land use such as forestry, hydropower and agriculture, coupled with rapid industrialization (Mörkenstam 1999; Allard 2015): demands that have only intensified since then (Forbes et al. 2006). During a recent policy process to control reindeer numbers in Finland (2019–2020), the impacts of forestry and other land uses on winter pastures were taken into account for the first time (!). While the process resulted in the suggested maximum numbers remaining unchanged, cooperatives were tasked with preparing so-called pasture management plans for 2022–2030 to assure “rational” and “sustainable” pasture use. Suggested measures to take into account included changing the timing of slaughter, developing pasture rotation systems or voluntarily combining cooperatives (Valtioneuvoisto 2019). However, if these internalized strategies are not deemed sufficient, reducing the size of the reindeer population by 7% to decrease trampling pressure remains an alternative “solution”.

Governing interactions – weak collaborative instruments privileging competing land uses

Due to the extensive and parallel land use nature of reindeer herding, governing interactions with competing for land uses should be a central component in reindeer husbandry governance. However, this is not reflected in present governance as responsibility over cumulative impact is lacking, and governing interactions are only addressed through weak collaborative instruments that, ultimately, are designed for the sake of competing for land uses. A minimalistic assumption of co-existence plays a key role in upholding this dynamic.

With shared space, other forms of land use limit access to forage and adversely affect grazing peace and quality and cause loss of the pastures that serve as the natural resource base for reindeer herding (Kumpula et al. 2014; Kivinen 2015; Turunen et al. 2020). Research is unanimous in that cumulative effects related to multiple encroachments, disturbance, increased losses from large carnivores and rapid climate change need to be addressed jointly (Löf 2013; Risvoll & Hovelsrud 2016; Österlin & Raitio 2020; Landauer et al. 2021).

The governing systems recognize, in principle and in somewhat varying degrees, that other land uses may adversely affect pastures and grazing peace, for example, through the general requirement in regulations to protect pastures from *significant adverse impacts*. However, the governing systems do not provide sufficient opportunity to address and manage the consequences thereof. The Finnish Act (2.2 §) mandates, e.g., that other forms of land use must not cause “significant harm” to herding in the area specifically intended for reindeer husbandry (*Eriytyinen poronhoitoalue*) in general and in the Sámi homeland (*Saamelaisten kotiseutualue*) in particular. The southern area (*Muu poronhoitoalue*) does not enjoy the same protection. In Sweden, other forms of land use may not incur “considerable inconvenience” to reindeer herding (30 §) within the year-round grazing grounds, while the winter pastures are without such protection – despite them being considered the “bottleneck” in herding and are additionally more exposed to encroachment and climate change (SOU 2001:101).

The failure to govern interactions

The fragmented governing systems, compared to the systems-to-be-governed, makes them poorly equipped to regulate accumulating and multiplying pressures. Reindeer husbandry governance thus leaves the regulation of land uses in multiple hands with respect to mining, forestry, large carnivores, infrastructure and so on. Irrespective of the capacity of these individual systems, their disparate nature has resulted in a lack of holistic land use planning attuned to the needs of reindeer herding (Sarkki et al. 2016; Larsen et al. 2017; Larsen & Raitio 2019; Sjölander et al. 2020).

Furthermore, these sectoral systems typically position reindeer herding in a *subordinate* position vis-à-vis other land uses, despite formally recognised

as an established right. Collaborative instruments, including dialogues and corporate consultations, typically lack specific or adequate regulations as to appropriate procedures or satisfactory outcomes, leaving them susceptible to being dominated by parties with better resources (Widmark & Sandström 2012). This is particularly the case when the state “delegates” its duties towards reindeer herding to corporate consultants, as is common in Swedish land use regulations (Allard 2008; Brännström 2017; Raitio et al. 2020). In Finland, both the Reindeer Husbandry Act (53 §) and the Act covering *Metsähallitus* – the state enterprise managing public lands – require that state authorities must consult with reindeer herding cooperatives about activities with potentially significant impacts. However, as in Sweden, consultations are a vague instrument with limited impact on outcomes and poor participatory qualities and have been repeatedly criticized by researchers and affected actors (Landauer & Komendantova 2018; Raitio 2016; Sámediggi 2021). In Norway, the annual negotiations between the Sámi Reindeer Herders Association of Norway and the state represented by the Ministry of Food and Agriculture have likewise been criticized for not being conducted on equal terms (Johnsen 2018).

Path-dependent principles – co-existence addresses someone else’s needs

Reindeer husbandry governance is characterized by strong path-dependencies (Mörkenstam 1999; Löf 2014; Marin et al. 2020). The key objective of the first Reindeer Grazing Act in Sweden was *not* to protect herders’ rights, interests or pasturelands but was primarily geared at controlling and managing herders as to enable settlers’ and industries’ (forestry in particular) establishment on Sámi customary lands (Mörkenstam 1999; Össbo 2014; Allard 2015). The underlying logic then was that herders must inevitably give way to societal development, an idea underpinned by an industrial colonial discourse (Össbo 2014) and a social-Darwinist ideology (Mörkenstam 1999; Allard 2015). Ideas of *parallel land use* and *co-existence* have guided land use governance ever since (SOU 2001:101). Thus, dialogues and consultations come with the *a priori* assumption that reindeer herding and competing land use will be able to co-exist – instead of assessing whether this is the case in each situation through appropriate impact assessment mechanisms (Brännström 2017; Raitio et al. 2020; Arctic Strategy 2020). Rejecting projects that may undermine the conditions for reindeer herding thereby becomes practically impossible.

Similar assumptions underpin large carnivore management (Rasmus et al. 2020; Risvoll & Kaarhus 2020) and the central participatory planning instrument on state-owned land in Finland, Natural Resource Planning by *Metsähallitus* (Raitio 2012). According to *Metsähallitus* (2021) “*it operates on the principle that forestry, tourism and reindeer herding can coexist, once a joint agreement has been reached on reconciling these industries*”. When it comes to large carnivores, the governments’ agency is limited by the EU’s nature conservation policy and the Habitats Directive. EU policy aiming to protect large carnivores has changed

the nature of reindeer herding in Sweden and Finland over several decades (Heikkinen et al. 2011; Vuojala-Magga 2012).

Sámiid Riikkasearvi (2021), the Reindeer Herding Association in Sweden, points out the need for structural change in relation to forestry, highlighting that “co-existence” is impossible as long as rules remain unbalanced. Tensions arise in particular when softer instruments (e.g., agreements and goals formulated for reindeer husbandry such as tolerance levels for carnivores) collide with formal policy commitments often translated into national legislation. While softer instruments are important, they only function if balanced against competing and interacting governing systems (see also Löf 2014; Risvoll & Kaarhus 2020). In the current situation, participating in planning and permit granting is draining herders’ resources and is unlikely to provide them with meaningful influence (Landauer & Komendantova 2018). At best, stopping a new encroachment means slowing down the negative trend of increasing competition over land, not improving the situation (Österlin & Raitio 2020).

We, therefore, argue that the underlying norm and minimalist assumption of co-existence – turning into a prescribed outcome of governing interactions – provides part of the explanation why land use planning and permit processes for other land uses commonly lack adequate assessment of the cumulative impacts of existing and planned uses on reindeer pastures and herding practices (Raitio et al. 2020). This is striking, considering that impact assessments have long been considered a key instrument in environmental governance at large.

Addressing the legitimacy gap in reindeer husbandry governance

Our assessment of reindeer husbandry governance in the Nordic states corroborates findings that the current governing systems fail to effectively address and mitigate the key issues facing reindeer herding (output) and moreover fail in governing the interaction between different actors and providing meaningful arenas for participation and representation (input). We show, however, that regardless of differences in legislative, institutional and administrative contexts present in the three countries, the challenges facing reindeer herding, and how the governing systems fail to accommodate them, are strikingly similar. Our explanation derives from examining the discursive and political dimensions of reindeer husbandry governance, showing how governance acts constitutively. That is, the governing systems create boundaries in relation to problems, solutions and visions (what is needed, possible and desirable?) and in relation to reindeer herding as the system-to-be-governed (what is reindeer herding and why?). Both of these are at odds with herders’ understandings, needs and demands.

We moreover show how negotiation and contestation, the struggle over meaning in governance interactions are structured in favour of competing land use actors and provide little or no opportunity for transformative change (see also Löf 2014). Such interactions are governed in a fragmented system of sectoral

silos with weak collaborative instruments that fail to protect both the pastures and reindeer herding rights. Influence over the conditions and interactions structuring the situation for RHCs vis-à-vis other land users largely remains outside their control (see also Löf 2014). We argue that the weakness of collaborative instruments is due to the lack of regulations ensuring an adequate knowledge base in the form of cumulative impact assessment or ensuring the consent of the affected RHCs, while co-existence is a prescribed outcome.

When public governance fails – what remains?

When public governance is unable to address its own legitimacy deficits, there are other venues that provide opportunities to continue the negotiation over meaning and formulating the content in desirable futures. One is using litigation as a tool to gain recognition and protection for reindeer herding rights, lands and livelihood (Löf 2014; Raitio 2016; Keskitalo 2018; Allard & Brännström 2021), another includes protests (Persson et al. 2017) and using international media campaigns to create pressure through the markets (e.g., Lawrence 2007; Sarkki & Heikkinen 2010). Increasingly, Sámi civil society and cultural actors are involved in contesting what is perceived as the manifestation of continued colonialism (Sandström 2020).

Both of these venues place external pressure on the states and the governing systems. International criticism by UN bodies concerning violation of Sámi and reindeer herding rights and particularly the failure of the states to meet the requirements of international law to obtain the FPIC of Indigenous communities when planning land use in their area is frequent and encourages the states to increase Sámi and reindeer herders' influence over land use issues. Recent examples include the CERD (the UN Committee for Elimination of Racial Discrimination) decision in late 2020, which urged Sweden to stop a proposed mining project and revise its Minerals Act (CERD/C/102/D/54/2013, 26 November 2020). Similarly, the UN Human Rights Committee recently urged Finland to develop better mechanisms for impact assessment to ensure genuine FPIC in its land use planning (CCPR/C/FIN/CO/7, 1 April 2020, paras 42 and 43). Although the policy impacts of these decisions are still uncertain, they call for structural change in reindeer husbandry governance.

The national-level courts also demonstrate potential in driving political change (so-called juridification (Kooiman 2003)). A recent example is the so-called Girjas case, where Girjas RHC took the Swedish state to court over who had the definitive right to decide over hunting and fishing on the RHC's customary area. The Supreme Court ruled unanimously in favour of Girjas RHC and moreover stated that the current Reindeer Husbandry Act fails to sufficiently regulate these rights (T 853–18). While the ruling resulted in the government appointing a parliamentary committee with the task of reviewing the Act, long overdue according to leading researchers in the field (Bengtsson

& Torp 2012; Brännström 2017), it is noteworthy how the responsible reindeer husbandry minister, in public discourse, refrains from using a rights-holder perspective and instead maintains the need to include “all interests” in the process (SvT 2021).

Juridification and mobilizing support internationally have a downside, however. Litigation is in conflict with the principles of good governance in the Nordic political and legal system and has also resulted in an escalation of conflicts between RHCs and other local communities. Attempts to stop development projects on reindeer herding lands are faced with resistance (e.g. Larsen et al. 2017; Sehlin MacNeil 2017) and have led to open questioning of the reindeer herding right, increased hate speech, crimes and other expressions of racism towards the Sámi (Kroik & Hellzen 2011). Disempowerment caused by the cumulative effects of decreasing profitability, enduring conflicts and limited opportunity to improve the situation has also resulted in a situation of reduced psycho-social health, such as higher than average suicidal thoughts among reindeer herders (Kaiser et al. 2010; Stoor 2016).

The need to “re-image” and reimagine sustainable reindeer husbandry governance

Our analysis demonstrates how the governing systems have been created to address, and continue to address, problem representations and “solutions” defined by actors other than reindeer herders. The governing systems are moreover structured in a manner that restricts the opportunity for herders to take part in meaningful negotiation over needs, goals and visions. As a consequence, they are increasingly seeking alternatives outside the governing systems, while paying the price through, e.g., increasing levels of conflict. Ironically, while the “problems” of reindeer herding have typically been considered internal to the practice itself (e.g., attributed to “irrational herding practices” (Mörkenstam 1999)) “solutions” have often been framed as demanding increased state intervention (Löf 2016). However, the increasing recognition of external drivers and influences means that “solutions” too need to span broader scales and include other actors and governing systems (and thus potentially addressing some of the current fragmentation).

We argue that an underlying reason for this systematic failure is that the governing systems do not address all aspects of reindeer herding. Framing reindeer herding primarily as an industry, coupled with a profit-focused market economy logic that positions actors as interests, appears to be key in driving and maintaining this governing system dynamics. Here, it is important to distinguish between assuring the economy in reindeer herding and assuming profit as the *primary* purpose and defining characteristic (cf. Hinton 2020). Put differently, while herders themselves stress the importance of maintaining good economy in herding practices, there is an important difference in perspective between seeing economy as a tool to sustain a good life, healthy herds and

natural pastures (Komu 2020) and regarding economic profit as the main goal for herding practices.

The next logical step is to therefore ask whether it is possible to reimagine and restructure reindeer husbandry governance based on the visions and solutions that currently dominate or if the situation demands governing interactions with the potential to *re-image* and *reconsider* both the governed and governing? As noted, the overarching goal for reindeer husbandry governance across Fennoscandia is *to maintain and create conditions for sustainable reindeer husbandry*. The meta-narrative of sustainable development (SD) has become a defining goal across scales. In a nutshell, SD is connected to the ideology of ecological modernization and, essentially, the idea of producing more with less (Arts & Buizer 2009). Overcoming ecological and economic limits is a key objective mediated largely through technological development. The idea of win-win solutions – where nobody is left out – is firmly anchored in the SD discourse (Sarkki et al. 2020), which explains its global application and attraction (Arts & Buizer 2009). However, the complexity and tensions embedded in this concept and discourse are monumental. Just as governance is increasingly recognized as political, so is the idea of SD (Voß & Bornemann 2011). Sustainability is a particularly slippery concept, which not only generates but disguises goal conflicts between its different dimensions. As different actors hold competing definitions of what sustainability entails, the SD discourse can be used to legitimate seemingly unsustainable practices as “*perceptions of sustainability are scale and place specific*” (Nilsson & Larsen, cited in Sörlin 2021, p.327).

Sörlin (2021) concludes that discourses and ideas of sustainability are often shaped by dominant players, with certain presumptions taken for granted, e.g., that extraction or intervention (be it through mining or forestry) is a given. As we have shown, this connects to the idea of adaptation as a solution (see also Löff 2013; 2014). In this case, the narrative of sustainability hides the political aspect of governance and turns it into an administrative and managerial task, e.g., identifying which forests to cut rather than acknowledging limits to co-existence and win-win. There is thus a risk that under the present dominant understanding of what *reindeer herding* is and can be, and what *sustainability* is and can mean, the wrong questions are posed, and the governing systems will probably face more tension and conflict as a result. Voß and Bornemann explain that “*the patterns and processes of governance itself have come to be identified as challenges in working toward sustainable development because they define the very capacities by which societies shape and transform themselves*” (2011, p.1). Our analysis of reindeer husbandry governance shows precisely that; as long as herders’ views are peripheral in how the governance of reindeer herding is constructed, the conflicts, contestation and loss of legitimacy will continue. *Reimagining* sustainable reindeer herding thus requires us, first, to engage in a process of *re-imagining* the system-to-be-governed, where herders, herding organizations and herding communities must take the lead. Re-imagining requires us to look much deeper than instruments and specific issues. Paraphrasing Johnsen et al. (2015) *do we view the governance task like the state or the herders?* Can it be done differently?

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APPENDIX

Table 8A.1 Policy literature cited, legislation not included

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