

Kaisa Raitio



*“YOU CAN’T PLEASE EVERYONE”*

- CONFLICT MANAGEMENT PRACTICES,  
FRAMES AND INSTITUTIONS  
IN FINNISH STATE FORESTS

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# ABSTRACT

*Kaisa Raitio*

## “YOU CAN’T PLEASE EVERYONE” – CONFLICT MANAGEMENT PRACTICES, FRAMES AND INSTITUTIONS IN FINNISH STATE FORESTS

Key words: Forest conflicts, conflict management, institutions

The thesis analyses conflict management in Finnish state-owned forests. The study focuses on the conflict management practices and frames of Metsähallitus (Finnish Forest and Park Service), Ministry of Agriculture and Forestry and Ministry of Environment, as well as the formal regulations and informal norms that guide the use of the forests. These factors are analysed through two case studies in 1992–2006. The first concerns the old-growth forest conflict between conservation and timber production in Kainuu Province. The second concerns the conflict between state forestry and Sámi reindeer herding in Inari Municipality. The material includes 25 semi-structured interviews conducted in the state forest administration, and documented sources of law, policy and planning documents, and media releases.

The thesis explores conflict management as a process consisting of 1) concrete practices in policy, planning and management; 2) framing that affects how the conflict is perceived; and 3) formal and informal institutions that support or constrain certain practices and frames.

The conflict management practices of the state forest administration have included increased forest protection, changes in management practices of commercial forests, and the adoption of collaborative planning methods. The case studies demonstrate, however, that despite the investment of considerable resources in these since mid-1990s disputes have not been settled. The role of collaborative natural resource planning in managing the disputes has been surprisingly marginal.

In Kainuu, frame conflicts exist between the Forestry Division (FD) and Natural Heritage Services (NHS) of Metsähallitus. FD perceives the unreasonable demands of environmental groups as the major problem, whereas the representatives of NHS maintain that the conflict between conservation and timber production exists also within Metsähallitus, because the goals and tasks of the two units are to an extent contradictory. NHS perceive environmental groups as collaborative partners. In Inari, the frames of FD have dominated the practices, whereas NHS has remained passive. The Forestry frame also differs from the frames of the reindeer herding co-operatives, who are the main opposing party to FD in the dispute. Despite numerous collaborative efforts, little changes have taken place in the perceptions of the conflicting parties since 1980s.

In both cases, full harvest of timber, wood procurement to industry, and overlapping use are informal norms that function as preconditions for conflict resolution. Legal regulation on citizens’ participatory rights and the role of social obligations in state forestry is weak, and does not challenge the informal norms or frames that emphasise timber production.

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I arrived as a guest researcher to the Swedish University of Agricultural Sciences (SLU) in August 2007, when I was finalising the first full draft of this thesis. A new colleague of mine asked me over a cup of coffee “Are you writing a monologue?” She meant of course a monograph, but I immediately answered “Yes!” to her original question. At that time, my work really felt like engaging in a monologue. Endless days in front of the computer, wondering if anyone would ever care about, let alone reply to, what I was saying. And yet, none of that “monologue” could have come to exist without the immense amounts of inspiring, supportive, critical, and engaged dialogue with so many people, both within the academia and in the ‘real’ world.

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Joensuu is situated in one of the most forest(ry)-dependent regions in Finland. It also has an unusually diverse academic community of forest-related research, which has provided me with an ideal working environment. I could have never crossed the disciplinary border between political science and law had it not been for my open-minded colleagues in environmental law. Thank you Professor Tapio Määttä and researchers Tero Laakso, Ismo Pölönen and Leila Suvantola for opening the world of jurisprudence to me, and for always giving a helping hand when I have needed one. I also want to thank Professor Jari Kouki for providing a fruitful forum for inter-disciplinary dialogue in the seminars of the Research Group for Forest Biodiversity Research, and everyone in the group for the lively discussions in the seminars and around the coffee table. The post-graduate seminar of environmental policy, led by Professor Pertti Rannikko, has been a central meeting point for PhD student of our own department. Thank you Jaska, Outi, Katja, Ilkka, Pekka, and everyone else for all the academic and non-academic discussions and support!

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February 3, 2007, in Örbyhus, Sweden

Kaisa Raitio



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PART I:  
INTRODUCTION



# 1 POINT OF DEPARTURE FOR THE STUDY

## 1.1 Conflict management – making the best of environmental conflicts

Disagreements and conflicts related to the environment and the use of natural resources are today commonplace. Although environmental issues have established themselves on the political agenda in most parts of the world, there is no overarching agreement on the priority of environmental issues over other goals, or consensus on how the environment can best be protected. The more changes there are in the physical environment, the more conflicts occur regarding the desirability of those changes and regarding the distribution of the benefits and costs involved.

According to theories of conflict regulation, conflicts per se should not be considered as problems (Dahrendorf 1969, 223–231; Keränen & Mäkitalo 1993, 16–19). The commitment of democratic societies to the liberty of individuals to choose their own values and to act accordingly inevitably opens up various kinds of political disputes; disagreement rather than agreement characterises the normal state of society (Kyllönen et al. 2006). A lack of conflict can be a sign of an undesirable and undemocratic society, if the political system does not allow conflicts to surface (Lukes 1974). A pluralist democracy must allow the expression of dissent and conflicting values and interests (Mouffe 1999; Hillier 2003).

On the other hand, intense conflicts may be problematic, if they create breakdown or rapid, uncontrollable changes in the society. Unmanaged and persisting conflicts can also create insecurity and frustration. (Hellström 2001.) If, however, conflicts – even intense ones – raise important political concerns, they may help to keep the administration alert, motivate creative planning and problem-solving and make sure everyone's opinions are heard. As such conflicts can work as important catalysts for positive social change and development. (Mouffe 1999; Hellström 2001; Hillier 2003.) As Hillier (2003, 42) notes:

“Since we cannot eliminate antagonism, we need to domesticate it to a condition of agonism in which passion is mobilized constructively (rather than destructively) towards the promotion of democratic decisions that are partly consensual, but which also respectfully accept unresolvable disagreements.”

Consequently, the ability to successfully manage the numerous conflicts related to the environment and natural resources becomes an integral part of environmental decision-making in democratic societies. It is an important task for research to analyse, to what extent different planning and decision-making processes are capable of utilising the constructive potential of conflicts and capable of functioning as conflict regulation mechanisms.

When discussing the role conflicts have in society, and how society should deal with them, it is useful to distinguish between ‘conflicts’ and ‘disputes’. Putnam and Wondolleck (2003, 37–38) use the term conflict to refer to “the fundamental and underlying incompatibilities that divide parties” and dispute to describe “an episode that becomes actualised in specific issues and events”. Thus one can talk about the general conflict between using and conserving a resource or a natural environment (such as forests in



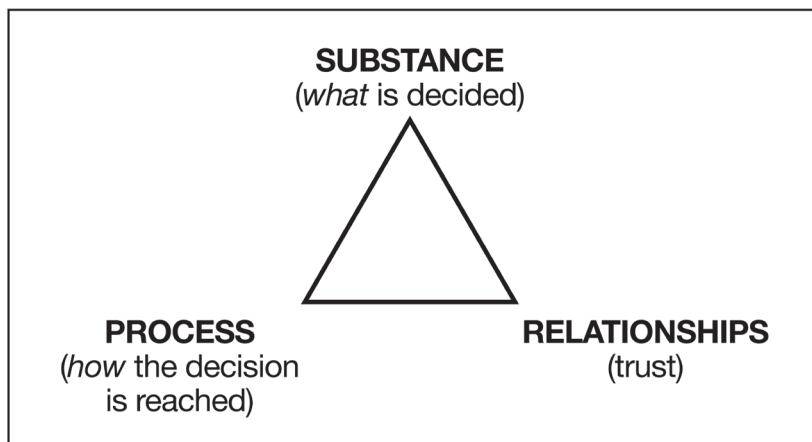
Finland, for instance) and about the actualised dispute episodes in different places at different times (such as old-growth forest disputes in Northern Finland).

Individual disputes can in most cases be resolved or at least settled through the use of proper methods, whereas the underlying conflicts tend to be more intractable. Although dispute settlement may not resolve the underlying conflict, the way disputes are addressed can have an important role for managing the more enduring conflicts (Putnam & Wondolleck 2003, 37–38). Ability to make progress in the case of individual disputes encourages the involved parties to co-operation and reduces the risk for the escalation of the conflict. Successful dispute settlement can help foster trust, and thereby promote creative problem-solving and help find win-win solutions.

Conflict management, as expressed in this study, is synonymous with ‘conflict regulation’. It is more comprehensive than ‘conflict resolution’, because conflict management may not lead to the final resolution of a conflict, although the situation is improved. (Sandole 1987, 4.) Walker and Daniels have summarised the relationship between ‘conflicts’, ‘disputes’, ‘management’ and ‘resolution’ as follows:

“We agree that specific conflicts and disputes can be “resolved”, but believe that many policy conflicts are both complex and enduring (often with social, political, cultural, economic and scientific aspects). Complex conflict situations may never be “resolved”, so that agreement is reached that puts an end to those incompatibilities that caused the conflict. Rather, many complex conflicts can be managed well, so that the conflict situation, and the specific disputes that arise within them, do not become destructive. Consequently, we employ the term “management” as a broad notion that includes, but does not require “resolution”. Furthermore, **managing conflict accommodates the view of “situation improvement”, that is, that desirable and feasible changes can be made in a problematic situation in order to improve that situation.**” (Walker & Daniels 1997, 21, emphasis added)

According to Walker and Daniels (2001, 36), progress needs to take place on three fundamental dimensions of a conflict: procedural, substantial, and relationship. These inter-linked factors are called ‘the progress triangle’ or ‘satisfaction triangle’ (Figure 1).



**Figure 1.** The progress triangle, or satisfaction triangle, of conflict management (Walker & Daniels 1997, 22; see also Priscoli 1997, 72)

Conflict management efforts can also have as an aim to improve the overall conflict culture in a particular society. Hellström (2001, 8) maintains that different societies (cultures) have their distinct ways of producing certain types of environmental conflicts. Likewise, they develop certain ways of responding to (managing) those conflicts. Both the conflict types and the responses to them depend on the social, policy, economic and natural resource characteristics of the societies. In a comparative study on forest conflict cultures in seven cases<sup>1</sup> Hellström found that societies with a strong emphasis on relations management between conflict actors had milder conflicts than those societies where the parties focused on convincing each other with substantive arguments. Finland was an example of the latter case (Hellström 2001, 66). Hellström emphasises that conflict cultures do change and to an extent they can be consciously changed, if actors become aware of the cultures and reflect upon them. Comparing the conflict culture of one's own culture with others can offer new insights and help understand the social and cultural construction of conflicts, and thus help also in developing successful strategies for conflict managers (Hellström 2001, 7).

## 1.2 Addressing conflicts through collaboration

In Finland, forests and forestry are a common source of debate and conflict. With two thirds of its land area covered by forests, Finland has been more dependent on forests for its economic development than any other country in Europe (Reunala 1999, 230). One quarter of the productive forest land is owned by the State, and conflicts related to the use of these forests have been relatively intense. Particularly since the 1980s the dominant position of timber production has been challenged by increased emphasis on the environmental, social and cultural importance of forests (Pekurinen 1997; Roiko-Jokela 1997; 2003; Hellström 2001). Timber production, conservation and multiple-use are common sources of forest conflicts also in other parts of the world. Indigenous peoples' land rights are another salient aspect of forest-related conflicts both in the tropics and in all of the Northern countries with large timber resources, from Russia to Canada, Sweden and Finland (e.g. Notzke 1994; Marchak et al. 1999; Borchert 2001; Sulyandziga et al. 2003; Newell 2004; Sandström 2004; Raitio & Rytteri 2005; Nie 2006; Lawrence 2007).<sup>2</sup>

Both the recognition of indigenous peoples' rights and the diversification of values related to forests in Western societies have led to demands for broader involvement of the affected people in the decision-making regarding these resources. The commitment to direct public participation in resolving environmental conflicts has been emphasised in many political processes, and it has been particularly visible in the discourse on sustainable development. The Principle 10 of the Rio Declaration, adopted in the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, states that "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level". Already 20 years ago, the well-cited report of the World Commission on Environment and Development "Our Common Future" (WCED 1987) underlined the settlement of environmental disputes as a part of the institutional challenge of sustainable development.

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<sup>1</sup> Finland, Norway, Sweden, West Germany, France, and two areas in the USA: Pacific Northwest and Minnesota.

<sup>2</sup> See the special issue of *Indigenous Affairs* 4/2006 on Logging and Indigenous Peoples for an overview. Available at [www.iwgia.org](http://www.iwgia.org).

The discourse on citizen involvement in resolving environmental issues and the related conflicts is also reflected in the trend in environmental legislation towards regulating procedure as much as substance (Kumpula 2004; Pölonen 2007). Within the European context, the Environmental Impact Assessment (EIA) directive in 1985 was the first directive that gave procedural rights to citizens in environmental issues (Kumpula 2004, 216–217; Pölonen 2007, 29). The most significant step since then has been the signing of the Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters in June 1998. It defines the minimum level of procedural rights regarding the ‘three pillars of participation’, that were already mentioned in the Rio Declaration. These include: 1) access to information; 2) opportunity for the public to participate directly in environmental decision-making; and 3) access to justice. In Finland, the right of citizens to participate in environmental decision-making has been recognised in the Constitution since 1995 (20 § in the reformed Constitution from 1999 (931/1999)).

From the perspective of the natural resource agencies in many Western societies, including Finland, the diversified values, increased environmental concern and conflicts have caused dramatic changes (Hellström & Reunala 1995). For one, they have had to revise their management strategies towards more environmentally sound practices. But it has also become essential for them to formulate and implement their policies in ways that maintain the confidence of all stakeholders and citizens in the decision-making process. (Kyllönen et al. 2006.) As a consequence, there is an on-going paradigm shift in natural resource management from the traditional top-down model of planning, to approaches based on dialogue and co-operative relations between governmental bodies, different interest groups, citizens and business. The new approaches have been called participatory, collaborative, or communicative planning<sup>3</sup> (Daniels & Walker 2001; Healey 1997; Forester 1989; 1993; 1999; Suskind et al. 1999; Wondolleck & Yaffee 2000).

Advocates of the collaborative approaches maintain that negotiated solutions that seek consensus are not only more inclusive but also more efficient than conventional expert planning, because they can create innovative solutions tailored to each situation, and better meet the interests of the involved parties (Innes & Booher 1999; Suskind et al. 1999; Wondolleck & Yaffee 2000). Existing research shows that the acceptability of the outcome of planning depends to an important degree on the legitimacy and quality of the decision-making process (Beierle & Cayford 2000; Daniels & Walker 2001).

Collaborative planning approaches are influenced by theories of ‘deliberative democracy’, according to which the change in cultural values required by an ecologically sustainable development can be politically legitimised through free and informed deliberations on what the societal values should be about. Proponents of this theory argue that deliberative processes are more likely to produce ecologically rational outcomes because they have the ability to respond to uncertainty, complexity and collective action problems. When individuals are addressed as citizens, they are empowered to participate in, and deliberate over, which collectively binding decisions should be made with respect to resource use and management. (Dryzek 1987; Elster 1998; Barry 2003; Smith 2003; Lundqvist 2004.) Rather than being concerned with one’s own interests, in deliberative democracy the individual is encouraged to consider the interests of all those potentially affected by the democratic process (Barry 2003, 229). The proponents maintain that collaborative planning can provide a forum for deliberation where problems and interests

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<sup>3</sup> In the following these are collectively referred to as collaborative planning, although there are differences between the different theoretical approaches and practical applications.

can be examined and revised (Healey 1997; Innes & Booher 1999; Walker & Daniels 2001). Deliberation also offers a platform for critical scrutiny of scientific knowledge: a setting within which the barriers between ‘expert’ and ‘lay’ knowledge can be challenged and reformulated (Barry 2003; Smith 2003, 65).

On the other hand, collaborative approaches have been criticised for focusing too much on negotiations and bargaining “around the table” (Innes 2004, 12) and for ignoring the role of the existing legal and regulatory framework of resource use and other structural factors “outside the dialogue” (e.g. Fischler 2000; Flyvbjerg 2001; Hillier 2003). Lafferty and Meadowcroft (1996) also argue that there is no theoretical relationship that would imply or guarantee that a particular substantive outcome would automatically follow from a certain process. Indeed, one could argue that in the case of democracy the outcome is particularly uncertain because the process is about the free will of the people and it can be used to support any substantive goal.

Theorists on deliberative democracy admit that increased involvement of citizens in decision-making cannot guarantee environmentally desirable outcomes (Smith 2003, 66–67). On the other hand, in a comparative study between several Western democracies, Jänicke (1996, 82–83) has found that the constitutional civil rights – participatory, legal and informational opportunity structures available to the citizens – seemed more decisive for environmentally advantageous policy outcomes than for instance the differences in the composition of the government. Co-operation or “trialogue” between the state, the market and the civil society was a factor explaining successful environmental policy. It is therefore important to include the opponents in the dialogue.

When promoting such a dialogue, the role of the lead agencies in natural resource management becomes central. Likewise, the role of the state for instance as a legislator is highlighted. Theories of collaborative planning and deliberative democracy have emphasised the need for a facilitating neutral party in the deliberations, who can balance the power of the different parties around the table (Forester 1989; 1999; Barry 2003). Regarding state-owned forests in Finland, the forest administration has a unique role in this respect. It has the statutory task, the resources and the power to design the planning processes within which multiple interests regarding state-owned forests can be reconciled and where the parties to the forest disputes can seek common ground and agreement.

### **1.3 Purpose of the study**

The purpose of this study is to analyse, how the Finnish state forest administration has addressed the conflicts that have occurred in state-owned forests during the past 15 years. The study aims both at improving the theoretical understanding of how to analyse conflict management processes and at providing insights for further improvement of the practical conflict management in Finnish state forestry.

There are a number of previous studies on Finnish forest conflicts that provide a basis for this study. These studies have for instance focused on the dynamics of the forest conflicts and on the views of the different parties (Lehtinen 1991; Hellström & Reunala 1995; Hellström 2001; Roiko-Jokela 1997; 2003; Linjakumpu & Valkonen 2006; Valkonen 2007; Hallikainen et al. 2006). However, these studies have not focused on the role of the state forest administration or on how it has tried to manage the conflicts in its planning processes. One study has analysed participatory planning as a part of natural resource management of the Forest Services in Finland and in the U.S. (Wallenius 2001), but not specifically from a conflict management perspective. By taking the conflict management efforts of the state forest administration as its focus, this study aims at

widening the scope from analysing conflicts to analysing the potential ways forward to resolve or settle them.

I use the collective term 'state forest administration' to refer to those organisations responsible for the design and implementation of forest policy and management in Finnish state forests. The forests are managed by the state-owned enterprise Metsähallitus (Finnish Forest and Park Service<sup>4</sup>). Metsähallitus is the organisation responsible for reconciling the various interests related to state forests. Its statutory task is to make profitable business on timber sales and on the use of other natural resources, but this must happen within the limits set by both the maintenance of ecological sustainability as well as by the social tasks of promoting employment, recreation, reindeer herding and the prerequisites of the indigenous Sámi culture. Its overseeing ministries are the Ministry of Agriculture and Forestry (MAF) and the Ministry of the Environment (MOE). The ministries implement policies adopted in political decision-making and provide Metsähallitus with legal and budgetary guidance and supervision. They can therefore be defined as part of the administrative apparatus.<sup>5</sup> The use of the word 'administration' in the case of Metsähallitus can be considered problematic since the organisation is a state enterprise and formally speaking not part of the public administration. On the other hand, as the manager of the state lands, Metsähallitus de facto exercises public authority over these areas. It is also under the direct supervision of both the Finnish Parliament and the Government, and has been given several administrative and public tasks in the legislation.

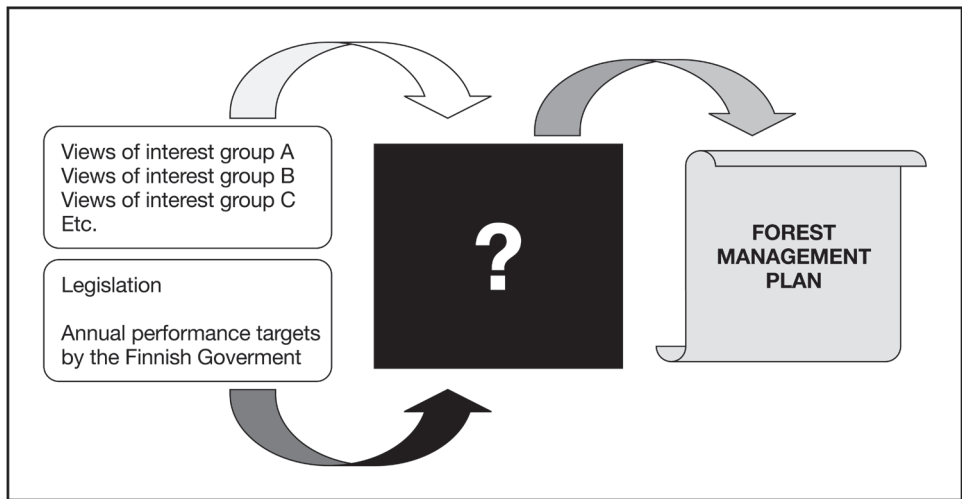
My interest for forest conflict management stems from the mid-1990s when old-growth forests caused heated and polarised conflicts between conservationists and the forestry interests in Finland. The conflicts involved campaign actions by environmental NGOs in the forests concerned, and also included consumer campaigns in central Europe - the main market of Finnish forest industry. It was in the middle of this heated context that Metsähallitus introduced a new planning system that was to improve the integration of both ecological goals and the participation of all interested stakeholders in the management of commercial forests. The purpose of increased public involvement was to anticipate and to mitigate conflicts related to forest use and to increase the acceptability of forestry management plans (Loikkanen et al. 1999). All of this had the air of a minor revolution, because until late 1980s, expert planning and timber production had dominated state forestry in Finland (Rytteri 2006).

In a previous study I have investigated the participatory planning of Metsähallitus in the northernmost part of Finnish Lapland (Raitio 2000, English summary in Raitio 2001). The issue that left me most puzzled was the relationship between the participatory process and the final decisions on forest management. A wide diversity of individuals and interest groups were allowed to provide their input in public hearings, working groups and negotiations, but just how this public consultation process influenced actual decision making remained unclear. It was clear that more often than not, the input would vary greatly. As the forestry planners stated, not everyone's opinions could be taken into account. That seemed reasonable, yet I was left wondering how the final decisions were eventually made and justified. What, in the end, was the connection between the public participation and the outcome? If some parties would eventually remain dissatisfied in any case, how did the planners define success in reconciling different interests? Why were

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<sup>4</sup> Finnish Forest and Park Service is nowadays a state enterprise and uses the name Metsähallitus also in its international material. Therefore it will be called Metsähallitus throughout this study.

<sup>5</sup> The fact that the civil servants of the ministries also play an important role in formulating the policies they then implement is not excluded by this definition. This issue will be addressed in the empirical part of the study.



**Figure 2.** The “Black Box” of decision making in state forestry planning

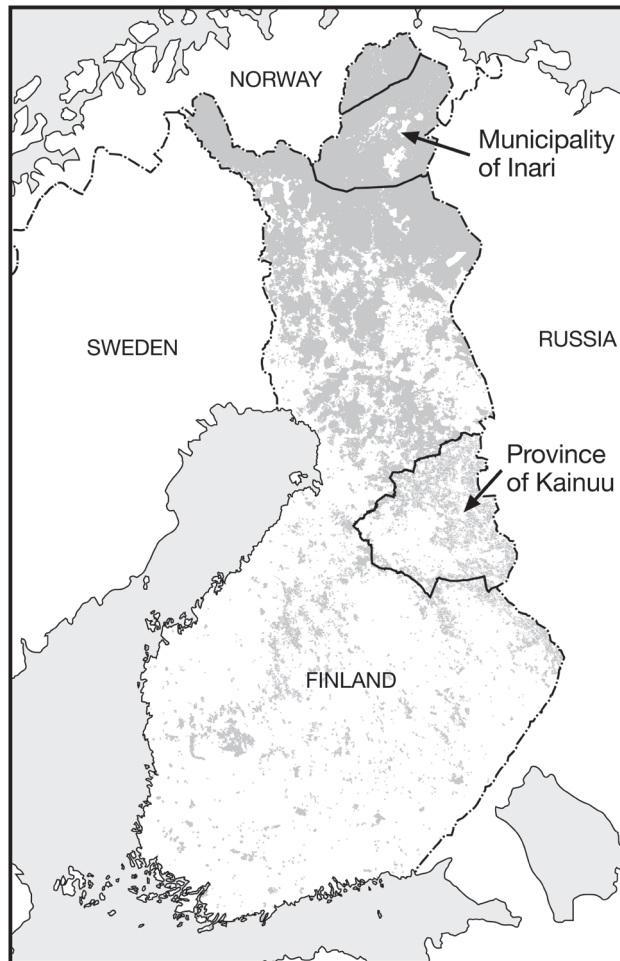
the most controversial issues sometimes decided upon in a way the planners knew in advance would not resolve the conflicts? From what I could see, the conflicts regarding state forestry were not decreasing in number or intensity. I started to call the decision-making phase after public input “the black box” that held the missing pieces to the puzzle between a participatory conflict management process and a published forest management plan (Figure 2). Naturally, I wanted to explore further the inner workings of that box.

It seemed that particularly in conflict situations the understanding of the contents of the box would be most needed in order to ensure acceptability of the decisions made and hence settlement of disputes. It also seemed that whatever went on within the black box would be seen most clearly when trying to resolve conflicts: as with many other things in life, their true nature is not tested and revealed during the time of success but during the time of hardship.

For this study, I chose two case studies where the use and conservation of state-owned forests has caused severe conflicts. In the Province of Kainuu (North-East Finland) and in the Municipality of Inari (Northern Lapland) old-growth forests have been a source of conflict for decades (Map 1). On one hand the contested forests are an important source of raw material and employment for the forest sector. On the other hand they are important for biodiversity conservation, for livelihoods such as nature-based tourism and reindeer herding, and in the Inari case significant from an Indigenous peoples’ rights perspective.

The conflict in Kainuu was chosen for two reasons. First, it is a classic example of environmental conflicts regarding conservation versus employment opportunities. Second, Kainuu has been a pilot area for the new collaborative planning tools that Metsähallitus has developed since 1994, and is, as such, a region where these tools have received special attention (Hiltunen 1998; Hiltunen & Väisänen 2004). Inari was chosen as the other case study because it includes the indigenous peoples’ rights issues and therefore has linkages to many forest conflicts around the world. Reindeer herding is a key part of the culture of the indigenous Sámi people living in the northern parts of Finland (and in Sweden, Norway and North-West Russia). During wintertime reindeer graze in the old-growth forests, some of which are included in the logging plans of Metsähallitus. Another reason that made the Inari case interesting was that Metsähallitus has had much more economic



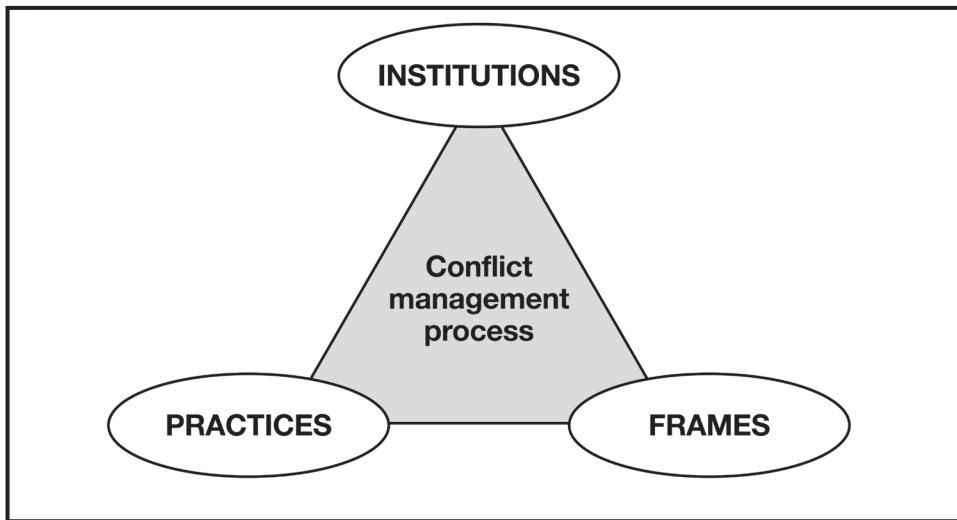


**Map 1.** Case study areas of Inari Municipality and Kainuu Province. State-owned lands in gray colour. (© Genimap OY, Licence L5293, © Metsähallitus 2007)

leeway from the two supervising ministries in looking for mutually acceptable solutions in Inari than elsewhere in the country, so the preconditions for finding an agreement there seemed good. Despite this, the conflicts have remained unsettled.

The analysis in this study is based on understanding conflict management as a continuously evolving process. I have focused on three elements of the conflict management process (Figure 3):

- (1) concrete practices in policy, planning and management that can contribute either to the settlement or escalation of disputes;
- (2) framing that affects how the disputes and their settlement are perceived and how tractable or intractable the conflicts become; and
- (3) formal and informal institutions that support or constrain certain practices and ways of framing the situation.



**Figure 3.** Three dimensions in a conflict management process: practices, frames, and institutions.

Generally speaking, practices can include any actions of any of the actors in a conflict that aim at conflict management. In this study, where the focus is solely on the state forest administration, I focus on its practices regarding the planning processes as well as the concrete, on-site forest management measures. Planning practices can vary from one-off dispute resolution processes to the anticipation of disagreements in more enduring collaborative processes. Forest management practices refer to all decisions regarding the management of the forest resources, such as logging the forests in a certain way or designating forests as protected areas.

Institutions are defined as “the rules of the game”. They are distinct from organisations that are “players of the game”. Institutions include both the formal rules and regulations (such as legislation), and the informal norms and standard operating procedures that support or constrain certain practices (March & Olsen 1989; Hall & Taylor 1996; Hay & Wincott 1998; Hukkinen 1999; Peters 2005). Much of the research on environmental conflicts and collaborative planning has focused on inter-personal communication, negotiations and bargaining in local or regional planning processes, and has taken the institutional landscape largely as given (Susskind & Cruikshank 1987; Carpenter & Kennedy 1988; Susskind et al 1999; Lewicki et al. 2003; Roiko-Jokela 1997; 2003; Laine & Peltonen 2003; Peuhkuri 2004). However, the interviewees from Metsähallitus in my previous study frequently referred to laws, regulations, and guidelines from the two ministries under which Metsähallitus operates as restrictions to the alternatives they had available when looking for broadly acceptable forest management practices (Raitio 2000; 2001). This led me to explore the role institutions play in conflict management.

Regulatory arrangements have been the key interest of research on institutional design for the co-management of natural resources. Ostrom (2005, 259, 267), for instance, recognises conflict resolution mechanisms as one of the key design principles for robust institutions for natural resource management. She maintains that rapid access to a low-cost arena to resolve conflicts between resource users and authorities is one of the fundamental design principles for successful environmental management. Similarly, Carlsson & Berkes



(2005, 72) note that the establishment of collaborative or co-management systems may function as means of conflict resolution between communities of local resource users and the state. They also maintain that all resource management regimes are embedded in wider institutional contexts and that these systems of (co)-management can be understood as systems of governance (ibid, 69–70)<sup>6</sup>.

From this perspective there is a close link between environmental conflict management and institutional analysis. However, neither Ostrom nor Carlsson & Berkes describe in concrete terms what they mean by the conflict resolution mechanisms they define as essential. Thus, the concrete contribution to the empirical analysis of conflict management efforts remains vague. Furthermore, Ostrom and other so-called rational choice institutionalists have been criticised for focusing primarily on designing efficient institutions that would secure the ecologically sustainable use of the resource, while questions of equity, democratic representation and conflict management have not been given equal attention in their studies (Johnson 2004). Environmental law, on the other hand, focuses explicitly on the legal regulatory framework, but in Finland at least the research on environmental law has rarely covered the empirical analysis of the implementation of regulation in local contexts, or the specific consequences of regulation for conflict management (Kumpula 2004; Suvantola 2006; Pölönen 2007)<sup>7</sup>. In this study my aim is to look at institutions specifically from the conflict management perspective and to simultaneously widen the conventional environmental conflict research perspective with an institutional analysis.

Finally, I understand frames as meaning-making structures that organise our experiences and bias for action. Frame analysts have paid attention to how people's constructions of reality – their frames – affect the tractability or intractability of conflicts. According to frame analysts, the role of frames for conflict management needs to be better understood (Schön & Rein 1994; Lewicki et al. 2003). Frames also affect how we interpret the institutional environment we find ourselves in. Conceptually, frame analysis provides a useful bridge between the focus on dispute settlement at the local level and the analysis of the broader institutional framework. At one level, frames are an essential element of communication between the parties to a dispute. At another level, they can be seen as kind of structure, and are therefore not so different from institutions.

I will elaborate further on the definitions of the concepts practices, frames and institutions used in this study and how they relate to each other in the theoretical part of the study (Chapters 3–5). The theoretical research task of the study is to present how practices, frames and institutions can be combined in one framework for conflict management analysis.

The empirical task is to apply the framework I have build for analysing conflict management on state forests in Finland. The empirical research questions are:

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<sup>6</sup> The concept of *governance* has emerged due to the recognition that *governments* are not the only crucial actor in addressing the major societal issues, and that new government-society interactions are needed to tackle for instance environmental issues (Pierre & Peters 2000; Kooiman 2003; Lundqvist 2004). The role of the state is transforming, from the role based on constitutional powers towards the role based in co-ordination and fusion of public and private interests. Nonetheless, the state still retains power over such critical resources in the process of governance as legislation and taxation, which gives it a decisive role in producing desired outcomes (Lundqvist 2004, 19).

<sup>7</sup> See however Laakso and others (2003) for an empirical analysis on violations of the 10 § of the Forest Act.

### **Institutions**

- 1) What formal institutions regulate the goals and procedures in Finnish state forestry?
- 2) What informal institutions can be identified regarding the goals and procedures in state forestry?

### **Frames**

- 3) How does the state forest administration frame the two case study disputes, its own attempts to settle the disputes, and the other parties involved in them?

### **Practices**

- 4) What are the practices of the state forest administration in the case study disputes regarding (a) planning and decision-making processes and (b) forest management practices in the disputed areas?
- 5) How are the frames of the state forest administration reflected in its practices? What is the role of the frames role in the management of the conflict?
- 6) How do the formal and informal institutions affect the practices of the state forest administration?

## **1.4 Structure of the study**

Understanding the current institutional framework for conflict management in Finnish State forestry requires an introduction to the overall forest policy context and history in Finland. Chapter 2 in the first part of the study gives a brief background to the long history of forest conflicts in Finland as well as to the corporatist model of policy making. It explains to the reader what kind of empirical setting has inspired my theoretical reading and thinking.

I then begin the theoretical part of the study (Part II) by introducing the reader to the theories regarding frames (Chapter 3). I close the chapter by discussing proposals that have been put forward on how to address frame conflicts, and place those proposals in the context of the types of dispute settlement/collaborative planning approaches that have been adopted in natural resource management and environmental management so far.

As an introduction to the institutional analysis in Chapter 4, I present the critique that the collaborative/communicative planning approaches have received for ignoring structural factors and issues of power (4.1). I then move on to exploring the contribution new institutional theory can make on analysing conflicts and their management (4.2), as well as its weaknesses in this regard. In Chapter 5 I discuss some novel approaches to overcome the weaknesses of institutional theory that I will use as the basis of my approach (5.1). The theoretical part of the study ends with a summary of the approach I have developed for my own analysis: the Institutional Framework for Conflict Management Analysis (5.2). This completes the theoretical research task of the study, and forms the basis for the empirical analysis.

Part III of the thesis presents the empirical material and methods. After the introduction to the case studies (6.1 and 6.2) I describe the written material (6.3) and the interviews (6.4) that the case studies are based on. Chapter 7 gives a description of the analysis of the data. The Chapter ends with a critical reflection over my position as a researcher (7.5).

In Part IV of the study I present the empirical results. Chapter 8 covers the results of the Kainuu case study, and the results of Inari case study are presented in Chapter 9. Both chapters begin with the description and analysis of the conflict management practices of

the state forest administration during the past 10–15 years. This is followed by the frame analysis, after which the role of both the formal and informal institutions for each of the cases is studied. At the end of both chapters I draw some conclusions on the role of each of these factors for conflict management in this particular context. Finally, the results are summarised in Chapter 10 where I address the similarities and differences of the cases and discuss the results from the perspective of combining frame analysis and institutional analysis. The study ends with an attempt to draw more general theoretical conclusions as well as to provide concrete implications to managers, politicians and stakeholders (Chapter 11).

# 2 CONTESTED STATE FORESTS IN FINLAND

## 2.1 The role of forests in Finnish society

Forests have played a major role in the settlement and cultural history of Finland. Despite many changes in recent years, forests continue to play a special role in the Finnish economy, politics and culture. Finland has been called the ‘forest nation’ of Europe, which, more than any other country in Europe, has been dependent on forest for its both economic and cultural development throughout centuries: first through hunting and fishing, slash-and-burn agriculture<sup>8</sup> as well as tar production for the European fleets, later through forestry and forest industry (Reunala 1999, 230). During the past century in particular, the use of forest as a raw material for industry has had a profound impact on the whole Finnish society, both in concrete and symbolic terms. A whole mythology has been developed to tell the story of a small and poor country that through hard work and by skilful utilisation of a single resource – wood – has, since the beginning of forest industry development in 1870’s, been able to become one of the wealthiest economies and welfare states with some of the largest forest corporations in the world. (Donner-Amnell 1991, 265–267.)

In the early 1920s Finland was just emerging as a young nation state<sup>9</sup>. The national economy was being built on the forest industry, but forests have always played an important role also for the culture and national identity of Finns. The most famous national romantic artists of the late 19<sup>th</sup> century – composer Jean Sibelius, architect Eliel Saarinen, author Aleksis Kivi, painters Akseli Gallén-Kallela, Eero Järnefelt and others – found their inspiration and the image of the Finnish identity in the forests and wilderness of rural Finland. These landscapes continue to be part of the national imagery still today.

In addition, forests have maintained an important role in the everyday lives of Finns. There is a deep cultural belief that every citizen has the right to access and use forests. It is secured through a traditional legal concept of *everyman’s right* (*jokamiehen oikeus*) that allows free access to the forest land and waterways, and the right to collect natural products such as wild berries and mushrooms, irrespective of forest ownership. Everyman’s rights are based primarily on customary law (Hollo 1995, 90–92). There are almost 300 000 hunters and almost half a million summer cottages in the country with 5 million inhabitants (Melasniemi-Uutela 2004; Ilvesviita 2005). Eräsaari (2002, 52) has even proposed that forests and nature represent the Finnish version of “public space” that in most other Western countries is found in urban environments. In nature-based tourism, which is increasing in Finland, forests also play a central role (Tyrväinen et al. 2001, 134; Sievänen 2001; Ohjelma luonnon virkistyskäytön...2002, 8).

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<sup>8</sup> In slash-and-burn agriculture, forest was logged and then the trees burnt on site in order to free the nutrients from the trees and vegetation. The burnt area was used for cultivation for one or several years, after which it was abandoned and the cultivation moved on to a new forest area. This type of agriculture required large areas of land, because it took decades before the farmer could return to the previously burnt areas.

<sup>9</sup> Finland became independent in 1917.

The relative importance of the forest sector has decreased during the past decade, primarily due to the rapid growth of electronics industry with Nokia phones as its flagship. Still, the forest industry accounts for 17 % of the total industrial production, 25 % of the exports, 4 % of the GNP and 2.8 % of employment in Finland (Finnish Forest Industries Federation 2006). Four fifths of the paper and paperboard production and two thirds of sawn wood production in Finland are exported. Finland's share of the global forest resources is only 0.5 %, but its share of the global forest industry is much more significant. 2.5 % of the world's harvest of industrial round wood and 5 % of the global forest industry's production takes place in Finland. Finland is the biggest exporter of printing and writing paper in the world, with a 20 % share of the total exports of these products globally. (Finnish Forest Industries Federation 2006.)

The environmental impacts of forestry and the forest sector in Finland have been equally significant. The forest industry is responsible for 31 % of the total electricity consumption in Finland and has been one the primary lobbyists for more nuclear power, with considerable success. Commercial forestry measures are, according to the Finnish Red Data Book, one of the primary threats to biodiversity. 35 % of the threatened species in Finland suffer from the effects of commercial forestry, such as changes in the age and species composition and the lack of dead and decaying wood in the managed forests. (Rassi et al. 2001, 348.) On the positive side, emissions from the pulp and paper industry to water and air have decreased significantly since the 1980s, despite increasing production (Forest Industry's Environmental Statistics 2006).

As a consequence, forests and forest policy are central issues in natural resource and nature conservation politics in Finland. Moreover, according to Tarmo Koskinen (1985), one of the founders of sociological research on the forest industry in Finland, it is impossible to understand the Finnish economy, politics, culture and national coherence in general without understanding the role the forest sector – forestry and forest industry – has had as a central economic resource and hence as a central power player in the Finnish economic policy and society as a whole. The forest sector elite consists of two, rather different groups. On the one side there is the clustered forest industry. On the other side the large and heterogeneous group of private forest owners who provide the industry with a bulk of its raw material (Koskinen 1985). Even today, 61 % of all the wood consumed by the forest industry in Finland comes from privately owned forests (Finnish Forest Industries Federation 2006). The large private forest ownership is one of the unique features of the Finnish forestry sector and has been one of the major factors in contributing to its social acceptability and to the success of the “Finnish model”<sup>10</sup>. Through forest ownership, large proportions of the populations have gained benefits from commercial forestry.

While much of the focus in the Finnish forest policy has been in promoting the joint interests of the forest industry and private forest owners in increased timber production, state forests and Metsähallitus have always been an important part of the equation. From the time of its establishment in 1859, Metsähallitus has had an active role in the formulation of Finnish forest policies and legislation (Ollonqvist 1998; Rytteri 2006). In the 1950s Metsähallitus sold its timber in public auctions and the prices set at the auctions affected prices of private timber as well (Rytteri 2006, *ibid*, 105). The volume

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<sup>10</sup> Donner-Amnell maintains that there are two main types of “forest sector models”, the Scandinavian model and the North American model. The models consist of two major components: the forest industry's way of operating and the forest sector strategy of the society. The focus in this chapter is on the latter, which covers policies regarding forests and wood processing industry. (Donner-Amnell 2000, 5.)

of the annual state timber harvests has also been used as a forest policy tool. When the stumpage prices for saw logs have been low, Metsähallitus has increased its timber sales. The primary reason for this has been that Metsähallitus has needed to sell more timber in order to achieve the economic targets set to it annually in the State Budget, but simultaneously it has also secured the wood supply of the industry during times when sales from private forests have due to the poor prices been low (Leppänen & Piiparinen 2002). State forests have been a showcase for the public forest policy and an important additional source of timber for the industry.

## 2.2 Long history of conflicts in state forests

Conflicts related to the use of public forests have a long history in Finland than goes beyond the modern environmental conflicts. Ruuttula-Vasari (2004, 2005) goes as far as to say that the disputes over the public forests between local people and the State predate the state forest administration. Metsähallitus was established in 1859 as the state forest administration body to promote forestry and economically sustainable timber production. Finland was then an autonomous Grand Duchy under the Russian Tsar's rule and had its own parliament, currency, and legal institutions (Aarnio 2002)<sup>11</sup>. There was a constant need to find more sources of income to the national budget, and state-owned forests were seen as one such opportunity (Laitakari 1960, 20; Palo 1993, 342). Due to lack of supervision and regulation, local people had considered state forests as a common property to be used for hunting, as grazing grounds for the cattle, for slash-and-burn agriculture, tar production and fire wood procurement (Ruuttula-Vasari 2004, 89; 2005). To terminate this "havoc", the State considered it necessary to establish a state forest administration body in order to secure the raw material for the emerging forest industry. The State required that Metsähallitus operations were profitable: the costs were to be covered from the income derived through timber sales. (Rytteri 2006, 20.)

Since one of the primary tasks of Metsähallitus was to get the local use of state forests under control, it is no surprise that conflicts characterised the existence of Metsähallitus in the beginning. The local people, who were often poor, felt they were fighting for their traditional user rights against the new, emerging focus on commercial timber production. Restrictions on the traditional forest uses caused severe problems for the local people because there were no alternative livelihoods available. (Ruuttula-Vasari 2004, 69, 77, 145; 2005, 167–171, 180.) As a result, they did not accept the new regulations, and did not consider it a crime to privately sell timber from 'state forests'. Towards the end of the 19<sup>th</sup> century, however, many local people gave up slash-and-burn agriculture as well as tar production, because working for timber harvesting for the sawmills provided them with better income (Rytteri 2006, 33).

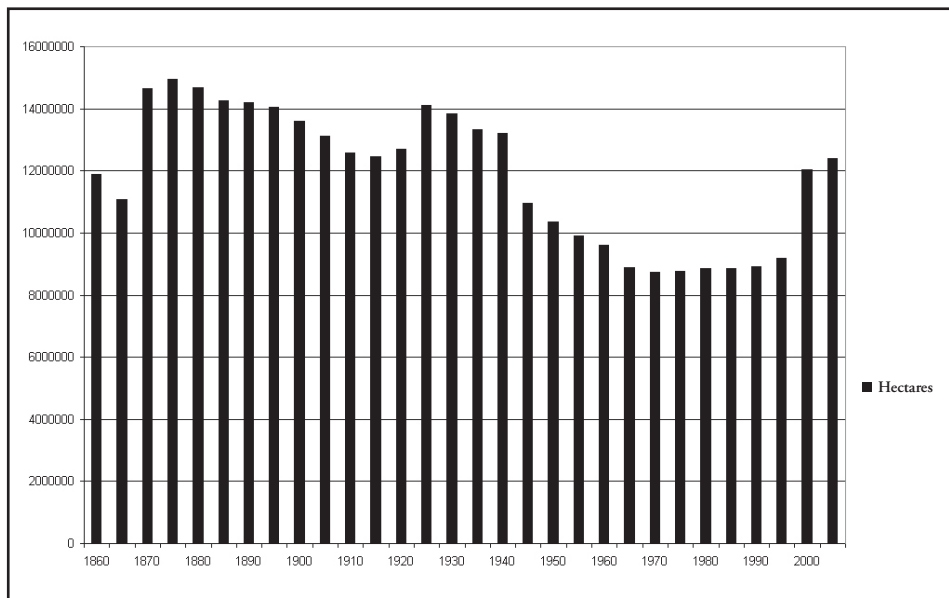
Another major threat to commercial forestry on state lands was the transformation of forests into agricultural land. At the time when Metsähallitus was established, Finland had a significant population of landless people who needed to be settled. State forests provided the most easily accessible source of land for the purpose. However, the Forest Act of 1851 prioritised forestry, and only land that was not valuable for forestry could be given to settlers. This policy was in conflict with the interests of the provinces, and contributed to the local opposition against the forest administration. (Rytteri 2006, 24.) At the end of the 19<sup>th</sup> century the proponents of settlement were able to pass a law that was more favourable towards settlers. Metsähallitus opposed such proposals. While it agreed

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<sup>11</sup> Finland was a part of Russia as a autonomous Grand Duchy in 1809–1917.

that less valuable land could be used for agriculture, it argued that in cases of conflict of interest, forestry should be prioritised over settlement. Metsähallitus maintained that forests would in the future be the most significant source of wealth for Finland and that in order for that to happen, forestry needed to be practiced on large scale. (Rytteri 2006, 30–33.)

The need for land to settlement increased further, when Finland lost 12 % of its land area to Russia in the Second World War. 400 000 evacuees from the lost province of Karelia as well as war veterans needed to be settled urgently. By 1959, 28 000 km<sup>2</sup> of land was allocated to evacuees, widows, and veterans. Almost half of this was state land. (Rytteri 2006, *ibid*, 82–83.) Settlement on state land, and Metsähallitus’ opposition, continued until 1977 (Palo 1993, 350; Rytteri 2006, 95, 98). All in all, settlement reduced the amount of forests under Metsähallitus management considerably (Figure 4).



**Figure 4.** Amount of land managed by Metsähallitus in 1860–2005 (Rytteri 2006, annex 3)

### 2.3 The golden age of industrial forestry and corporatism

The importance of state-owned forests for the Finnish economy increased significantly after the Second World War. Finland lost 12 % of its land area in the war, of which over 9000 km<sup>2</sup> were productive forests. Finland was also required to pay heavy war indemnities to Russia and to rebuild the country. (Massa 1994, 119, 202.) Rebuilding the Finnish economy was, to a significant extent, based on the timber industry. Growth therefore required increasing amounts of timber. Timber resources in eastern and northern Finland – where the state is a major forest owner – became more important for the national economy and welfare than previously.<sup>12</sup> A state committee on industrialisation

<sup>12</sup> Massa (1994, 200) maintains that a similar increased interest for natural resources of the North took place after the war also in Sweden, Russia, and Canada.



proposed straightforward and intense methods for utilising the forest resources, and the establishment of new pulp and paper mills in the north.

In the 1950s, industrial logging on state land spread further and further north. It reached the northernmost communities in Lapland in the 1960s. (Massa 1994; 1999; Nyssönen 1997, 106.) Once commercial forestry was introduced to Lapland, the harvest volumes grew rapidly and the adopted methods included clear-cutting, scarification of the soil, herbicide spraying, fertilising, building of access road networks, and establishing secondary stands. Massa characterises the strategy that was adopted in the 1950s and carried out in the following decades as “ecological colonialism”, which albeit understandable under the circumstances where the country needed to be re-built from scratch, paid little attention to the needs of the other forest-dependent local livelihoods or the environment. (Massa 1994, 200–205; 1999.) The northernmost parts of Lapland, in particular, had until then not been industrially utilised. They were the traditional territory of the indigenous Sámi people, who lived from fishing, hunting and gathering, and from herding their semi-domesticated reindeer over large areas of land. Many of the Finns who had previously moved to the area depended also on these livelihoods. These land uses were drastically affected by commercial forestry, and other large-scale projects such as hydro development. Finland did not at the time recognise the status of the Sámi as an indigenous people or their immemorial rights regarding the land. State ownership of the land was considered undisputed, and the Sámi people, or other local inhabitants, had little influence over State forest policies in the area. (Massa 1994.)

Enhancing the growth of forest industry became the corner stone of Finland’s national economic strategy from the 1950s on (Donner-Amnell 2000, 8–9). The period between 1950s and 1980s was characterized by intense commercial forestry throughout Finland in both private and state-owned forests. Vast areas of “unproductive” peat lands were also drained and planted with pine. All in all, up to two thirds of all the peat lands that once covered one third of Finland’s land area have been drained, and most of them to promote timber production<sup>13</sup> (Wahlström et al. 1996, 86). From the perspective of timber production, the strategy was successful. As a result of all the measures to promote timber production, the total forest growth in Finland increased from under 60 million cubic meters annually to over 80 million cubic meters between 1970 and 1994 (Statistical Yearbook of Forestry 1995, 76).

The policy was based on joint agreements between the State, the forest industry, and the organisation of private forest owners The Central Union of Agricultural Producers and Forest Owners (MTK) (Donner-Amnell 1991, 272; Palo 1993, 332). It was corporatist in the sense that interest groups played a major role in the formulation of the policies. Corporatism as a style of policy-making can be defined as the incorporation of organised interest groups into the governmental system. The purpose of such incorporation is to maintain harmony and avoid conflict by allowing these groups to share power. (Hill 2005, 65.) As such, it can be seen as a conflict management strategy. Neo-corporatism, in which a number of internally coherent and well-organised interest groups are recognised by the state and have privileged or even monopolised access to it, has been common in particular in economic and labour politics in many European countries (see Kickert and Van Vucht 1995 for a description on the Netherlands). Such neo-corporatism was typical for the Finnish policy making in general and in economic policy, in particular from the

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<sup>13</sup> First peat lands were ditched for agriculture, and later also for using peat for energy production. The largest proportion has however been for timber production.



1960s throughout to 1980s<sup>14</sup>. In forest policy, state officials and interest groups were the primary forces, while the parliamentary involvement and control over the process was restricted to drafting legislation (Palo 1993, 332–333). The aim of close incorporation of forest owners and industry in the State policy making was to secure that sufficient amount of raw material would be provided from the private forest plots to the industry. (Ollonqvist 1998, 72–80; Rytteri 2006, 84.)

National forest programs were emblematic of the spirit of the period. They were launched for the first time in the early 1960s. Committees or working groups consisting of the key interests prepared the programs and proposed increasing investments of public funds for maximising timber production through systematic forest management methods. Intensifying forestry served the interests of all political parties, because it would benefit the economy as a whole by increased timber procurement for the industry, secured employment, income for forest owners and income for the State.<sup>15</sup> (Palo 1993, 356–360; Primmer & Vahantaniemi 2005, 311–312; Rytteri 2006, 88–93.) On state-owned land, similar effects were even more easily achieved since the forests were directly under the control of the Government and professional foresters.

The importance of the forest sector for the Finnish economy explains the evolution of the corporatist decision-making in forest policy. It also goes a long way in explaining why nature conservation conflicts and environmental issues in general emerged relatively late on the political agenda in Finland. For instance, the Ministry of the Environment was established as late as in 1983. The first environmental protests in forests took place in mid-1970s, but it was not until a decade later in late 1980s that the forest movement in Finland would really gain significance as a political force. (Rannikko 2003, 168–171.)

## 2.4 Nature conservation conflicts emerge

During the first half of the 20<sup>th</sup> century, Metsähallitus actively promoted the establishment of national parks and nature reserves for the purposes of research and preservation of samples of the national landscape. The decision in 1956 to establish 12 new strict nature reserves and 7 national parks covering 0.25% of productive forests in Finland was considered ambitious even by its proponents, many of whom were foresters. But at the same time it was deemed necessary in order to get the “nature conservation issues resolved once and for all”. (Rytteri 2006, 87.)

Despite their positive approach to establishing nature conservation areas, forestry professionals did not consider it necessary or desirable to question the methods of timber production at a time when Finland was building up its economy largely through forest industry (Leino-Kaukiainen 1997, 168, 180–184). Nonetheless, the environmental impacts of the industrial clear-cut based forestry model started to provoke critique from other directions in the early 1960s. Draining of mires, large clear-cuts and soil scarification, failures in forest regeneration in Lapland as well as water pollution, were among the main issues that caused debate (Donner-Amnell 1991, 284; Leino-Kaukiainen 1997). Finnish Association for Nature Conservation, the biggest national environmental organisation, highlighted the need to establish more national parks already in the 1960s. But it took until 1977 before a National Parks Committee proposed the establishment of additional 42 national parks and 16 new nature reserves. (Rytteri 2006, 110–114.)

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<sup>14</sup> The prime example, general incomes policy settlements between the labor unions, employers’ organisations and the state, is still happening today.

<sup>15</sup> For similar regulatory negotiations, Reg-Negs, in the American policy making see Priscoli (1997, 77–78).

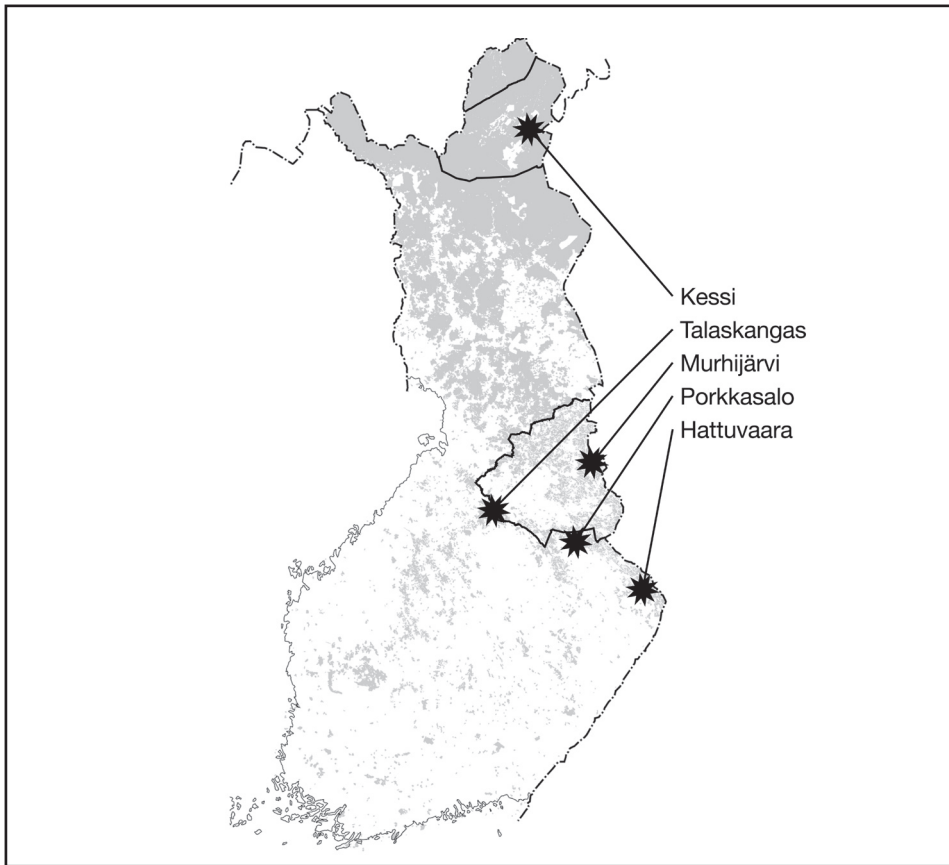
The proposal was faced with fierce opposition from the private forest owners (MTK) and the forest industry. Metsähallitus was divided in its opinion over the issue, but officially it stood by the forest industry that opposed the reductions of timber procurement from the state forests. The ‘classic nature conservationists’ in Metsähallitus could not digest the critique the new generation of environmentalists had towards modern forestry methods and the adverse impacts of economic growth on nature (Leino-Kaukiainen 1997, 196). Metsähallitus representatives were offended by the allegations that Metsähallitus was against nature conservation. After all, the existing nature conservation network was largely based on the initiatives that foresters had taken during the earlier decades. The disagreements were, Metsähallitus argued, simply due to the excessive demands by the new generation of environmentalists. (Rytteri 2006.) Metsähallitus maintained that any additional forest conservation should take place in private forests. Rather than preserving forests “as museums”, Metsähallitus promoted the concept of “active nature conservation” that allowed the regeneration of the forests. (Leino-Kaukiainen 1997, 206–210; Rytteri 2006.) Eventually, the Finnish Government endorsed a scaled down version of the proposal put forward by the National Park Committee.

The new National Parks – as well as the continued designation of state land to private farms – reduced the area for timber production on state land considerably (Figure 4). Yet the harvest levels were kept at the same level as before the decisions by increased efforts in forest management. The sustained timber harvest plans were based on the assumption that no new conservation areas would be established. Metsähallitus and the forest industry believed that the environmental issues would be a passing phenomenon. (Rytteri 2006, 114.)

Despite the opposition towards the establishment of new national parks in the 1970s, environmental NGOs and dissatisfied citizens demanded more forest conservation in state forests, and the demands were supported by new kind of campaign tools. The late 1980s witnessed the rise of the old-growth forest debate in Finland. From 1987 to 1991, there were several direct actions concerning old-growth logging on state land (Map 2).

In Lapland, the discussion culminated around a forest area in Inari municipality called Kessi. As a part of the agreement to establish Finland’s biggest National Park Urho Kekkonen National Park in 1983, the Kessi area had been designated for commercial forestry. The purpose was to compensate for the losses of forestry opportunities caused by the new park by increasing logging elsewhere. Despite the fact that the representative of the biggest Finnish ENGO, Finnish Association for Nature Conservation, had agreed to the deal, many forest activists could not approve of it. They organised themselves as the Wilderness Movement and demanded that Kessi, along with the other remaining wilderness areas in Lapland be protected for the sake of nature conservation, but also because of their importance for the culture of the indigenous Sámi people and their reindeer herding. (Lehtinen 1991; Roiko-Jokela 2003, 69–101.)

Around the same in Talaskangas in central Finland, a group of forest activists highlighted the poor conservation status of old-growth forests and protested against Metsähallitus’ plans to log what Metsähallitus considered to be regular commercial forest. (Roiko-Jokela 2003, 134–164.) The first “Evaluation of Threatened Species in Finland” had been published in 1985, in which it concluded that one third of all the species listed in the Red Data Book were dependent on decaying wood found in old-growth forests, and the primary threat to these species was commercial forestry. The committee urged Finland to carry out an inventory of the remaining old-growth forests in southern Finland. (Komiteamietintö 1985:43, 28–32, 92; Leivo-Kaukiainen 1997, 214.) This was the demand of the environmental activists demonstrating in Talaskangas and of all of the major ENGOs in Finland, who were united in the dispute.



**Map 2.** Direct actions against forestry operations in state forests have taken place in several areas since the late 1970s. The map shows the most well-known direct actions prior to 1992. Many of these conflicts became the icons of forest activism in Finland. (© Genimap OY, Licence L5293, © Metsähallitus 2007)

What these and several other disputes around the same time had in common was that they had been bubbling under the surface several years before escalating into open protests. The forest activists, the involved local people, and the organised environmental NGOs had indicated their concern and tried for years to get their voice heard in Metsähallitus local and head office, in the ministries, and finally in the Parliament. Due to lack of response they needed to find new ways of attracting attention. They raised petitions, collected expert statements from the ecological departments of the universities, enacted hunger strikes, and demanded conservation programs for the last wilderness areas in Lapland and the inventory and protection of the remaining old-growth forests on state land elsewhere in the country. The impact of the disputes on the international reputation of the Finnish forest industry was also highlighted, as Greenpeace threatened a boycott of Finnish forest products. In Kessi, the Finnish environmental movement allied for the first time with activists from Central Europe. (Leivo-Kaukiainen 1997; Roiko-Jokela 2003; Rytteri 2006.) In 1989, ENGOs collected 220 000 names in a petition demanding protection of the last old-growth forests and more ecologically sound forest management methods. At

the time, it was the third biggest public petition, and the biggest environmental petition, ever to have taken place in Finland. (Heimonen & Kaaro 1999, 195.)

The role of the local population in the disputes varied. In some, parts of the local population were initiators of the whole dispute or actively engaged in opposing the logging, whereas in others their majority was opposed to increased forest protection. The reactions of the local municipalities ranged from pro conservation (Talaskangas) to pro logging (Kessi). Forest activists who got organised around Finnish Nature League<sup>16</sup> and later formed its forest group played a central role in the conflicts. Another key player was Greenpeace, whose international campaigns and resources were crucial for the success of the forest movement. (Rannikko 2003, 169.)

The standard reply of Metsähallitus to the demands of the conservationists and to the concerned MPs and researchers was that the disputed forests had been designated as commercial forests and thus the logging plans were legitimate. As far as Metsähallitus was concerned, all forest that had not been specifically designated to some other purpose was commercial forest. The Ministry for Agriculture and Forestry, the governing ministry of Metsähallitus, supported Metsähallitus on this view. (Leivo-Kaukiainen 1997; Roiko-Jokela 2003; Rytteri 2006.)

The public debates failed to stop Metsähallitus from pursuing the logging. This then led to open confrontations at the logging sites. The environmental activists climbed trees, blockaded roads, chained themselves to logging machines and refused to leave the logging site. In most cases Metsähallitus called the police and the activists were detained. They were later charged with coercion and disobedience, and typically sentenced to fines and compensations to Metsähallitus and/or to the harvester operators. (Roiko-Jokela 2003.) In his study on the forest conflicts of early 1990s, Roiko-Jokela (2003, 157) states that the relations between Metsähallitus and the conservation movement were extremely tense due to the repeated conflicts. For Metsähallitus, all means were necessary to control the conservationists' protests. Forest activism also provoked local opposition. According to Rannikko (2003, 169–171) this was because the forest activists, through the direct actions, framed the conflict in terms of jobs versus conservation: rather than being directed against forest industry at large, the protests seemed to be targeted against the people working in forestry.

## 2.5 Environmental issues established in Finnish forest policy

Despite the opposition from Metsähallitus, the conflicts led to increased forest conservation. The Kessi dispute led to the establishment of 12 Wilderness areas in Lapland through the Wilderness Act (62/1991), although Kessi forest itself and many other low elevation forests were excluded from the decision. The established wilderness areas consisted primarily of fells (low mountains) and high-elevation forests. Talaskangas area was protected in 1989, and the environmental authorities started the inventories of old-growth forests first in Southern Finland, and then in Northern Finland, as demanded by the ENGOS. (Leivo-Kaukiainen 1997, 216; Roiko-Jokela 2003, 69–100.) (More detailed account is given in Chapter 8.)

These decisions and processes were part of the transition period of early 1990s when environmental issues were established on the Finnish forest policy agenda. Donner-Amnell dates the “rapid and dramatic” shift in the attitudes of the forest sector to years 1990–1994 (1995, 217). The consumer campaigns of the environmental NGOs were

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<sup>16</sup> See [www.luontoliitto.fi/forests](http://www.luontoliitto.fi/forests) for the website.

beginning to create market pressure to change forest policies. ENGOs drove campaigns against the big publishing houses in Europe in order to get them to adopt environmentally responsible paper purchasing policies, for instance ‘old-growth free paper’. The goal was to get important customers of the Finnish paper giants – such as UPM Kymmene and Stora Enso – to push those paper giants to change their timber procurement policies for the state-owned forests in Finland, among other areas.

Around the same time, the UN Conference on Environment and Development in Rio de Janeiro in 1992 as well as the second Ministerial Conferences on the Protection of Forests in Europe<sup>17</sup> in Helsinki in 1993 also significantly contributed to the rapid development of the Finnish forest policy (Donner-Amnell 1995, 217; Rytteri 2006, 117–120; Viitala 2003, 92, 98). Finland had been able and willing to disregard the environmental critique since the 1960s and had made only minor changes to forest policy, because economic interests had weighed more heavily in the political decision-making (Donner-Amnell 2000, 10). International agreements as well as international campaigns by NGOs made it necessary to react to the pressures because a positive environmental image was becoming an important competitive factor for the forest sector. (Rytteri 2006, 131.)<sup>18</sup>

In 1990, Metsähallitus was, in comparison to Finnish private forestry at least, relatively early in adopting new forest management recommendations in which nature conservation and multiple-use of forests were lifted as major goals of state forest use alongside with timber production. Metsähallitus’ organisation was restructured in 1992, when the small nature conservation office (established in 1981) was transformed into Natural Heritage Services. The Act on Metsähallitus (1169/1993) was renewed in 1994 and it was the first piece of forest legislation that mentioned the new, ecological goals of forest management. Metsähallitus had now become an organisation with two, equally important tasks. The “old Metsähallitus”, now called its Forestry Division, was responsible for producing timber and for making money to the State Budget, whereas Natural Heritage Services had the task of managing protected areas and promoting the conservation of biodiversity in all state forests.

The same year the Ministry of Agriculture and Forestry published a report by a Working Group that had developed environmental guidelines for forestry (Viitala 2003, 106–107). In the report, it was admitted that many severe mistakes had been made in forestry, many of which the conservation movement had highlighted already in the 1960s (Rytteri 2006, 131). A new Forest Act (1093/1996), effective on both private and state land, was drafted based on the guidelines. It came into force in 1997. The purpose of the act was (and is) to “promote economically, ecologically and socially sustainable management and utilisation of forests in order that the forests produce a good output in a sustainable way while their biological diversity is being maintained” (1 §). A National Forest Program 2010<sup>19</sup> was drafted in 1998–1999, and a permanent body, the National Forest Council, was established to monitor the implementation of the programme and to work as a support for the Ministry of Agriculture and Forestry in important and far-reaching forest policy

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<sup>17</sup> More information on the on-going work of Ministerial Conference on the Protection of Forests in Europe (MCEFP) can be found at [www.mcpfe.org](http://www.mcpfe.org)

<sup>18</sup> Despite this change, Donner-Amnell (2000, 11) maintains that the traditional view on the economic interests of the forest industry has remained visible in the Finnish forest and environmental policy in the sense that Finland has not been a forerunner in international negotiations on environmental agreements such as climate issues, in the fear that they would have adverse impacts on the competitiveness of the energy-intensive forest industry.

<sup>19</sup> National Forest Programmes (NFP) have, since the UNCED in 1992, been recognised e.g. in the Intergovernmental Panel on Forests as an important means for implementing internationally agreed upon sustainability goals for forest management (Primmer & Kyllönen 2005).

decisions. This typically corporatist constellation was chaired by an official from the Ministry and has representatives from other ministries, Metsähallitus, MTK, Hunters' Association, Environmental NGOs, the forest industry, and related labour unions as well as representatives from forest research.<sup>20</sup>

The political influence of working groups and committees typical for Finnish forest policy making, be they permanent or ad hoc, depends to an extent on the degree of unanimity in the group. This has led to the emphasis of consensus between the interest groups. Since the inclusion of the environmental NGOs in the corporatist processes, however, this has proven increasingly difficult. In fact, Ollonqvist (2002) maintains that the lack of conflict regulation mechanisms remains the biggest challenge for Finnish forest policy design. In contrast to United States, for instance, there is no tradition or legislation on environmental dispute resolution (EDR) or training for professional mediators of environmental disputes (Fisher & Ury 1981; Susskind & Cruickshank 1987; for discussion on the applicability of EDR in Finland see Turtiainen 1997).

In a study carried out at the end of the 1990s, Hellström (2001) considered Metsähallitus' new participatory planning methods promising. During the mid-1990s, Metsähallitus was a forerunner in the Finnish forest sector in developing participatory or collaborative approach to forest planning. Metsähallitus held public hearings and invited interested stakeholders to working groups that gave input to forest planning locally and regionally. This approach was voluntary and developed by Metsähallitus itself. By interacting closely with regional and local stakeholders on issues related to forestry planning, nature conservation and other land uses, Metsähallitus wanted to ensure that different views came to its knowledge. This would both function as a way of acquiring information but also as a means for addressing and preventing potential conflicts. (Loikkanen et al 1999; Wallenius 2001.) This participatory approach is presented and analysed in detail in the empirical part of this study.

## 2.6 Combining conservation with business in Metsähallitus

Simultaneously with the environmental and participatory 'turn' in state forestry, Metsähallitus was transformed from a state bureaucracy to a state-owned business. The gradual process started in the 1980s. One of the somewhat paradoxical motivations behind the restructuring of Metsähallitus was to clarify the division of tasks between Metsähallitus and the Ministry of Agriculture and Forestry and thereby increase the democratic control over Metsähallitus. Due to its arbitrary way of operating, Metsähallitus had become known as "the state-within-a-state". Since 1985, Metsähallitus itself began to actively lobby for a transformation to state-owned business. (Rytereri 2006, 120.)

The decision to emphasise the business nature of state forestry operations and to combine them with a nature conservation unit generated considerable critique throughout the different phases of the project. In the parliamentary discussions regarding the legislative reforms in 1989, 1991 and 1993, a number of MPs maintained that flexibility and functional administration could well be achieved without transforming Metsähallitus into a business enterprise. Suspicions were also raised as to the fate of nature conservation in an organisation primarily targeted to produce profit. The proposal meant that on the one hand, Metsähallitus was to make profit. On the other, it was given a number of ecological and social obligations in the new legislation. These included biodiversity conservation,

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<sup>20</sup> Regional Forest Programmes, in turn, were drafted in early 2000s by Regional Forest Councils with similar representation.



and the promotion of employment and recreation. The critical MPs were concerned that these public tasks would suffer and the result would be a messy combination of public administration and business operations. Some of the opponents of the business model proposed an opposite strategy whereby Metsähallitus would only focus on the promotion of nature conservation and recreation, without any economic targets at all. (Rytteri 2006, 120–127.)

The Ministry of Agriculture and Forestry, however, was confident on the ability of Metsähallitus to combine these challenging roles. Then ministers assured the Parliament of Metsähallitus' superiority in the modern, ecologically oriented forestry. (Rytteri 2006, 123.)<sup>21</sup> Through a number of legislative reforms, Metsähallitus was gradually transformed into a state-owned business enterprise in 1994 (Act on Metsähallitus 1169/1993).

The transformation of Metsähallitus was a part of a larger change in the state policy regarding the services it provided. Since 1988, 14 different state bureaucracies, such as Finnish Rail, Finnish Post and Road Administration were transformed into state enterprises and many further into corporations (HE 161/2002 vp, 4, Tarkastuskertomus 1998, 9). According to Harrinvirta (2000, 186–199), the changes in Finnish public administration were part of a larger change, where all OECD countries were pushed to change their administration according to the recommendations by OECD. These included reducing costs, rationalisation, privatisation and results-based management. These are all typical traits of the so-called new public management, a discourse on public administration and services that is dominated by market ideas and management. It is characterised by greater use of performance measures, a stronger emphasis on results, the creation of more autonomy for agencies, less political involvement, deregulation, and competition (Gherardi & Jacobson 2000). Countries have responded differently to the recommendations for new public management. In Finland, the changes were motivated as 'necessary' and 'unavoidable' – something that Eräsaari (2002, 21, 80) considers a typical rhetorical style for Finnish politics.

In line with the vocabulary of new public management, 'citizens' became 'clients' and the focus was directed to 'results' – understood in terms of measurable deliverables or performances rather than in terms of long-term effects. In the strategy for rationalising the state administration, fishers, hunters, reindeer herders and hikers were defined as 'customers' (Ojala 1992, 139–140). Eräsaari (2002, 79) goes as far as to say that in the 1990s the methods of measuring performance grew increasingly sophisticated while the welfare services being measured declined rapidly. The new public management vocabulary derived from the private sector and market thinking – also referred to as management talk or 'managerialese' (Gherardi & Jacobsson 2000, 349–355) – became an everyday part of state forest administration as well. 'Results-based management', 'evaluation', 'service', and 'customer' were frequent words in the social responsibility reports Metsähallitus started to publish in 2002 (Diverse use...2002).

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<sup>21</sup> However, one of the interviewees from the Ministry of Agriculture and Forestry for this study gave a different account of the events. He claimed that both MAF and MOE were forced to accept the proposal. According to this version, the Ministry of Finances was the one pushing to turn Metsähallitus into state enterprise.

## 2.7 State forest administration today

The structure of Metsähallitus and the tasks given to it in the legislation have remained largely the same since the transformation into state enterprise in 1994. The two key tasks given to Metsähallitus in legislation (in Act on Metsähallitus 1378/2004) are to carry out profitable forestry on the one hand, and to be responsible for nature conservation on state land, on the other. In forestry operations Metsähallitus needs to take into account the framework of the so-called social obligations defined in the Act. In addition to biodiversity conservation, these include promoting employment and recreation and safeguarding the prerequisites of the Sámi culture and reindeer herding (4 §).

In conjunction with approving the State Budget, Finnish Parliament approves Metsähallitus' annual main service goals and other operational objectives. On the basis of the objectives set by Parliament, the Ministry of Agriculture and Forestry (MAF) decides on the annual revenue targets of Metsähallitus. Goals related to the social responsibilities as well as their financing are, in turn, decided annually by the Ministry of the Environment (MOE).

The two main tasks of Metsähallitus – forestry and nature conservation – remain the basis of its organisational structure. Forestry is practiced in a business unit (*Forestry Division*) that produces more than 90 % of Metsähallitus' revenue. For public services there is a separate unit, *Natural Heritage Services*. Metsähallitus' public administration duties include e.g. managing nature conservation and hiking areas, control of hunting and fishing rights and promoting conservation and recreational use of state lands and waters.

State lands are divided into two balance sheets depending on which of the two units is responsible for their management and whether the lands are subject to profit targets or not. Conservation areas fall under the administration of Natural Heritage Services, and as 'public property'<sup>22</sup>, they are not subjected to profit targets. The rest of the lands are managed by the Forestry Division and need to fulfil the annual profit targets defined by the Parliament and the Ministry of Agriculture and Forestry. The Forestry Division and the lands it manages are part of the administrative sector of the Ministry of Forestry and Agriculture, whereas Natural Heritage Services and related lands fall under the jurisdiction of Ministry for the Environment. Thus the core of Metsähallitus is composed of two distinct organisations with separate tasks and separate land holdings to manage.

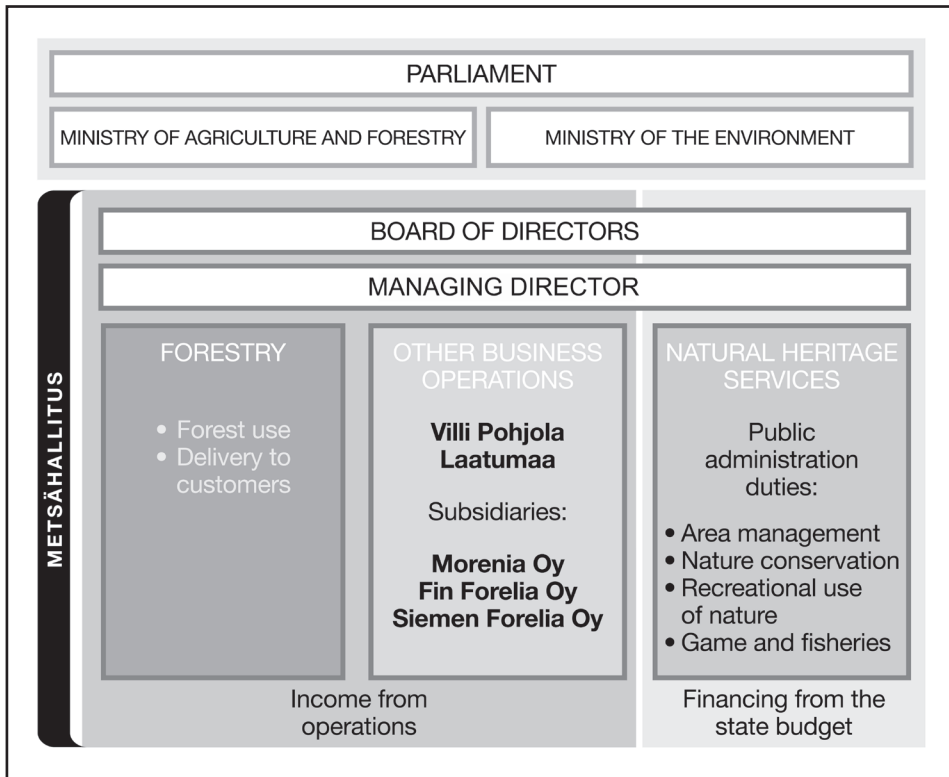
In addition to forestry, Metsähallitus has also other business activities that are based on natural resources, but these are of smaller economic significance than Forestry (Figure 5). They include *Wild North* (eco-tourism services and rental accommodations), *Laatumaa* (plot and forest real estate business), *Morenia* (soil resources business), *Siemen Forelia* (produces, markets and sells tree seeds), and *Fin Forelia* (produces, markets and sells tree plants). Because these units are not responsible for the overall planning or management of any part of state lands, their significance in the administration on state forests is significantly lower than that of the Forestry Division and Natural Heritage Services. This study is restricted to the Forestry Division and Natural Heritage Services.

All the different units of Metsähallitus have their top management (directors) in the Head office of Metsähallitus in Tikkurila, in the Helsinki metropolitan area. Together with the Managing Director, the directors of the units form the Board of Directors. In contrast to the smaller business units, both the Forestry Division and Natural Heritage Services have

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<sup>22</sup> In Finnish, julkisten hallintotehtävien omaisuus





**Figure 5.** Organisation of state forest administration in Finland (Source: Metsähallitus' website [www.metsa.fi](http://www.metsa.fi))

regional organisations throughout the country. The Forestry Division has seven regional units, Natural Heritage Services three. Each regional unit in both the Forestry Division and Natural Heritage Services has a Regional Director, who respectively works under the Director of Forestry or Natural Heritage Services. The regional organisations of Forestry and Natural Heritage Services differ from one another in structure and geographical area and have undergone several changes during the recent years. Nonetheless they both have personnel responsible for planning and inventorying (foresters, forestry engineers and conservation biologists) and for on-the-field implementation (loggers, contracted harvesters, and other field personnel). A summary of the different levels of administration on state forestry is presented in Table 1.

Finnish Parliament	
Finnish Government	
Ministry of Agriculture and Forestry	Ministry of the Environment
Metsähallitus Board of Directors	
Managing Director	
Director of Forestry	Director of Natural Heritage Services
Regional Director of Forestry	Regional Director of Natural Heritage Services
Forestry planners	Conservation biologists
Loggers	Field workers

**Table 1.** Different levels of decision-making and administration on state forests in Finland

## 2.8 Summary

Throughout the years, state forests in Finland have been an important part of forest politics and a source of various types of conflicts. Hunting, slash-and-burn agriculture, settlement of farmers, reindeer herders' claims, and nature conservation and nature-based tourism, have all challenged the use of state forests for timber production that provides the industry with raw material and the State Budget with needed income. While the biggest conflict in the first half of 20<sup>th</sup> century was about transforming forests into agricultural lands, the conflicts of the later half of the century and the new millennium have been about what to do with the forests, i.e. conflicts within forestry.<sup>23</sup> The relative 'newness' of the environmental conflicts, as well as the political gunpowder and significance of these conflicts, is explained by the role forests and the forest sector elite has played in the Finnish politics throughout the years, and in particular during the post-War period until the late 1980s. State forests have had a special role in the corporatist policy-making where they have functioned both as a showcase and as a regulator of the timber markets and prices. Metsähallitus has been under political control but at the same time its leadership has always been active in promoting its own policy regarding state forests (Rytteri 2006).

Like many times before, Metsähallitus is today faced with multiple demands that are in many ways challenging to combine. It is in an on-going process of transformation.

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<sup>23</sup> Hellström (2001, 8) differentiates between conflicts about forest conservation and management, i.e. conflicts about how the forest resource should be used (conflicts *within* forestry) and conflicts about transforming forest into agricultural lands, constructed areas, roads etc. (conflicts *between* forestry and the 'world outside').

The diverse needs of different local and national groups need to be reconciled through collaborative planning. The solutions need to be both ecologically sustainable and economically profitable, and acceptable to two ministries with different agendas. The economic goals and demands for efficiency set by the State increase year after year. Achieving them is largely dependent on increasing timber harvest levels on one hand, and on reducing the staff on the other. Both have consequences for how well the conflicting expectations can be reconciled.

The internationalisation of the forest industry, environmental politics as well as the environmental movement has also affected the role Metsähallitus plays as a part of the Finnish forest sector. The environmental image and credibility of large forestry corporations such as Stora Enso – the largest purchaser of Metsähallitus timber – are vulnerable to NGO critique and international campaigns regarding their timber sourcing policies. (Donner-Amnell 2000; Ryteri 2002; Lawrence & Raitio 2006; Lawrence 2007.) On the other hand, internationalisation in timber procurement of the Finnish forest industry has meant that 16 million cubic meters, over 20% of the wood it uses, came from Russia in 2006. If Russia were to enact its ‘threat’ to increase export taxes on timber dramatically, it would mean increased pressure on Finnish forest owners, including the State itself, to increase logging. While the timber harvest volumes in Finland were in 2005 already at an all-time high level, the debate on how to increase domestic timber harvest further has already started (Statistical Yearbook of Forestry 2005, 68; Käpy newsletter 17.10.2007).

The challenge for Metsähallitus and its superiors (MAF and MOE) is to credibly combine social and environmental responsibility with business objectives. This means avoiding a scenario where increased economic pressure in the form of new public management and the changing business environment of the forest industry overrides the demands for democratic control, social benefits and ecological ambitions.

Before discussing the empirical cases, I will now turn to the theoretical and methodological approaches used in this thesis to understand the conflict management strategies and practices in state forests in Finland.

PART II:  
THEORETICAL FRAMEWORK  
FOR CONFLICT MANAGEMENT  
ANALYSIS



# 3 THE ROLE OF FRAMES IN UNDERSTANDING CONFLICTS

## 3.1 Frame conflicts

In many cases environmental conflicts are particularly difficult to solve. Concepts like 'impasse', 'deadlock', 'paralysis' and 'stalemate' describe the intractable situations environmental conflicts can result in (e.g. Susskind & Cruickshank 1987). It is rarely possible to find only one primary reason for a conflict or dispute. Traditional conflict resolution literature has conceptualised environmental disputes in terms of knowledge disputes, competing interests (who gets what, when, and how), incompatible values, dysfunctional personal relationships and oppressive or unclear structures (Moore 1996; Priscoli 1997). This view has been challenged by theorists who maintain that environmental controversies are essentially discursive conflicts in which opponents employ contrasting and often incompatible models, metaphors, and interpretative schemes to make sense out of contentious policy issues (Saarikoski 2006, 615). These conflicting ways of interpreting the policy issues have been described as narratives, storylines, discourses, or frames (Fischer & Forester 1993; Schön & Rein 1994; Hajer 1995; Dryzek 2005). Of these, 'frames' is frequently used in environmental conflict literature (e.g. Schön & Rein 1994; Lewicki et al. 2003). In Finland, frame analysis has been used to study for instance disputes regarding shoreline conservation (Nieminen 1994), eutrophication and fish farming (Pehkuri 2004), seal policy (Sava & Varjopuro 2007) and waste policy (Saarikoski 2006) as well as media perceptions regarding acid rain (Väliveronen 1996).

Schön & Rein (1994) use the concept *frame conflicts* to denote controversies in which parties see issues and policies in different and conflicting ways, embedded in different systems of belief. They distinguish between *policy disagreements* and *policy controversies*. The fore mentioned refers to "disputes in which the parties to contention are able to resolve the questions at the heart of their disputes by examining the facts of the situation." (Schön & Rein 1994, 3) These types of disagreements can be resolved by recourse to evidence to which all contending parties will agree. However, several characteristic features of most modern policy disputes on the use of natural resources make these disputes hard to resolve purely by examining 'facts' and recourse to evidence. Schön & Rein define policy controversies as disputes in which the contending parties hold conflicting frames.

"Such disputes are resistant to resolution by appeal to facts or reasoned argumentation because the parties' conflicting frames determine what counts as a fact and what arguments are taken to be relevant and compelling. Moreover, the frames that shape policy positions and underlie controversy are usually tacit, which means that they are exempt from conscious attention and reasoning."  
(Schön & Rein 1994, 23)

In frame conflicts, the choice of relevant information or knowledge depends on people's views on the information and the values attached to it, rather than the substance of the knowledge and possible differences. Whether the information or knowledge is relevant depends more on whether it is socially acceptable, legitimate and comprehensible to all stakeholders, than on the "correctness" or "objectiveness" of the knowledge. (Kyllönen et al. 2006.) This makes the different knowledge types incommensurable. Policy

controversies are immune to resolution by appeal to the facts, because the parties employ different strategies for selective action. By focusing their attention on different facts and by interpreting the same facts differently, parties involved in a controversy dismiss the evidence presented by their antagonists (Schön & Rein 1994, 5).

The popularity of the concepts 'frame' and 'framing' in research has been explained by their ability to explain how people can have quite different alternative understandings of the same problem, without abandoning the idea that there is a real problem about which to disagree (Perri 6, 2005). The notion of frame conflict is helpful in understanding why repeated efforts to bring stakeholders in a dispute to the same table do not always help to break down the deadlock: in the absence of a shared framework within which to discuss the question, the parties engage in a "dialogue of the deaf", addressing essentially different problems (Saarikoski 2006, 628).

Frame theory challenges the traditional dispute resolution approach which has assumed that the interests of the parties are constant (Fisher & Ury 1981; Schön & Rein 1994, 29). Frame analysts maintain, in contrast, that interests are conditioned by our frames: frames determine what we perceive as being our interest, and what interest we therefore see as conflicting (Schön & Rein 1994, 29; Saarikoski 2006). Schön and Rein (1994, 29) conceptualize the relationship between frames and interests as reciprocal, but non-deterministic: frames shape interests, and frames can be used to promote certain interests.

The emphasis of frames on perceived rather than objective interests illustrates the constructionist orientation underlying frame analysis (Carragee & Roefs 2004, 215; Peuhkuri 2004). The meaning we attach to objects and phenomena are not discovered but constructed, and the construction of meaning is a social process: we are born into a world of meaning that has been, and continues to be, socially constructed (Crotty 1998, 42–57). The struggles between antagonists over framing of a policy situation are symbolic contests over the social meaning of an issue. The importance and even necessity of constructionist orientation in analysing such social phenomena as conflicts lies in the fact that meaning-making constructions are real and they have real consequences: people's behaviour is based on their perception of their environment. Meaning implies not only what the issue is about but also what is to be done. The definition of the problem affects the prescription of the solution: strategies of conflict management are affected by the interpretation of the conflict. (Schön & Rein 1994, 29.)

The different frames that parties in a conflict develop have been shown to play a central role in determining how difficult it is to resolve the conflict, i.e. how tractable or intractable it is (Lewicki et al. 2003). For instance, frames can act as lenses through which disputants interpret conflict dynamics and thereby construct the conflict as more or less intractable. Putnam & Wondolleck (2003, 40) define intractable conflicts as long standing and eluding resolution. They point out that intractability does not mean a conflict is not resolvable. Frames and intractability are linked: framing shapes the perceptions of intractability and intractability influences framing (Putnam & Wondolleck 2003, 53). The overall relationship between framing and intractability is reflexive in that framing both contributes to and signals the development of intractability.

### 3.2 What is a frame?

In addition to research on environmental policy and conflicts, frame analysis has been commonly used in research on social movements and mobilisation (Gamson 1995; Snow & Benford 1988), media and communication (Entman 1993, Carragee & Roefs 2000) and risk perceptions (Wildavky & Dake 1990; Perri 6 2005). Despite its popularity, frame analysis has been criticised for the vague use of the term and for inability to explain the origins of such frames (Entman 1993, 51–52; Fisher 1997, Perri 6 2005). Frame theory has been used and developed by different disciplines in relative isolation from one another. Possibly the greatest dividing line exists between cognitive psychologists, who view frames as cognitive structures of the memory of individuals, and those who view frames as social constructions. This study is based on the latter view. Socio-linguists, for instance, have maintained that frames are created when people engage in conversation and that disputants use conversation to find out whether or not they share frames. (Gray 2003, 12–13.)

Despite the differences and ambiguities of the various theories on frames, most definitions of frames share the idea that frames *organise experience* and *bias for action* (Perri 6 2005). Framing is a process of selective observation (Entman 1993). An illustrative analogy to frames is wearing eyeglasses: the same events can look very different when perceived through different glasses. Framing is a process of shaping, focusing, and organising the world around us. By framing we place ourselves in relation to the issues and events; it is our interpretation of “what is going on”. (Gray 2003, 12–14.) Gray (2003, 12–14) defines frames as “road maps that help to organize our knowledge and to sort and predict the meaning of new information, events, and experiences”.

In his classic book “Frame Analysis” (1974), Ervin Goffman describes framing as situation definition. When individuals attend to any current situation, they face the question: “What is going on here?” Whether asked explicitly, as in times of confusion and doubt, or tacitly, as is more often the case, the question is raised and the answer to it is evident by the way people act upon it. (Goffman 1974, 8.) The meaning of an isolated event is defined by the whole, that is, by the situation definition. For example, when we encounter a man lying on the street, our reaction is likely to be different depending on whether we frame the situation as a heart attack or as a semi-conscious drunken man (Karvonen 2000, 79).

Saarikoski uses the messy world of policymaking to describe the same general idea: frames help actors to make sense of complex policy situations by selecting certain features of reality for attention and by providing a coherent understanding of them (Saarikoski 2006, 615). Despite the power of frames to bias our actions, frame theorists maintain that people are most often unaware of their frames, and unable to describe them with any completeness if asked. Frames are constituted by tacit knowledge and are thus applied without awareness of their existence. (Goffman 1974, 21; Entman 1993; Karvonen 2000, 80.)

Entman (1993, 54) maintains that frames are characterised as much by what they omit as by what they include. He uses the example from a study by Kahneman and Tversky (1984) where two approaches for battling a deadly disease were framed either in terms of predicted survivor rates or predicted death rates. Depending on which frame was used, the preferences of the people asked were reversed, although the effects were the same. Entman (1993, 54) concludes that in framing the omission of potential problem definitions, explanations and recommendations may be as critical and the inclusion of some others. Both affect where people focus their attention. The same observation has been referred



to in power theory as non-decision making and agenda-setting power. Power can be used to keep certain issue from surfacing to the important decision-making forums in the first place (Bachrach & Baratz 1970). In fact, Carragee & Roefs (2004, 217) maintain that studying the construction of reality through framing necessarily involves the examination of power. In the society there is a continuous struggle between proponents of different frames over the dominance of the situation definition (Karvonen 2000, 80). The frame in a news text, for example, is the “imprint of power” that illustrates the frames of the actors that competed to dominate the text (Entman 1993, 55).

As was noted earlier, the conflicting ways of interpreting the reality have been described also as narratives, storylines, schemata, cognitive maps, and discourses. The definitions for the different concepts vary and, depending on their use, can practically come to mean the same thing. The relation between the concept frame and other similar concepts is complicated by the fact that different research traditions have borrowed ideas from one another. (Karvonen 2000; Peuhkuri 2004.) Schemata and cognitive maps differ from frames in that they are related to the cognition of individuals and ignore the role cultural and social factors have in constructing meaning (Karvonen 2000; Peuhkuri 2004, 49). As far as the relation between frames, storylines and discourses is concerned, Peuhkuri (2004, 49) and Karvonen (2000) maintain that the difference is more related to the focus of the analysis in each case rather than on differences in the concepts per se. Different analytical approaches can be placed on a continuum depending on how much they focus on analysing the *content* of the meaning making structures or on the *ways of producing* that meaning. While some frame analysis has focused primarily on the content of the frames, a discourse analytical approach to framing is interested in both of these aspects. (Peuhkuri 2004, 48.)

In her study on Finnish waste policy, Saarikoski perceives frames as problem-setting stories in a specific context that draw on the more general discourses (2006, 618–623). The waste-policy frames she identified were not free floating but instead rooted in the more general environmental discourses that Dryzek (2005) has identified (such as green romanticism, ecological modernisation) and which provide different ways of perceiving the environmental problems, their causes and appropriate responses to them. The discourse on green romanticism, for example, influenced a waste-policy frame which emphasised the importance of individual behaviour in recycling wastes and reducing consumption, whereas a waste-policy frame that drew on the discourse of ecological modernisation put emphasis on social, economic and political structures and maintained that waste problems can be resolved by the ecological restructuring of the economy.

### 3.3 Different types of frames

Frames have been defined at different levels and for different types. A *policy frame* is a frame an actor uses to construct the problem of a specific policy situation (Schön & Rein 1994, 33). In conflict research context, policy frames typically include *whole story frames* (Gray 2003, 21–32) or *conflict frames* (Rothman 1997, 21). In this study, the latter concept will be used. Conflict frames provide a concise summary of how parties to a conflict define what the conflict actually concerns. These frames are denoted with phrases like “essentially it boils down to...” or “what this is really about is...”

Furthermore, people’s frames regarding their own identity, as well as the characteristics of the other parties in the conflicts, affect how difficult the conflict is to address. *Identity frames* are answers to the question “Who am I?” Gray (2003, 21) notes that people generally think of themselves as belonging to certain social categories that have given characteristics (social identity). Identity is seen as shaping and being shaped by the individual’s social

and cultural experiences and memberships. Identities are important in conflicts because people have been found to become extremely defensive when the essential beliefs and values that define who they are questioned or threatened, and they are rarely willing to compromise on these issues (Rothman 1997; Dale 1999; Gray 2003, 21). Negotiated deals are possible in intractable ethnic, religious, and territorial conflicts, but only after issues related to group identity have been addressed (Putnam & Wondolleck 2003, 43).

Identity frames can be based on demographic characters (e.g. race, gender, ethnicity), a location (place-based identity), a role, interests, or an organisation, as also suggested by Schön & Rein's concept *institutional action frame*. As agents of thought and action, organisations pose characteristic points of view, prevailing systems of belief, category schemes, images, routines, and styles of argumentation, all of which inform their action frames. It is due to institutional (organisational) frames that, in a given policy environment, people learn what to expect from a development authority, a tenant advocacy group, a real estate firm, or a city government. (Schön & Rein 1994, 33.)

Organisational members tend to protect or are encouraged to protect the organisation. When individuals wear the mantle of their agency or organisation, they are likely to display institutional frames, despite the possible disagreements within the organisation. The mission or values of an organisation can be at the root of policy controversies. (Brown 1983, 164; Gray 2003, 21–32.) Gray (2003, 21–32) mentions two federal U.S. agencies – the U.S. Forest Service and the U.S. Fish and Wildlife Service – who often find their institutional identities clash because the mission of the former is to manage national forests, including determining when and where timber harvests can occur, while the latter is concerned about protection of endangered species that might be adversely affected by logging.

However, Schön & Rein (1994, 33) point out that institutional action frames tend to be complex and hybrid in nature. They do not usually consist of a single, coherent frame but of families of related frames. More importantly, the action frames held by individuals associated with an organisation may only be loosely coupled with the action frames of the organisation. As an example, Schön & Rein mention that individuals closer to street-level operations tend to see problems and respond to them differently than individuals closer to the agency's top and centre. Individuals, at whatever level, may differ in their ways of interpreting the action frames that prevail within the agency, or in the degree to which they conform to the agency's prevailing line of thought and action. This view highlights the inherent tension between the individualistic and collective nature of frames. On one hand, frames are tools for individuals to organise the world. On the other hand, they have enough common features so that one can talk about collective frames. (Peuhkuri 2004, 44.) According to Peuhkuri, Goffman perceived frames as intermediating elements in the interaction between individuals and collectives.

Nieminen (1994, 20) maintains that the policy frames and identity frames are interlinked in the sense that as we define what a situation is about we simultaneously define our role in it. Through framing we place ourselves in relation to the issues or events (Gray 2003, 12). This means that our identities are changing: frames defines the characteristics, duties and rights that we assume ourselves and others to have in a situation. Which of the various identities an individual holds will become salient at any given time is determined, in part, by the strength of that identity for the individual as well as situational factors (Gray 2003, 23).

*Characterisation frames*, in turn, mirror the identity frames and are statements made about how an individual understands someone else to be: who are they? Characterization frames can be used to negate other parties, to accentuate value dissensus, and to promote polarisation (Putnam & Wondolleck 2003, 53–54). Gray notes that we are prone to “the

fundamental attribution error”, that is, we tend to blame others or situational factors for our fate instead of blaming ourselves. On the other hand, when evaluating others’ behaviour, we tend to attribute the failing to them rather than situational factors or to our own contribution to their problems. (Gray 2003, 21–24; see also Schön & Rein 1994; Rothman 1997.)

The way people frame conflict affects the solutions they consider relevant or viable. For instance, if conflict is framed by one party as an indigenous peoples’ land rights conflict, then that party is more likely to adopt litigation as a conflict management frame. If the other party frames the conflict to be about balancing land use in order to provide the local population (with diverse ethnic backgrounds) with sources of income, that party will likely adopt a consensus-seeking conflict management frame (Gray 2003, 21–32). *Conflict management frames* deal with the disputants’ preferences of how the conflict should be managed or dealt with. Some may prefer avoidance/passivity, whereas others are interested in resolving the dispute through fact finding. Some may find political action, such as appeals to politicians to enact or abolish regulations and referendums, as the best way forward, whereas others may find market solutions more productive. And some believe in none of these, but instead believe in struggle, sabotage, or violence.

The preferred modes of reaching a decision can vary from joint problem solving to leaving the decision to an authority or to adjudication. (Lewicki et al. 2003.) When disputants have different conflict management frames, it is usually harder for them to find a way to resolve the dispute that all find acceptable. For instance, preferences for joint problem solving and adjudication are difficult to combine. On the other hand, if both parties prefer adjudication or political action, the conflict is likely to escalate. (Gray 2003, 25–27.)

Entman (1993), Snow and Benford (1988) and Gamson (1995) have, in their work on media frames and the mobilisation of social movements, identified elements of how frames are consciously constructed and used that share many characteristics with the definitions of frames presented above. According to Entman (1995, 52) frames define problems (determine what a causal agent is doing with what costs and benefits, usually measured in terms of common cultural values), diagnose causes (identify the forces creating the problem), make moral judgments (evaluate causal agents and their effects), and suggest remedies (offer and justify treatments for the problems and predict their likely effects). In a similar vein, Snow and Benford (1988, 200–202) suggest that there are three core framing tasks, that is, three elements implied by the verb framing. Firstly, there is a diagnosis of some events or aspect of life as problematic and in need of alteration, and the attribution of blame and causality. Secondly, there is a proposed solution to the diagnosed problem that specifies what needs to be done. The purpose of prognostic framing is not only to suggest solutions to the problem but also to identify strategies, tactics, and target. More often than not there is a direct correspondence between diagnostic and prognostic framing. Thirdly, a call to arms, that is, motivational framing is necessary, because agreement about causes and solutions to a problem does not automatically produce corrective action. Instead, people need incentives for participation.

Finally, Schön & Rein (1994, 33) maintain that all of the specific frames are expressions of broad, culturally shared systems of belief, which they call *metacultural frames*. According to them it is plausible that the number of metacultural frames at work in a society, and even more the generative metaphors underlying these frames, are relatively small and constant over long periods of time. They refer to sociologists of knowledge who maintain that all interpretations are necessarily conditioned by a particular society, historical period, and social status from which they originate (Schön & Rein 1994, 41).

But is there a limited plurality to the range of frames, and if so, what does it depend on? Where do frames come from?

### 3.4 Where do frames come from?

Perri 6 (2005) has criticised the different frame theories for not properly accounting for where frames come from and whether or not there is an indefinite plurality of frames. Within environmental sociology in general, realists have criticised social constructionists for implying that all claims are equally valid and hence amounting to a denial of the existence of environmental problems and any measurable 'reality' (Burningham & Cooper 1999). Commenting on this accusation of "relativist trap", Dryzek (2005, 12) notes that

"Just because something is socially interpreted does not mean that it is unreal. Pollution does cause illness, species do become extinct, ecosystems cannot absorb stress indefinitely, tropical forests are disappearing. But people can make very different things of these phenomena and – especially – their interconnections, providing gist for political dispute. The existence of these competing understandings is why we have environmental politics (or any kind of politics) to begin with."

Schön & Rein (1994, 5) point out that construction of meaning is not arbitrary: people cannot invent a desired social reality. In most situations we feel at least some obligation to appear reasonable and meet prevailing standards of debate. We know we cannot simply make up the stories we would like to tell. Some policy stories are more faithful to reality, as reality may be commonly understood, and more congenial to conventional criteria of validity. Meaning is in other words not created, it is constructed in interaction with something (Crotty 1998, 42–65). The meaning a certain change in the environment is given in a social discourse depends on the interpretations different actors make of the reality (i.e. frames). (Peuhkuri 2004, 22). Snow and Benford (1988, 207–211) and Gamson (1995, 86) maintain in their study on the success of framing by social movements that frames need to be empirically credible and resonate with the personal experiences of people. Yet Schön & Rein note that it is a hallmark of policy controversy that such minimal standards of reasonable discourse are insufficient to enable people to resolve their disputes by recourse to evidence and argumentation (Schön & Rein 1994, 5). If empirical 'facts' are not sufficient grounds for explaining the origin and limited plurality of frames – since disagreement on the meaning of those facts is what characterises frame conflicts – then what does?

Perri 6 maintains that frames are concrete applications to specific contexts from more general thought styles. They are in turn the product of certain styles of organisation (see also Wildavsky & Dake 1990). The neo-Durkheimian institutional theory Perri 6 refers to provides an organisational logic of framing: individuals perceive the world in a manner that supports their way of life. In a similar vein, Schön & Rein (1994, 29) have noted that frames are not free-floating but grounded in the institutions (organisations) that sponsor them, and policy controversies and disputes take place among institutional (organisational) actors who sponsor conflicting frames. Both of these views imply a limited plurality of frames.

The features of social organisation that matter in the neo-Durkheimian theory, include (1) the degree of social integration and (2) social regulation, that is, the degree to which social relationships are experienced as involuntary or constraining. These result in four types of solidarities (Table 2): individualism, hierarchy, egalitarianism (also called

**Table 2.** The four types of solidarities according to neo-Durkheimian theory (adapted from Perri 6 (2005) and Wildavsky and Dake (1990))

	HIGH SOCIAL REGULATION		
LOW GROUP INTEGRATION	Fatalism	Hierarchy	HIGH GROUP INTEGRATION
	Individualism	Egalitarianism	
	LOW SOCIAL REGULATION		

enclave) and fatalism (also called isolate). In different solidarities there are different ways of thinking about the social and natural world, because each requires the world to be amenable to treatment by its style of organisation.

If frames are dependent on solidarities, it follows that individuals, when in different social organisations at different times and located differently, are predicted to think differently and even inconsistently. This is called the mobility hypothesis. However, according to Perri 6 (2005), people have their primary location, a long-term underlying position, and the other positions are in manageable tension with each other. This origin of the frames also explains function of frames. Solidarities cause sense-making in particular thought styles in order to cause action (or inaction) of the kinds that sustain their institutional and organisational commitments (Perri 6 2005).

The neo-Durkheimian theory on frames can be criticised for its strong structuralism that leaves little role for the individual. Although Schön and Rein (1994) also perceive frames as rooted in organisations, at the same time they maintain that high-level reflection of frames and frame bending or frame breaking is possible. In a similar vein, Fischer (1997) argues that

“While most individuals and groups will make use of existing cultural frames exclusively, exceptional individuals and groups will significantly modify frames, or develop new ones.[...] By selecting a cultural frame to understand an issue or event, individuals maintain the saliency of that particular frame, whether or not they consciously acknowledge the consequences of their choice. Cultural frame may fade unremarked as people cease to select it, however, people can also remember – or be reminded – that they have the power to select, deselect, or change a cultural frame during a framing dispute (even if that power is partially checked by cultural and systemic constraints).”

Peuhkuri (2004) notes that the tension between the freedom of individuals and the structural constraints imposed on the individual is inherent in the frame theory. It is related to another internal tension of the concept, namely stability and change of frames. Frames can be perceived as ready-made cultural tools that help individuals to make sense out of the information they encounter, or as flexible and dynamic elements. Frame analysts can choose to emphasise either the constraining power of the frames (as in structurally oriented cultural studies) or the possibilities of an individual to create, maintain, and change frames (as in the mobilisation studies). As individuals reflect upon the consequences of their behaviour, learning can produce a change in the perceptions of

the actors on what is feasible, possible or desirable and hence change their future strategic choices. Such learning can include learning about one's own and others' way of framing the issue at hand, and the consequences of such framing.

### 3.5 How to manage frame conflicts?

Schön & Rein (1994, 30) point out that there is no way of falsifying a frame. No data can be produced that would conclusively disconfirm it in the eyes of a qualified, objective observer. This is because if objective means frame-neutral, there are no objective observers. There is no way of perceiving and making sense of social reality except through a frame. The question is then, how can frame conflicts be addressed, settled or resolved?

Putnam & Wondolleck (2003, 57–58) identify three approaches to alter the frames and hence the direction of intractable conflicts towards better tractability. External changes, such as the appearance of a common enemy or a common hazard, can lead to changes in frames and hence in moving the conflict toward tractability (naturally, such changes can also lead to increased intractability). Internal shifts in the conflict itself, on the other hand, can occur when the parties choose to abandon their behavioural patterns of escalation and seek more co-operative approaches. For instance, if an aggressive comment by one party is encountered by a constructive reaction from another party, the dynamics of the conflict may change towards tractability.

Working to make conscious changes in framing is a third way to transform the fundamental nature of the conflict. Through dialogue, changes in the conflict, identity, characterization and conflict management frames can occur that help parties acknowledge their roles in perpetuating intractability and help them develop new interpretations of the conflict and move toward tractability (Putnam & Wondolleck 2003, 57–58). Schön & Rein (1994) call this process frame reflection<sup>24</sup>. They propose that one way to overcome frame problems of policy controversies is a situated, frame reflective policy practice. One possible approach is “mapping”, or translating from one frame to another. This can help the parties to make an informed choice among their frames. Alternatively, they may be able to synthesize elements of the different frames in a new jointly constructed frame. This approach is similar to what Roe (1994) calls constructing a meta-narrative that consists of elements that all the conflicting narratives (frames) have in common.

However, Schön & Rein (1994, 38–40) note that the relationship between frame reflection, reframing, and the resolution of policy controversies is not straightforward. Frame reflection may serve merely to reinforce stalemate or antagonism, if a party uses frame reflection to learn to better counter the others' arguments. Depending on how the dialogue between parties to a conflict is organised and facilitated, it can either lead parties to re-establish their battle lines or help them to find practical options to work together (Saarikoski 2006, 629).

Reframing, on the other hand, may not come about as a consequence of frame reflection but as a by-product of actions taken for other purposes, such as the internal shifts described by Putnam and Wondolleck. Frames may evolve and change as institutional practices change, quite unintentionally and with little awareness of shifts in attitudes (Miller 2000, 227–228). If the initial motivation for practices becomes highly 'black-boxed', changes to those practices may introduce frame changes without any intention or recognition on the part of a given community. Likewise, institutional practices may

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<sup>24</sup> If a frame is defined as the interpretation of reality, then “reflection” is interpretation of interpretation (Alvesson & Sköldberg 2000).



persist long after the ideas and value judgments on which they were originally based on have lost credibility. Practices may be adjusted ad hoc in order to get rid of a conflict or a problem, but without changes taking place in how the situation is framed (Laws & Rein 2003, 202).

Efforts to create collective strategies such as frame reflection require that those involved take a major leap in reflexive activity (Healey 1997, 244). In order to reframe one's understanding of the conflict, people need to take some perspective to their view on things. They need to overcome the blindness caused by their own way of framing a situation and to accept that there is more than one view on the issue. As long as the parties believe that their own view is the only possible to understand the issues in a dispute, they cannot reframe. (Schön & Rein 1997, 187; Gray 2003, 32.) Gray (2003) notes that since reframing requires perspective taking it is often difficult without the help of a neutral third party.

Schön & Rein (1994) call the ability to step back and reflect, while involved in practice, double vision. Human beings can reflect and learn about the game of policy making even as they play it. They are, if aware of the phenomenon called frames, capable of reflecting in action on the frame conflicts that underlie controversies and account for their intractability. However, in order to try to understand each other's views, the parties must be motivated to sit down and try to learn from each other. Why would they do that? But even if they wanted to, how could a discourse across frames be possible?

The incentive to seek common ground has been one of the main foci of various alternative and consensual environmental dispute resolution or settlement approaches<sup>25</sup> developed in North America since the 1970s. The aim of these approaches has been to put an end to enduring conflict episodes in a way that would allow the commitment of all relevant stakeholders to the resolution and thus avoid litigation<sup>26</sup> or political action that cause an impasse in decision-making and implementation of projects and policies (Crowfoot & Wondolleck 1990; Gunton & Day 2003). The aim of dispute resolution is to achieve a greater satisfaction by all through win-win solutions. In order for the parties to enter the negotiation table, they need to perceive their best alternative to negotiated agreement (BATNA) as poorer than the potential solution provided by the negotiation process.

The advocates of such processes draw upon negotiation theory and the legal practice of labour management disputes, which emphasise the possibility of finding joint gains by trading off those items that are low cost for one party and high cost for the other. A mediator is often used as a neutral third party, who explores how the negotiation "pie" may be enlarged and trade offs made to find a win-win solution. (Fisher & Ury 1981; Susskind & Cruickshank 1987; Schön & Rein 1994, 16–17; Gunton & Day 2003.)

Schön & Rein (1994, 16–21) express, however, scepticism as to the capacity of mediated negotiations to deal with frame conflicts. For one, mediation is often only considered possible in disputes over distribution of costs and benefits. Disputes over "constitutional" issues, such as rights and duties, basic values or yes/no issues (abortion, nuclear energy), are in contrast often considered ill-suited for mediation. (Susskind & Cruickshank 1987, 17.) Yet it is these conflicts, maintain Schön & Rein, that are of greatest importance

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<sup>25</sup> Alternative dispute resolution (ADR), environmental dispute resolution (EDR)

<sup>26</sup> It should be noted that litigation has been more characteristic to environmental disputes in the U.S. than in many European countries, particularly the Nordic countries. In Finland, litigation has not been common in environmental conflicts due to the different type of legal system than in the U.S. (This will be discussed in more detail in Chapter 11.) Possibly as a consequence, EDR has not been used in Finland and the profession of educated mediators does not exist.

to address. Secondly, they criticise mediated negotiation for assuming fixed interests over which the parties can carry out trade-offs. This assumption is essential for win-win bargaining, because it would be difficult for a mediator to develop successful approaches to achieving joint gains if the participants' gains were unstable. Yet this is exactly the point of frame theory. The mediated negotiation approach ignores the existence of frames that play a central role in what the parties perceive as being their interests. When participants in a negotiation change the ways in how they represent the policy issue or situation with which they are dealing, they are also likely to change the definition of their interests. In fact, as Schön & Rein maintain, some intractable disputes are only resolvable if the participants change their views on what their interests are (Schön & Rein 1994, 16–17, 187.)<sup>27</sup>

Another commonly used approach to conflicts is collaborative planning. As was mentioned in the introduction in Chapter 1, the overall trend in environmental decision-making and related theory over the last few decades has involved an emphasis on increased participation of affected citizens in planning and decision-making, already before disputes emerge or become escalated. This trend is in part explained by the will to improve democracy, but it is also driven by the need to anticipate or resolve disputes and to achieve decisions that can be implemented.

Collaborative planning approaches aim at anticipating conflicts by promoting a deeper involvement of the different actors throughout the planning process. In contrast to “conventional” public participation methods, such as public hearings and collection of written statements<sup>28</sup>, these consensual problem-solving efforts use a higher level of collaboration between stakeholders who work together in face-to-face meetings to reach a consensus agreement – ideally in advance of disputes (Wondolleck & Yaffee 2000; Gunton & Day 2003). Selin & Chavez (1995, 190) define “collaboration” as “a joint decision-making approach to problem resolution where power is shared and the stakeholders take collective responsibility for their actions and the subsequent outcomes from those actions.”

*Collaborative environmental management* (CEM), or collaborative natural resource planning, encourages the exploration of underlying differences in values and recognises the potential for joint values to emerge. It provides opportunities for addressing intangible concerns and relationship building, rather than simply concrete, immediate matters, and it allocates the responsibility for implementation across as many participants in the process as the situation warrants. Collaborative planning is an on-going process; the participants do not just meet once to discuss a difference and then disperse. However, collaborations may have a limited life span if the issues that brought the participants together are resolved. (Carpenter and Kennedy 1988, 26–29; Walker & Daniels 1997, 26; Susskind et al. 1999.) Innes (2004, 7–8) defines eight conditions in order for a process to be labelled as consensus-building:

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<sup>27</sup> Schön & Rein (1994, 16–17, 187) note however that despite the theoretical incapability of mediation to recognise the changeability of interests, this is often what happens in practice when mediation is carried out, and that changes in frames may go a long way in explaining why mediation actually succeeds.

<sup>28</sup> Priscoli (1997, 75) emphasises the importance of using appropriate tools and techniques for the expected behaviour. Resolving conflicts and agreeing to decisions requires, according to him, much more developed tools than conventional public participation has had to offer. As he remarks, “One of the worst events in participation is to apply one level of technique, such as public hearings, and expect that another level of behavior, agreeing to decisions, will occur.”



- Inclusion of full range of stakeholders;
- A task that is meaningful to participants and likely to have a timely impact;
- Participants are able to set their own ground rules for behaviour agenda setting and decision-making;
- Mutual understanding of interests at the beginning of the process and avoidance of positional bargaining;
- A dialogue where everyone is equally heard and respected;
- A self-organising process unconstrained by conveners that permits all assumptions to be questioned;
- Accessible information that is fully shared among participants; and
- An understanding that ‘consensus’<sup>29</sup> is only reached when all interests have been explored and every effort has been made to satisfy these concerns.

She maintains that achieving these conditions often requires a skilled and neutral facilitator. When successful, CEM can provide a forum for public deliberation, where problems can be examined and interests and concerns revised (Healey 1997; Forester 1999). Saarikoski notes that it is here the proposed transformative potential of the argumentative approaches to conflict management exists:

“If actor’s beliefs and interests are constituted through discursive practices, new storylines can create new cognitions and hence influence actors’ view of their interests and preferences” (Saarikoski 2006, 618).

However, both Saarikoski (2006) and Schön & Rein (1994, 44–50) highlight the risk that if deliberation takes place on a high level of abstraction it may be too far removed from the actual practice. Saarikoski found through her empirical studies that all attempts to facilitate a frame-reflective dialogue and to establish some share meta-cultural frame only served to highlight the differences between the parties (2006, 627). In contrast, focusing on tangible questions helped to move things forward. Schön & Rein (1994, 177–178) call such a pragmatic approach situated policy inquiry. It may be conducive to the resolution of frame conflicts because the inquirers tend to have an overriding interest in getting something done. Situated policy controversies also provide informational richness and variety on which actors may draw to invent strategies of pragmatic resolution. Furthermore, the institutional action frames are only loosely coupled with beliefs of individual actors, who can use this in order to improvise pragmatic resolution of their controversies. The controversies exist in local and global contexts whose shifts may foster pragmatic resolution, as proposed by Putnam & Wondolleck (2003), and the combination of change and continuity can prove fruitful. Finally, if actors jointly engage in a process of policy design, each actor is obliged to interact and communicate with each other. (Schön & Rein 1994, 177–178.)

One essential requirement for such a practice involves creating and maintaining conditions of mutual trust which is necessary to sustain frame-reflexive inquiry in a situation of controversy (Schön & Rein 1994, 207). Saarikoski also noted that like so many other policy disputes, the waste policy debate in Finland was also about trust:

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<sup>29</sup> According to Innes consensus does not, in practice, refer to 100 percent agreement, but to “overwhelming and diverse” majority of 80-90 percent of all stakeholders, with all major interests included (2004, 17).

“The opponents’ haste to dismiss and stereotype each other prevented them from discovering that, despite their differences, they also agreed on several issues [...] Hence, given the importance of credibility, respect, and identities in frame controversies, the challenge of deliberative processes is to create ‘safe places’ (Innes & Booher 1999) where parties can start to build trust and cultivate deliberative virtues of listening and reciprocity (Saarikoski 2006, 628).”

Trust has been found to be one of the most important factors enabling collaborative behaviour, which can in turn produce innovative outcomes needed in conflict management (Leskinen L. 2004, 27). Indeed, it has been said that trust is the ‘glue’ or ‘lubricant’ of co-operation in modern societies (Misztal 1996, 77–87).

Gillroy (2000, 202–205), basing his view in Kant’s philosophy, argues that humans have both the capacity and the will to co-operate for the public good as well as the tendency towards indulgence of one’s self-interest. He maintains that it is the perception of the agent of each situation that is decisive for which side of the human character becomes dominant. If under stress, fear, or suspicion, “a moral agent might find that his or her rationality as well as practical reason make self-preservation a priority” (Gillroy 2000, 204). It may also be the case that if an actor feels that they are powerful enough to make unanimous decisions, they may be less likely to seek co-operative strategies. On the other hand, if an actor can be assured of the co-operation of others (or cannot reach the desired goal without it), (s)he is more likely to choose co-operative strategies. The challenge is, how to be assured that if one co-operate, the others will do so as well. This is an issue of assurance, or trust.

The characteristics of a collaborative and a competitive approach are described in Table 3. Collaboration and competition form two ends of a continuum, as conflict situations are inherently mixed motive; in any conflict situation there is some incentive to both, most situations are neither purely competitive nor cooperative. Natural resource agencies, for example, are restricted by the agency goals and priorities at the same time as they try to accommodate the interests of various stakeholders. Therefore the strategies the parties use tend to be mixed. (Walker & Daniels 1997, 25.)

**Table 3.** Collaborative and competitive strategies in conflict situations (Walker & Daniels 1997)

	<b>Collaborative</b>	<b>Competitive</b>
<b>Goal</b>	Mutual gain	Self benefit
<b>Resource view</b>	Expandable (all-gain)	Fixed Pie (win-lose)
<b>Relationship</b>	Valued	Unimportant
<b>View of Other</b>	Partner	Adversary
<b>Communication</b>	Open	Controlled
<b>Trust</b>	High	Limited
<b>Power</b>	Shared	Coveted

The problem is that many disputes related to natural resource use and environmental protection escalate over time to the point where individual actors no longer trust each other in the sense that they would be assured of the co-operative behaviour of the others (Kyllönen et al. 2006). The escalation of a dispute can be caused by several factors, including lack of direct communication or failed attempts to resolve the issue. The stage of mutual distrust can be described as an assurance problem. Under such circumstances people are more likely to change the strategies into non-co-operative ones, even when this will be at the expense of their own goals. (Gillroy 2000, 200–227.)

How then to promote trust and co-operative strategies? Gillroy considers it the duty of the state to protect and empower the moral predisposition to cooperate by assuring actors that their moral actions will not be unilateral (2000, 263–265). Fostering trust is something that largely depends on the actions of the public administrator in a particular planning or dispute resolution process. But the actions of the public administrator outside or prior to that process are equally important. Gillroy considers it the task of the state and the public administrator to protect, distribute and provide conditions that enable actors to adopt co-operative strategies instead of non-co-operative ones. This is called *politics of assurance* (Gillroy 2000, 205–206, 360). It consists of a set of public institutions and regulations that provide the material conditions for the protection and empowerment of the moral capacities of the citizens (Gillroy 2000, 142). Instead of having to trust the other individuals, actors can then trust ‘the rules of the game’, or the abstract system (Giddens 1984, 80–88).<sup>30</sup>

Legal protection and principles of good governance are examples of the most fundamental elements of such public institutions and regulations in constitutional states. In the Finnish Constitution (731/1999, section 21), for example, “politics of assurance” includes publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal.

I see the development of so-called ‘safe places’ and promotion of trust as an important link between dispute resolution, frame analysis and institutional analysis in conflict management. Through institutional design the state can promote practices that enhance trust and provide safe places, thus allowing for frame reflection to take place. It is now time to turn to institutional theory to find tools for analysing the ‘safe places’ in the Finnish forest conflict management strategies.

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<sup>30</sup> Giddens maintains that although modern societies are largely built upon trust in abstract systems, the trust of citizens towards the system is also dependent on contacts with the representatives of such systems. There is an interaction between trust on individuals and on systems: the “faceless” commitments to abstract systems are sustained and transformed by “facework commitments” with individuals. (Giddens 1984, 83–88.) Giddens considers it particularly important how individual representatives’ of, for example, public authorities’ behavior is experienced by the citizens. If lost, the trust towards the system can be even more difficult to re-establish than trust towards individuals (Saaristo 2000), which makes the politics of assurance an even greater challenge.

# 4 THE NEW INSTITUTIONALIST APPROACH TO CONFLICT MANAGEMENT

## 4.1 Structural critique of collaborative approaches to conflicts

Collaborative/consensual approaches to environmental disputes and planning have been criticised for focusing too heavily on inter-personal and inter-group communication in a specific process (Beauregard 1998) and for ignoring the broader context within which these interactions take place (Fischler 2000). Even when barriers to collaboration are identified in collaborative planning research (Selin & Chavez 1995; Wondolleck & Yaffee 2000; Schuett et al. 2001; Gunton & Day 2003), the research seldom analyses and addresses the broader power and governance structures that lie behind them.<sup>31</sup> Asymmetrical distribution of negotiation skills, resources and power of the parties put them in unequal positions. The broader societal structures, within which the planning processes are embedded, including legal and other regulatory constraints, restrict the options of both the management agencies and the leverage of the different stakeholders in a conflict. The critics emphasise the interconnectedness of knowledge and power. This applies for instance to the dominance of certain ways of framing over others. Critics view of the idea of reasoned and unforced debate illusionary and impossible to achieve in practice. (Mouffe 1999; Hillier 2003.)

Critics also worry that collaborative approaches may lead actors away from addressing inherently contentious, yet important issues (Poncelet 2001). Poncelet argues that this is because we have a tendency to conceptualise collaboration or partnerships in contrast to conflictual relations: oppositional behaviour or disagreement is considered the opposite and a threat to collaboration, even though successful collaboration may require that disagreements are first expressed and dealt with (see also Tjosvold 1991). Poncelet (2001) views this to be particularly problematic if the participants in a collaborative process are reluctant to turn a critical eye towards the structural sources of environmental dilemmas.

Consequently, critics fear collaborative processes risk de-legitimising conflicting approaches and undermine the role of conflict as an important transforming societal force. The result may be the 'sterilisation' of politics. (Mouffe 1999; Poncelet 2001; Hillier 2003.) Hillier (2003, 41) notes that

“Most democratic discussion and negotiation is not and cannot be based on visions of communicatively rational, consensual, harmonious outcome. Conflicting interests between different groups' conception of the 'good' are not negatives to be eliminated but rather diverse values to be recognized in decision-processes. Planning practice in a liberal democratic system, while fostering value pluralism, cannot equate all values in consensus-building since decisions require some form of sorting values which prefers some values to the relative repression and/or exclusion of others. The 'consensus' arrived at thus cannot exist without an 'outside' which leaves the decision open to challenge.”

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<sup>31</sup> I would like to thank Janice Barry and Heli Saarikoski for sharing their thoughts on this topic and for helping me to formulate the points presented in this part of the text.

She argues, moreover, that such a view does not mean that planners should not try to seek agreement between participants. However, they should recognise that some views will almost inevitably be suppressed and may therefore resurface in conflict later on. Since we cannot – and should not – eliminate antagonism, Hillier (2003) and Mouffe (1999) maintain that we should aim at mobilising it constructively rather than destructively. Passion should be mobilised towards the promotion of democratic design. In such an approach, one's adversary is a legitimate enemy with whom we have in common "a shared adhesion to the ethico-political principles of democracy" (Mouffe 1999, 755). Such an approach requires, according to Hillier (2003) the presence of institutions that establish a dynamic between consensus and dissent. Mouffe (1999, 756) maintains that we should view pluralist politics as a "mixed-game", in part collaborative and in part conflicting, and nor as a wholly co-operative game as most liberal pluralists would have it. This idea resonates with what Tjosvold (1991) has called the "conflict positive" approach. In order to grasp the constructive potential of conflicts we need to allow them to exist and to be expressed.

Regarding the critique that consensus building does not take power into account, Innes (2004), in the defence of the approach, has pointed out that a distinction must be made between power "around the table" and "outside the dialogue". Consensus building processes do address power issues around the table through skilful management of dialogue and education of stakeholders. While she admits that consensus processes are not even meant to redistribute power outside the room, she points out that players who are powerful enough would not enter the dialogue in the first place. She highlights the importance of lawsuits and social movements to assure that there is a reason for the stronger parties to enter the table.

In fact, Innes makes the important comment that in all of the empirical cases she and her team studied on growth management, consensus building did not happen spontaneously. All the cases had either a legislative mandate or committed leadership to start them off, along with incentives for key players to seek agreement. (Innes et al. 1994, 2 in Fischler 2000, 36.) By incentives she refers to e.g. avoiding cost of delay or litigation. The important point in Innes' response is that structural factors *are* important for dispute resolution. This is because they can affect the BATNAs of the stakeholders and hence their choice of collaborative or adversarial strategies.

To conclude, both the critics and the defenders of CEM as well as of politics of assurance and of frame reflection point to the significant role external factors to the consensus process play in determining the equity and outcome of it. This implies that the analytical focus of research on conflict management should be widened to cover these structural factors as well.

On a more general note, Flyvbjerg (2001, 137–138) has criticised social scientists for ignoring the critical connections between agency and structure, or macro and or micro level explanations, as he calls them. According to Flyvbjerg, those who join actor and structure in empirical work most often do so by theoretical interference: data at one level of analysis are coupled with theoretical speculation on the other. By contrast, research should, in his opinion, seek out information for answering questions about what structural factors influence individual actions, how those actions are constructed, and their structural consequences.

Forester proposes such an integrative approach in his critical, argumentative account of planning practice that aims to integrate structural, organisational and interactive levels of analysis (1989, 162). He notes (Forester 1989, 8–9),

“In a world of severe inequalities, planning strategies that treat all parties “equally” end up ironically reproducing the very inequality with which they began. Nowhere is the paradox of “equal opportunity” more obvious and poignant than in apparently democratic, participatory planning processes – in which initial inequalities of time, resources, expertise, and information threaten to render the actual democratic character of these processes problematic, if not altogether illusory.”

He defines planning as the selective organising and shaping of attention, a definition that comes close to the concept of framing. He perceived planning as a potentially critically argumentative practice that can recognise and address the structural imbalances that cause unnecessary distortions of communication. He defines planning organisations as structures of power, and warns that

“Ignoring the opportunities and dangers of organisational setting is like walking across a busy intersection with one’s eyes closed.” (Forester 1989, 7).

Forester maintains that if planners understand how relations of power shape the planning process, they can improve the quality of their analysis and empower citizen and community action. Forester recognises that planners have little influence over the structure of ownership and power in the society or over the successes and failures of social movements that aim to change such structures. However, he points out that planners can nonetheless influence (assist or obstruct) the conditions that render citizens and larger social movements able or unable to participate, act, and organise effectively regarding issues that affect their lives. By choosing to address or ignore the exercise of political power in the planning process, planners can make the process more democratic or less, more technocratic or less, more dominated by established groups with power or less. (Forester 1989, 27–28.)

Yet, despite the emphasis on the importance of the organisational and other structural factors that affect planning, Forester’s approach nonetheless treats them within the framework of inter-personal communication, that is, as sources of unnecessary distortion of communication. As a result, the focus in Forester’s approach is on the planner and the key source he identifies for a planner’s power is that of information. This still leaves the actual structural factors unchanged, and puts a heavy responsibility on the shoulders of the individual planner as a facilitator between the structural constraints and the particular planning process. In order to broaden the scope of the analysis to include the structural factors, new institutional theory will be examined as a potential way forward in the following section.

## 4.2 New institutionalism

Of course, studying the mediating role of institutional contexts, in which actors find themselves in, and in which events occur, is nothing new in political science. This perspective has, however, been largely absent from the more pragmatically oriented conflict and natural resource management research. Political science, on the other hand, has its roots in the study of institutions. The focus of the ‘old institutionalism’ was on the so-called state apparatus – its structures in the form of organisations (parliament, government, political parties), departments and flow charts. Formal institutions, such as laws, were of most interest, and research was directed at describing and comparing whole

systems of government. The aim was often normative, to find governing institutions that could structure the behaviour of individuals toward “better ends”. (Peters 2005, 6–11).

However, this perspective fell out of fashion between 1950s and 1980s in favour of more individualistic approaches. They emphasise either the socio-psychological characteristics of the individual (behaviouralism), or the rational calculation of maximising one’s personal utility (rational choice) in explaining political behaviour. Both approaches assume individuals act autonomously without being constrained by formal or informal institutions, and their preferences are assumed to be exogenous to the political process. (March & Olsen 1989, 3–8; Peters 2005, 1–3.)

New institutionalism can be seen as a counter reaction to these individualistic approaches. Political sciences as well as economics, sociology, organisational studies and planning theory have rediscovered the importance of institutions (March & Olsen 1989; North 1990; DiMaggio and Powell 1991; Healey 1999; Peters 2005).<sup>32</sup> Neoinstitutionalism emphasises the role that structures play in determining individual behaviour as well as in determining the outcome of political processes. Institutions create greater regularity in human behaviour that would otherwise be found, and hence reduce uncertainty. While individuals remain important actors in most of the approaches to new institutionalism, there is a substantially greater leverage, it is argued, to be gained through “understanding the institutional frameworks within which they operate” (Peters 2005, 150). However, the structuralism of new institutionalism is soft and more flexible than in the old institutionalism. Although the social and political context is perceived to be structured by institutions, it is not structured in the determinant sense. Actors have a free will and ability to change the institutions around them. Agents have a key role in the creation of the contexts within which their behaviour occurs. It is this complex interplay between agency and structure that interests new institutionalists, especially during periods of change. (Hay 2002, 11, 94, 106.)

Another joint feature of the different trends in new institutionalism is the emphasis on the informal rules as much as on the formal ones (such as laws). Informal norms, conventions and standard ways of operating may reinforce formal rules, or, when in conflict, override them or cause different interpretations of the formal ones. Furthermore, institutions are not understood as ‘things’, as implied by some traditional approaches, but as processes. In the new version institutions are also understood as differentiated in the sense that they do not necessarily fit together to form a whole, or represent functionally desirable solutions. (Lowndes 2002, 97–101.)

On the other hand, there are so many different approaches to neoinstitutionalism – or institutionalist ‘turns’ – that one cannot speak of one coherent theory or body of thought (Jessop 2001; Peters 2005). Various approaches to new institutionalism differ from one another in significant ways. They have developed relatively independently from each other, which is reflected in the infrequency of cross-references in the literature, and the amount of different approaches to new institutional theory. (Hall & Taylor 1996, 937.) Peters, for instance, identifies seven distinct variants of the theory<sup>33</sup> (Peters 2005). Because of the wide variety in understanding what institutions are and how and why they

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<sup>32</sup> It is important to note, however, as Lowndes (2002) does, that despite the lack of attention on institutional theory during 1960s and 1970s, institutional approaches have continued to serve political science well throughout the years, in particular in constitutional studies and public administration.

<sup>33</sup> These are normative institutionalism, rational choice institutionalism, historical institutionalism, empirical institutionalism, sociological institutionalism, network institutionalism, and international institutionalism.



matter, I will present some of the main approaches before defining which will be used in this study. The differences of the approaches, or traditions, relate to three questions in particular (Hall & Taylor 1996, 937; Peters 2005, 146-148):

- (a) How are institutions defined?
- (b) What is the relationship between institutions and individual's behaviour?
- (c) What is the origin of institutions and how do they change?

In the following I will apply, with minor modifications, the distinction made by Hall & Taylor (1996) on the three main approaches in new institutionalism to these questions<sup>34</sup>. These approaches are referred to here as normative (sociological) institutionalism, rational choice institutionalism and historical institutionalism.

In *normative institutionalism* (Peters 2005, 25-45), institutions are broadly understood to include anything from routines, procedures, conventions and roles to beliefs, paradigms, norms, and symbolic systems (March & Olsen 1989, 22). The definition is close to the definition of culture as a whole. 'Normative' refers to the central role this version of new institutionalism gives to social norms and values in explaining the behaviour of individuals. Actors are socialized within institutional settings, which define the *socially appropriate* form of behaviour. Thus it is the logic of appropriateness that explains the impact of institutions on individuals. (Peters 2005, 23-31.) We behave the way we do because we have become used to behaving in a particular way in a particular context. It would be difficult and potentially risky to imagine behaving differently. (Roe 1994; Hay 2002, 105-106.) Hall and Taylor call this perception on the relationship between the individual and the institutions the "cultural approach". It emphasises the way individuals turn to routines or familiar patterns of behaviour to attain their purposes. It also emphasises that preferences of the individual are not exogenous to the institutional setting, but instead shaped by it in important ways. This approach in political sciences, as described by Peters (2005), is close to new institutionalism in sociology, and Hall & Taylor (1996) make in fact no distinction between the two.

Despite the importance of the social environment in defining the appropriate behaviour of the individuals, normative/sociological institutionalists point out that people are not automata responding to socialisation. Individuals must interpret the meaning of their institutional environment and individuals with "multiples I's" (roles) must choose between "institutional loyalties".(Peters 2005, 26.) The cultural approach to institutions sees individuals as satisfiers (as opposed to maximises) and emphasises "the degree to which the choice of a course of action depends on the interpretation of a situation rather than on purely instrumental calculation" (Hall & Taylor 1996, 939). From this perspective, institutions provide moral or cognitive templates for interpretation and action. The individual is seen as an entity deeply embedded in a world of institutions, composed of symbols, scripts and routines, which provide the filters for interpretation for both the situation and of oneself. (March & Olsen 1989.)

Normative institutionalists consider institutional design difficult and maintain that attempts to do so may not lead to what was meant. (Peters 2005, 33-38.) Organisations identify changing circumstances in their environment and adapt to them through a process of learning. However, instead of intentional design, the process of adaptation has been described by March & Olsen (1989) as the 'garbage can model'. In this model

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<sup>34</sup> On different ways of defining the different approaches to new institutionalism in political science see also Keman (1996) and Peters (2005).



organisations<sup>35</sup> have a repertoire of stock responses available. They will try to use these familiar responses before searching for alternatives that are further away from the core values. Furthermore, they can also misread signals from the society and react in a dysfunctional manner. (Peters 2005, 33–34.) However, since it is the individuals that interpret the norms, the interpretations can vary and institutional change is possible. Leaders of organisations or other “change agents” can consciously affect rules and values (see Halme 1997 on such change processes in the Finnish forest industry). Furthermore, as conformity is the process by which institutions affect individuals, individuals or groups can aim to change institutions by choosing to not conform. Also recruiting new individuals to an organisation will bring in new values and provide opportunities for institutional change. The greater the disjuncture between the values and behaviour of an organisation on the one hand, and the values of society on the other, the more likely organisational change will be. (Peters 2005, 33–38.)

*Rational choice institutionalism (RCI)*, in contrast, has a very different approach to why and how institutions affect individuals, and how institutions come about. Rational choice institutionalism, within the field of political science, is close to the way new institutionalism has been understood in economics. Institutions are conceptualised as a collection of rules and incentives that provides actors with a greater degree of certainty about the behaviour of others than they would otherwise have. Actors collectively and actively create institutions in order to realise a particular value, typically reducing uncertainty regarding the behaviour of others. Thus, creation of institutions revolves around voluntary agreement by involved actors, and it persists primarily because it provides more benefits to the relevant actors than alternate institutional forms. (Hall & Taylor 1996, 942–946.) As opposed to power struggles or processes of social learning, RCI sees politics as a series of collective choice dilemmas that can be addressed by careful institutional design (Johnson 2004; Carlsson & Berkes 2005; Ostrom 2005).

Defined by Hall & Taylor (1996, 939) as the ‘calculus approach’ (as opposed to the cultural approach), RCI concerns itself with the origin of institutions and on the relationship between individuals and institutions, and focuses on the strategic *calculation* of individuals. Accordingly, individuals seek to maximize personal utility, and in doing so, they behave strategically, i.e. they scope all possible options and choose the one with maximum benefit. The approach also assumes that the calculations of the individual are deeply affected by the individual’s expectations of how others are likely to behave. This is why institutions are a relevant focus of analysis: institutions establish the conditions for bounded rationality and reduce uncertainty over the behaviour of others. Individuals can rationally choose to be to some extent constrained by institutions because their goals may be achieved most efficiently that way. Their goals, in turn, are assumed to be exogenous to the institutional context. (Hall & Taylor 1996; Peters 2005, 44–47.)

According to Jessop (2001, 1215–1216) this perception of institutions does not in fact challenge the conventional ontology of neoclassical economics, namely that the central explanatory factor is the individual-level behaviour. He calls such an approach to institutions a superficial ‘thematic turn’, because although it focuses on institutions, RCI denies the ontological importance of institutions, that is, the idea that institutions would condition the economic preferences or identities of individuals.<sup>36</sup>

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<sup>35</sup> March and Olsen use in their text the term institution instead of organisation. However, since they obviously talk about actors instead of rules that guide them in this part of the text, I have used the word organisation for the sake of clarity.

<sup>36</sup> In contrast, as Jessop (2001, 1218) notes, other forms of institutional economics do adopt the ontological position that economic activities are mediated through institutions that are socially embedded and which socially regulate behaviour.

RCI has dominated much of the institutional analysis in natural resource management (e.g. Bromley 1992; Ostrom et al. 1994; Ostrom 2005; Carlsson & Berkes 2005). The research on so-called common-pool resources (CPR), such as fisheries, forests and grazing lands, has focused on designing institutions for co-management that would avoid the “tragedy of the commons”, where individually rational behaviour of maximising one’s utility results in collectively sub-optimal outcomes through resource depletion.

CPR literature differentiates between institutions at different levels (Ostrom 1990). *Constitutional rules* specify the terms and conditions for governance. They stipulate who possesses the right to decide concerning the access and utilization of a resource, as well as who is eligible to share the benefits of its use. *Collective choice* rules regulate how decisions are made, whereas *operational rules* regulate the daily activities, such as intensity or methods of harvesting timber. The three levels form a hierarchy, with the rules of the higher level deciding on the degrees of freedom for the lower (Kiser & Ostrom 1982, 209–210; Carlsson & Berkes 2005, 69). These levels have also been referred to in the governance literature as constitutive, directive, and operational governance (Hill & Hupe 2002, 183). Carlsson & Berkes (2005, 70) have consequently proposed that systems of (co-)management for resource use can be seen as systems of governance.

Despite its prominence in research on the management of the environment and natural resources, this approach has been challenged by a number of scholars working in the developing world in particular. The so-called entitlement scholars have criticised the collective choice scholars for having a simplistic and historically de-contextualized view of institutions. Critics maintain that the approach is based on concepts that are inadequately socially informed and ill-reflect the complexity, diversity and ad hoc nature of institutional formation (Cleaver 2002; Johnson 2004). Instead, entitlement scholars emphasise the historical struggles that determine resource access and entitlement, and the ways in which informal and formal rules create and reinforce unequal access to commons (Johnson 2004, 409). Rather than through intentional design,

“[I]nstitutions are formed through processes of bricolage in which similar arrangements are adapted to multiple purposes, are embedded in networks of social relations, norms and practices and in which maintaining social consensus and solidarity may be equally as important as optimum resource management outcomes” (Cleaver 2002, 17).

In this respect, the critics of rational choice institutionalism are closely related to what Hall & Taylor (1996, 937–942) call *historical institutionalism (HI)*. They consider historical institutionalism a kind of middle ground because it aims at combining both calculus and cultural approaches to the interaction between institutions and individuals. Historical institutionalism was the first form of new institutionalism in political science. They maintained that the institutional organisation of the polity and economy structured conflicts among rival groups for scarce resources. This privileged some interests while demobilising others. HI proponents were interested in the role of the state as “a complex of institutions capable of structuring the character and outcomes of group conflict” (Hall & Taylor 1996, 938), rather than as a neutral broker among competing interests. HI researchers also explored how other social and political institutions, such as those associated with labour and capital, could structure interactions so as to generate distinctive national trajectories. Much of the HI research consists of cross-national comparisons that emphasise the impact of national political institutions structuring relations among legislators, electorate, judiciary, and organised interests. This research had much tangency with the literature on neo-corporatism discussed earlier.

Historical institutionalism defines institutions as “the formal or informal procedures, routines, norms, and conventions embedded in the organisational structure of polity or political economy” (Hall & Taylor 1996, 938). In general, HI associates institutions with organisations, where the standardised processes, norms and routines are rooted in (Rantama 2002, 51). This perception is close to the definition of institutions in new organisational studies (Hall & Taylor 1996, 938; Rantama 2002, 47).

Although Hall & Taylor (1996) note that all institutional studies have a bearing on power relations, a notable feature of HI is the prominent role in which institutions distribute power unevenly across social groups. As economic historian and Nobel prize winner Douglass North puts it, “Institutions are not always or even usually created to be socially efficient, rather they...are created to serve the interests of those with the bargaining power to create new rules” (1996, 20). This view is similar to the one put forward by the entitlement scholars in resource management. They favour a sociological-historical method in which transformations of property rights regimes are explained principally in terms of historical narrative and context, instead of using the deductive model favoured by rational choice proponents. (Clever 2002; Johnson 2004).

In terms of institutional change, HI and entitlement scholars are proponents of path dependency. They reject the traditional idea that the same operative forces will generate the same results everywhere. Instead they favour the view that “the effect of such forces will be mediated by the contextual features of a given situation often inherited from the past”, notably often institutional in nature (Hall & Taylor 1996, 941; also Cleaver 2002; Johnson 2004). As a consequence, HI scholars have devoted a good deal of attention to explaining how institutions produce such paths. They stress the unintended consequences and inefficiencies generated by the existing institutions. According to HI institutions are often created to solve the problems caused by previous rules (Peters 1999, 67–68). Typical also to HI is the perspective of periods of continuity punctuated by ‘critical junctures’, such as military conflict and economic crisis (Hall & Taylor 1996, 942). Finally, Hall & Taylor note that HI rarely insists that institutions are the only causal force in politics. They typically seek to locate institutions in a causal chain that accommodates the role of other factors, such as socio-economic development and the diffusion of ideas.

### 4.3 Critique on new institutionalism

New institutionalism has been criticised for the vague and varying definitions given to institutions (Peters 1999; Lowndes 2002, 103). Neoinstitutionalists agree that institutions are ‘rules of the game’, but what should be included in those rules? Some definitions of informal institutions include almost everything that guides individual behaviour: tradition, custom and culture (North 1990, 83) as well as ‘norms’ in general (March & Olsen 1989, 17). While the broad definition that includes formal and informal institutions is relevant in that helps to grasp what really constrains and enables political behaviour, it runs the risk of ‘conceptual stretching’, that is, the meaning and impact of the concept becomes diluted as it comes to include everything that guides human behaviour. Furthermore, despite the aim to differentiate between institutions and organisations, expressions such as “members of an institution” and “individuals joining an institution” can be frequently found in the texts (March & Olsen 1989; Peter 2005).

New institutionalism has also been considered better at explaining stability than change (Hay 2002, 15). The general view on institutional change is that that institutions change when their value premises are changed (Lowndes 2002, 100), but how can such a change take place if it is the institutions that affect those value premises in the first place? This

question is problematic for those cultural approaches that assume individual preferences to be endogenous. Nonetheless, institutional change is perceived to come about through intentional design, accident or evolution (Goodin 1996, 24–25). Change may arise as a response to power struggle amongst social groups. When purposive institutional change is attempted, old and new rules may exist in tandem, governing the interactions in different parts or at different levels within political systems. They do not necessarily fit together to form a whole. Thus institutions are not holistic but disintegrated, and the reform processes may be difficult to control. (Lowndes 2002, 100–105.) Furthermore, informal rules tend to be more resistant to change than formal ones (North 1990).

Finally, it has been asked whether the different approaches to new institutionalism are too different to be called one theory (Peters 2005). The compatibility of the normative and rational choice approaches has in particular been questioned, because the rational choice approach does not recognise the importance of institutions as an explanatory factor to human behaviour (Jessop 2001; Lowndes 2002, 106–107). Hall & Taylor (1996, 955–957) do not see these differences as insurmountable. They maintain that the different schools would benefit from learning from each other. Each of the approaches “seems to be providing a partial account of the forces at work in a given situation or capturing different dimensions of the human action and institutional impact present there”. For instance, an actor’s behaviour may depend both on strategic calculation about the likely strategies of others as well as on reference to a familiar set of moral or cognitive templates, each of which may depend on the configuration of existing institutions. When combining calculus and cultural approaches, one can conclude that a good deal of human behaviour is goal-oriented or strategic, but the new institutions that are selected for instrumental purposes are drawn “from a menu of alternatives that is made historically available through the mechanisms specified by sociological institutionalism” (Hall & Taylor 1996, 956–957). That is, the range of options canvassed by a strategic actor is likely to be circumscribed by a culturally-specific sense of appropriate action.

Goodin and Klingeman (1996, 10–11) go further and state that the special significance of new institutionalism lies precisely in its capacity to defuse the unconstructive stand-off between structuralists and behavioralists.

“Now, virtually all serious students of the discipline would say that it is a matter of judicious blend of both [agency and structure]... it is a matter of analysing behaviour within the parameters set by institutional facts and opportunity structures”

Furthermore, as Hay (2002, 106) notes, in new institutionalism the notion of structures is distinctive in that they are considered inter-subjective rather than material: institutions emerge and evolve out of human behaviour. Such a definition emphasises “the role of agents in the constitution of the very contexts within which their political behaviour occurs and acquires significance” (Hay 2002, 106). Although the weight is often put of the institutions, this, according to Hay, implies a rather more complex view on the relationship between structure and agency.

Jessop (2001) agrees with this observation, but maintains that the theory needs to be developed further regarding the general inter-related and intertwined nature of structure and agency<sup>37</sup>. In this respect he considers structuration theory by Anthony Giddens

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<sup>37</sup> Agency refers to individual or group abilities to affect their environment. Structure refers to the context and to the conditions which define the range of actions available to actors. (McAnulla 2002, 271)

as a more interesting account of institutions, because it treats structure and agency as mutually constitutive (Jessop 2001, 1222 with reference to Giddens 1984, 17–25). In particular, Jessop mentions the innovation of Giddens to introduce time and space into the analysis of institutions (structures). Another important recognition Giddens makes is that institutions are connected to specific forms of power and domination.

However, Jessop regrets that Giddens analyses more agency than structure, and also temporarily ignores (“brackets”) one or the other when examining a particular moment in the agency-structure duality. He also criticises Giddens for ignoring the differential capacities of actors and their actions to change different structures (Jessop 2001, 1222 with reference to Giddens 1984). Institutions are differentiated in the sense that they “embody, preserve, and impact differential power resources with respect to different individuals and groups” (Goodin 1996, 20) and thus privilege some groups and actions over others. Jessop (2001, 1222) introduces a strategic-relational approach to institutions as an alternative perspective that “avoids the pitfalls of structuration theory whilst maintaining its emphasis on the spatio-temporal dimensions of institutions and their connection with power”. This approach, developed further by Hay (2002) provides a concrete elaboration of how to analyze the interplay of structure and agency in real contexts of social and political interaction (Hay 2002, 127). What is more, it allows for the inclusion of such discursive or interpretative elements as frames in the analysis, while keeping them separate from institutions (as opposed to normative institutionalists, for example). In the following section, the strategic-relational approach is examined as the theoretical basis for this study.

# 5 THE THEORETICAL APPROACH OF THIS STUDY

## 5.1 Ways forward: the strategic-relational approach

In the strategic-relational approach (SRA) the distinction between structure and agency is taken as a purely analytical one. Neither agents nor structures are considered real, because neither can exist in isolation from the other. It is maintained that they only exist through their relational interaction. As Jessop puts it, structures have no meaning outside the context of specific agents pursuing specific strategies (2001, 1228). Rather than focusing on structure and agency as separate entities, we should concentrate on the dialectical interplay between what in SRA are called strategic (structured) actor and strategically selective context. (Jessop 2001, 1223; Hay 2002, 126–127.)

For actors to have any chance of realizing their intentions, they must be based on an assessment of the relevant context in which the strategy occurs and which it eventually affects. Actors are in this meaning ‘structured’ and context sensitive: they internalize perceptions of their context and consciously orient themselves towards that context in choosing between potential courses of action. They are conscious, reflexive and strategic in their attempt to realise complex, contingent, and often, changing goals. They are intentional in that they can act purposefully in their attempts to fulfil intentions and preferences. However, they may also act intuitively or out of habit, as proposed, for example, by normative institutionalists. (Jessop 2001, 1223; Hay 2002, 129–132.)

Hay (2002, 129–132) notes that strategic action does not imply that all action would be the result of overt and explicit strategic calculation. Rather, the point is that all action – be it intuitive, routine or habitual practices or explicitly strategic action – contains at least “a residual strategic moment”, during which awareness of the context (structure) plays a central role. Hay also emphasises that the view of actors as strategic implies a dynamic relationship between the actor and the context in which she finds herself: to act strategically is to project the likely consequences of the different courses of action and to judge the characteristics of the context. To underline this inter-relationship, Jessop calls the actor not strategic, but instead structured (Jessop 2001, 1223).

Clearly, not all strategies are likely to be successful in a given situation. The context is *strategically selective*, that is, it favours certain strategies over others. Given a specific context, only certain courses of strategic action are available to actors: social, political, and economic (institutional) contexts are densely structured and highly selective. As such, they present an unevenly distributed opportunity structures and constraints to actors. Some identities, some strategies, and some actions are privileged over others. (Hay & Wincott 1998, 954; Jessop 2001, 1223; Hay 2002, 129, 209.)

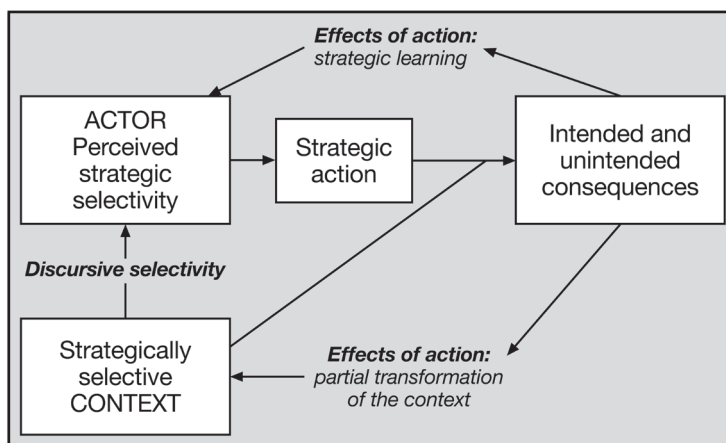
Jessop argues that institutions, as structures, are also spatio-temporal. They emerge in specific places and at specific times, and they operate on one or more particular scales and temporal horizons. In short, they have their own specific spatial and temporal rhythms. The important consequence of this is that institutions are also spatiotemporally selective: some strategies and practices are privileged while others are made more difficult to realise, depending on how they match the spatial and temporal patterns inscribed in the institutions in question. (Jessop 2001, 1226–1227.)

Such a strategic-relational formulation on the relationship between structure and agency implies a dynamic understanding of the relationship between institutions and individuals and provides a potential to overturn neoinstitutionalism’s characteristic



emphasis on institutional inertia (Hay & Wincott 1998, 956). The formulation also recognises that institutional change occurs in a context that is structured (not least by institutions themselves) in complex and changing ways, and which facilitates some forms of intervention over others, making purposeful institutional design more complicated than proposed by rational choice institutionalism. However, while contexts present (better) opportunities for some actors, it is the conduct of the actors that eventually determines the extent to which the opportunities are realised. The behaviour of political actors is also crucial to the reproduction and transformation of social, political and economic structures and institutions. Routine behaviour is likely to reproduce the existing structures and institutions, whereas actors who reject existing norms and conventions will be more likely to transform institutions and practices. (Hay 2002, 166.)

A third central element introduced to SRA by Hay (2002, 213) is the nature of reality as (socially) constructed and the imperfect/selected information available to the actor regarding the context. Hay emphasises that when making strategic choices, actors lack complete information of the situation. They must rely upon perceptions of the context that are at best incomplete and which may vary often reveal themselves inaccurate after the event.<sup>38</sup> They have to therefore interpret the world in which they find themselves in order to orient themselves strategically towards it. The agents' point of access to the "densely structured" context in which they find themselves in is thus interpretative (Hay 2002, 213). How actors behave – the strategies they consider in the first place, the strategies they reject, the strategies they use and the policies they formulate – reflect their understanding of the context in which they find themselves. That understanding may eliminate a whole range of realistic alternatives. (Jessop 2001, 1230; Hay 2002, 196, 211–213.) For particular ideas or ways of interpreting the context to provide templates through which the actors interpret the world, they must retain a certain resonance with the actors' direct and mediated experiences. In other words, the context also imposes a *discursive selectivity*, in that it selects for and against particular ideas, narratives and constructions (Figure 6) (Hay 2002, 212).



**Figure 6.** The interplay between the strategic actor and the discursive and strategic selectivity of the context (Hay 2002, 212).

<sup>38</sup> Hay (2002, 196) makes reference to Sheri Berman (1998,31) who notes that most rationalist explanations do not distinguish between reality and the actor's perceptions of it, as social constructionists do.

Hay notes that changes in policy are often preceded by changes in the ideas (or what he calls paradigms) that inform policies and work as the discursive mediators of political action. The ability to orchestrate changes in societal preferences may play a crucial role in quickening the pace or altering the trajectory of institutional reform. (Hay 2002, 196.) This part of the SRA developed by Hay is closely related with the frame theory in saying that actors informed by different sets of ideas will behave differently in the same context. Both frame theory and the idea of discursively mediated and discursively selective context maintain that perceptions are real and have real effects. They also share the idea that the plurality of interpretations/frames is limited by the context. They both represent the social constructionist view that there is no other way of accessing institutions or other elements of the contextual/structure except the one mediated by socially constructed interpretations. (Jessop 2001, 1230; Hay 2002, 196, 211–213.)

Hay maintains that changes in policy are typically preceded by changes in the ideas (paradigms) that inform policies and work as the ideational or discursive mediators of political action. The ability to orchestrate changes in societal preferences may play a crucial role in quickening the pace or altering the trajectory of institutional reform. (Hay 2002, 196.) This idea resonates with the idea of policy frames. Roe, who calls them policy narratives, maintains that stories commonly used in describing and analysing policy issues are a force in and of themselves, which need to be taken seriously in policy analysis (1994, 2). They stabilise the assumptions for decision-making in the face of uncertainty and complexity, and are therefore also resistant to change.

Jessop and Hay call not only for an institutionalist ‘turn’, but also for an analysis that is more attuned and sensitive to the ideational, perceptual and discursive factors, in particular on the dominant ‘paradigms’ or ‘frames of reference’ through which the actors come to understand the contexts in which they act. The recognition of the discursively mediated nature of our experience of the structured context suggests the power of those able to provide the filters through which actors interpret their environment: the role of ideas and *framing* of political action is central to the use of power through agenda-setting and shaping of people’s preferences. (Jessop 2001; Hay 2002, 214–215 see also Lukes 1974; Forester 1989; Fisher & Forester 1993.)

Finally, SRA emphasises the capacity of actors to learn and to reflect upon the consequences of their actions (Hay 2002, 210). Strategic action can result in both concrete consequences and in more indirect consequences in the form of reflection and possible learning (Figure 6). In summary:

- *The direct effects* upon the institutional context where the action takes place, may produce a partial transformation of the environment (although not necessarily as anticipated);
- *Reflection and strategic learning* by the actors involved potentially produces a change in the perceptions of the actors on what is feasible, possible or desirable and hence changes their future strategic choices (Hay & Wincott 1998, 956; Hay 2002, 133).

Here again, SRA is compatible with frame reflection and re-framing, as understood by Schön & Rein (1994). By highlighting the role of discursive (interpretative) elements in the interaction between the strategic/structural actor and the strategically selective context, and by including the indirect effect of reflection and learning in the picture, SRA provides a framework that fruitfully combines institutional and frame analysis.



## 5.2 Institutional conflict management analysis

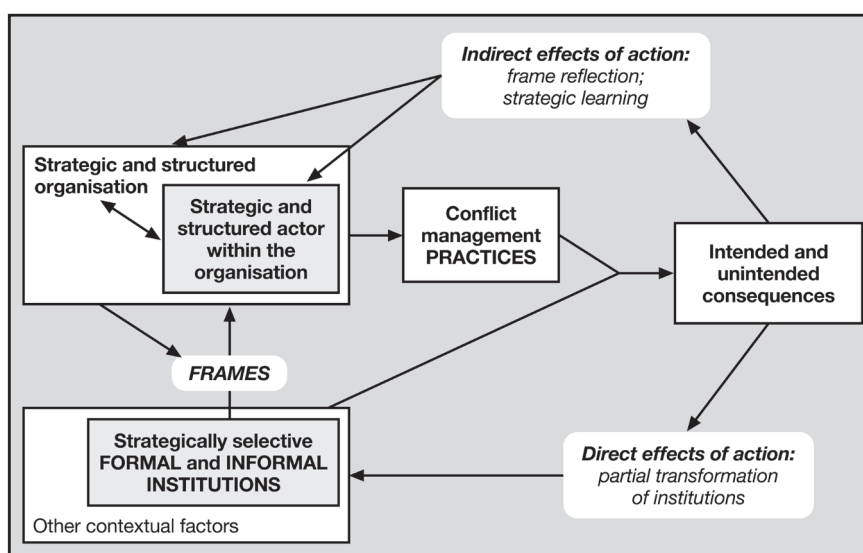
In the preceding chapters, I have explored the contribution frame theories and neoinstitutional theories can provide for analysing conflict management. I have concluded with presenting the strategic-relational approach which, according to my understanding, allows and even encourages for the combination of institutional and frame analysis under one framework. As mentioned in the beginning of this study, I understand conflict management as a process with three dimensions (Figure 1):

- (1) *Concrete practices* in policy, planning and management that can contribute either to the settlement or escalation of disputes;
- (2) *Framing* that affects how the disputes and their settlement are perceived and how tractable or intractable they become; and
- (3) *Formal and informal institutions* that support or constrain certain practices and ways of framing the situation.

This definition resonates with Chantal Mouffe’s (1999, 754) definition of politics as

“the ensemble of practices, discourses and institutions that seek to establish order and organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of “the political”.

I understand the relationship between practices, frames and institutions in conflict management similarly to the strategic-relational approach. SRA provides a dynamic and dialectic understanding of the relationship between actors, ideas (discourses, frames) and the strategically selective context that includes, but is not restricted to, institutions. I call the adaptation of the SRA model to conflict management the framework for *Institutional Conflict Management Analysis* (Figure 7). I chose not to call it the strategic-relational



**Figure 7.** Institutional Conflict Management Analysis depicted as an adaptation of the strategic-relational approach.

conflict management analysis, mainly for pedagogical reasons. I assume ‘institutional’ is easier for the readers to relate to than the complex name ‘strategic-relational’. I am aware that the name does not include the other key element of my analysis – frames – but I wanted to highlight the role of institutions in the definition, because it has been the element that has been most lacking from recent research on environmental conflicts.

I understand both formal and informal institutions as “rules of the game “ and therefore as distinct from organisations (“players”). Organisations are nonetheless important for their role as collective actors subject to wider institutional constraints, and also as arena in which institutional rules are developed and expressed. Organisations are also collective actors who actively shape their institutional environment. I define *formal institutions* as rules that encompass legislation and other written regulation. These regulative institutions can be designed and changed (as is the case in real life and assumed by the rational choice theorists). The results of such design are, however, likely to be unpredictable and unintended to a certain extent, and are moreover dependent on history and the already existing institutions (path dependence as assumed by historical institutionalists). *Informal institutions* are more inclusive than the formal ones. They cover a broad variety of unwritten norms that define the appropriateness of behaviour in a given situation. However, in contrast to the almost all-encompassing definitions of institutions proposed by both normative and sociological institutionalists, informal institutions are here defined more narrowly as *standard operating procedures* that are collective and specific to a political/governmental setting. The actors recognise them and they can be explained to a researcher, for example (Hall 1986 in Lowndes 2002, 103). They differ from personal habits or rules of thumb, or from culture as a whole, or from broader frameworks of meaning, such as frames (Lowndes 2002, 103–104).

In contrast to rational choice or collective action institutionalists, I emphasise in the institutional analysis equity and power issues related to institutions. Like entitlement scholars and historical institutionalists, I am interested in the ways in which formal and informal rules create and reinforce unequal (or equal) access to resources and decision-making. I recognise the importance of historical and socio-economic factors that affect the myriad of societal relations in which resource management and dispute settlement is embedded. I have introduced some of these factors in the case of Finnish forest conflicts in Chapter 2 and discuss them in each of the case studies, as well as in the general conclusions of the study. Specifically, I am interested in if, and how, the current institutional arrangements regarding state forestry in Finland promote conflict management through the politics of assurance.

I understand *frames* as meaning-making structures that organise our experiences and bias for action. I see framing (be it unconscious or conscious) of contentious policy issues as a struggle over the dominance of the ‘situation definition’. As such, framing concerns an inherent question of power. I perceive frames as intermediating elements in the interaction between individuals and collectives: while frames and social constructions, individuals are – if aware of them – able to reflect on their frames and change them through reframing and frame bending. As individuals reflect upon the consequences of their behaviour, strategic learning can produce a change in the perceptions of the actors on what is feasible, possible or desirable and hence change their future strategic choices. The focus on frames and frame reflection affects also how I understand communication in a planning situation. More than interpersonal communication the frame perspective emphasises planning as a negotiation and translation of different discourses and frames of diverse groups (Healey 1997).

What both institutions and frames have in common is that they arise from, and are preserved and modified, by human behaviour (Goffman 1974; Schön & Rein 1994; Scott 1995; Wagenaar & Cook 2003). The identification and analysis of the existence and meaning of frames and institutions in conflict management therefore needs to include also the analysis of *practices*. Frames and institutions are mutually constituted through practice: they both affect practices and are affected *by* practices (Scott 1995, 33). Wagenaar and Cook (2003, 143–146) maintain that although there has been a recognition in the contemporary policy theory that practice plays a key role in the formation and discourses of public policy, the elusive concept has been used to mean very different things, from mere ‘doing’ to purposeful action, and to practice as constitutive meaning. Wagenaar and Cook (2003, 143–146) themselves define practice as a context-bound, socially established form of interactive, cooperative activity. They refer to Hajer’s (1995, 202–214) examples of ‘tree-health surveys’, ‘excursions’ and ‘awareness campaigns’ as examples of practices that affected the creation of a certain environmental discourse. Laws & Rein (2003, 205) also describe how reframing can emerge out of concrete situated interactions in practice.

In a similar fashion to Hajer’s examples, I understand practices to include both practices related to the collaborative planning processes and to the actual management practices in the forest. Planning practices can vary from one-off ad hoc dispute resolution processes to the anticipation of disagreements in more enduring collaborative processes. Forest management practices refer to all decisions regarding the management of the forest resources, such as logging the forests in a certain way or designating forests as protected areas. Practices refers both to concrete natural resource management decisions, and also to more general policy level issues, such as defining policy goals.

PART III:  
MATERIAL AND METHODS



## 6 THE EMPIRICAL CASES AND MATERIAL

Case studies can be defined as empirical inquiries that investigate contemporary phenomenon within real-life context, especially in situations where the boundaries between phenomenon and the context are not clearly defined. Contextual factors are considered of special relevance in case studies. (Yin 2003, 13.) When speaking of case studies, the important question concerns what the case study highlights (Stake 2000, 436). Although Stake (2000, 436) mentions the concept of intrinsic case study that is interested in the case per se, most cases have an instrumental role of providing an illustration or understanding of some more general phenomenon relevant to the inquiry.

In this study the selected case studies represent cases of conflict management in state forest use in Finland. Rather than trying to cover state forest conflict management throughout the country with quantitative data (such as surveys) I consider it more appropriate to focus the attention on specific areas with the purpose of gaining more in-depth understanding of the phenomena. Case studies are considered a more appropriate strategy in studies that focus on “how?” and “why” questions (as opposed to “how many” or “how much”), such as *how* conflict management is undertaken, and *why* it is done in the way that it is in the Finnish state forest administration.

Two geographical and administrative areas, the Province of Kainuu in north-eastern Finland and the Municipality of Inari in northernmost Finland were chosen as the case studies for the research. The concept case study (and the names of the two case studies – Kainuu and Inari) refers in this study to the geographic areas where the forest-related conflicts have occurred. The names of the case studies refer to the location of the state forests at the focus of the analysis, not to the location/level where the processes or decisions on the conflict management of these forests has taken place. The material for the case studies is not restricted to those areas; conflict management related to forestry in Kainuu or Inari has required and is affected by the involvement of administration also outside the area. In both cases it is in fact the relationship *between* the local (within the case study area) and national processes and decisions that is a central element in understanding the conflict management processes.

Cases can be randomly sampled, but it often makes more sense to do purposeful or information-oriented selection (Bernhard 1995; Flyvbjerg 2001, 78–79). Extreme cases can be well suited for getting a point across in a dramatic way. Alternatively, cases can be chosen strategically so as to represent situations where the phenomenon under inquiry is “most likely” or “least likely” to exist. (Flyvbjerg 2001, 78–79.) Flyvbjerg (2001, 78–79) emphasises the “power of good example” that such critical cases have. He refers to Galileo, who was able to eliminate weight as a determinant factor for acceleration in free fall by using two critical cases, namely feather and lead. If the weight of such different objects would not affect their velocity, surely the same principle would apply to other objects as well.

As a first step in the case study selection process I chose case areas that had experienced some forest conflicts in the recent past, or at the time of the study. The issue of old-growth forests<sup>39</sup> has been a primary topic of forest conflicts on state land

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<sup>39</sup> The definition of old-growth forest is a contested issue. In the case studies different parties have defined old-growth forests differently, and have also had different interpretations about whether a certain forest fulfills these criteria. The national Working Group on the Protection of Old-Growth Forests, for example, has used the following criteria: the dominant tree generation exceeds the age of

in Finland for the past 15 years (Hellström 2001; Roiko-Jokela 2003). The long duration of the old-growth forest conflicts has presumably provided Metsähallitus with time and opportunities for learning in order to adapt its conflict management strategies. As a result, it is reasonable to assume that the conflict management strategy of Metsähallitus is likely to be most carefully thought of in the case of old-growth forests.

Old-growth forest conflicts are widely spread not only temporally but also spatially, and they have included a variety of aspects in different parts of northern and eastern Finland, where the majority of state land is situated. Due to the long duration of old-growth forest conflicts, they also offer research the possibility of including a dynamic aspect in the analysis. Forest conflicts were ongoing (unsettled) in both Inari and Kainuu at the time this study was carried out.

A general critique towards case studies is that their generalisability is considered to be poor, if not nonexistent. According to Flyvbjerg (2001, 66–87), this depends primarily on the way the cases are selected. He points out that in the study of human affairs, there exists only context-dependent knowledge, and therefore case studies are an important way of gaining the necessary depth in the analysis. Yin (2003) emphasises that case studies are not meant to be generalisable in the statistical sense (to populations). Instead, they are generalisable to theoretical propositions (analytical generalisation). As Eysneck puts it, “sometimes we simply have to keep our eyes open and look carefully at individual cases – not in the hope of *proving* something but in the hope of *learning* something” (Eysneck 1976, 9 in Flyvbjerg 2001, 73, italics added).

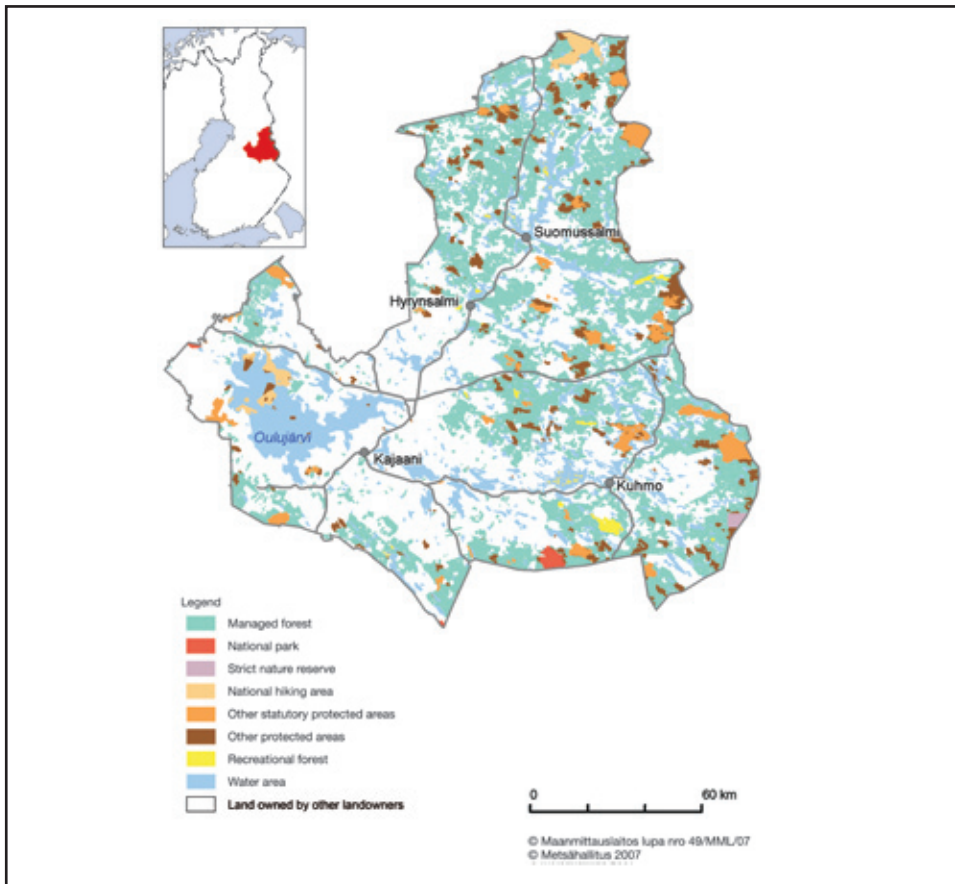
## 6.1 Kainuu case study

Kainuu is a province situated on the border of the central and northern boreal zones in north-eastern Finland, close to the Russian border (Map 3). It has 96 000 inhabitants and is the equivalent size of Belgium or the Netherlands (24 452 km<sup>2</sup>). Kainuu has a lower population density (3.9 inhabitants/ km<sup>2</sup>) and a higher proportion of primary production (25 %) than the average in Finland. One of the major challenges in the province is poor economic development and high unemployment. Although economic development has been slightly more positive in recent years than in the 1990s, the population continues to decrease. Kainuu still has the highest unemployment rate in Finland, 15.6 % in 2007, in comparison to 8.5 % nationally (Kainuu Employment and Economic Centre press release 24.4.2007). In fact, before the new member states joined the European Union in 2004, Kainuu was one of the poorest regions within the Union.

State lands cover a significant proportion of Kainuu’s land area (44 %). The province is situated in peripheral Finland and it is highly economically dependent on forestry-related businesses. The value added in forestry in Kainuu is four times, and in the forest sector as a whole (forestry, wood industry and pulp & paper industry) 2.5 times that of the national average. (Kainuun metsäohjelma 2006–2010, 9,21.) The state-owned forests are dominated by Scots pine (*Pinus sylvestris*), with a mix of Norwegian spruce (*Picea abies*) and birches (*Betula pubescens*, *Betula pendula*), as well as some aspen (*Populus tremula*) and rowan (*Sorbus aucuparia*). Almost half (42%) of the state-owned lands are peat lands (mires, bogs), and one third of them have been drained in order to increase

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regeneration (as defined for timber production) with more than 20 years, there have been no logging in the area for the past 50 years, and there is abundance of dead and decaying wood. (Vanhojen metsien...1996, 25.) Common definitions of old-growth forests also include mixed age and species composition. Rather than adopting a specific definition, it suffices to say that old-growth forests, including how they are defined and what areas as perceived as fulfilling the criteria, are the cause of conflicts studied here.



Map 3. State-owned lands in Kainuu

timber production (Hiltunen 1998, 16–19). The boreal forest landscape in Kainuu is a habitat for various plant and animal species, including the large carnivores: brown bear (*Ursus arctos*), wolf (*Canis lupus*), wolverine (*Gulo gulo*), and lynx (*Lynx lynx*).

Together forestry and forest industry provide 2 600 jobs (in 2003), which is 7.7 % of the overall employment (Kainuun metsäohjelma 2006–2010, 22). Only a part of these – 350–400 – are provided directly by Metsähallitus in forestry. Other major employers are UPM Kymmene pulp & paper mill in the capital of the province, Kajaani, and several sawmills. Metsähallitus is the biggest supplier of wood for many of them.

Forests have always been the foundation of the economy in Kainuu, first as source of game, wood and shelter, then in tar production and slash-and-burn agriculture, and more recently as the raw material basis in the forest industry. Non-wood forest products, such as game as well as berries and mushrooms, continue to play an important role for a large proportion of people in Kainuu. Almost 20 % of the population, more than anywhere else in the country, has a hunting license and approximately 80 % of the adult population picks berries or mushrooms. A number of enterprises in Kainuu make products based on local berries, mushrooms and herbs, and provide directly the equivalent of full-time work for 50 people (Kainuun metsäohjelma 2006–2010.)



During the post-war period until the end of 1980s timber production was the primary goal of forestry in state-owned forests in Kainuu. Until the 1990s, the harvest levels were higher than the annual growth. This was justified by the fact that when logging old forests, the ratio between harvested volumes and growth would be balanced by the growth of the young forests in the future. Today, the annual growth is double the annual harvest, although the harvest levels have not been decreased. (Hiltunen & Väisänen 2004, 28; Hiltunen 1998, 21.) In 1997–2001, the annual harvest level in the state forests in Kainuu was 718 000 m<sup>3</sup>.

While employment and the value added provided by forest industry has stagnated and even slightly decreased in Kainuu despite the increasing timber harvest volumes in the 21<sup>st</sup> century, tourism has become a new source of income dependent on the surrounding environment. In fact, tourism has grown in Kainuu faster than in the rest of Finland. (Hiltunen & Väisänen 2004, 8-15; Hiltunen 1998, 11.) In 2005, it provided around 1000–1200 jobs in the province. The amount is expected to further increase with hundreds of new jobs in the coming years. (Kainuun metsäohjelma 2006–2010, 16.) Other non-timber forest uses include gathering of lichen for decorative purposes as well as small-scale reindeer herding in the northern part of the province.

State forests in Kainuu are mainly situated in the northern and eastern parts of the province (Map 3). Due to the intense forestry of the past decades, the age structure of the state forests is uneven. Young stands (0–60 years) and old forests (over 120 years) dominate the state forests, with medium aged forests being a minority (Figure 8). The older age classes have grown on land that was used for tar production and slash and burn agriculture in the 19<sup>th</sup> century. They are nowadays mostly situated in protected areas, and have played a major role in the protection of old-growth forests in Finland since the mid-1990s. The younger stands, on the other hand, have been planted or sown in the 1950s after extensive clear cuts. (Hiltunen & Väisänen 2004, 21.)

Kainuu was chosen as a case study, because in the past 20 years Kainuu has been the central scene in Finland for what one could describe as the classical forest conflict, namely that between timber production and nature conservation. These conflicts in different parts of the world have typically focused on the question between local employment and the interest in conserving of ecological values of old-growth forests (see e.g. Hellström 2001). The conflict over Talaskangas forest in late 1980s on the border between Kainuu and Northern Savo Provinces was one of the first open confrontations between the state forest administration and the environmental movement. This confrontation contributed to the initiation of the old-growth forest inventories on state land in both southern and northern Finland. The analysis of the Kainuu case study starts from that point (1991) and extends to 2006.

When the Finnish Government endorsed the Old-growth Forest Protection Programme for Northern Finland in 1996, 36 % of the areas (240 km<sup>2</sup>) were situated in Kainuu. Despite this, conflicts have continued through the 21<sup>st</sup> century. They have included direct actions, court cases, as well as international market campaigns by the environmental movement. Representatives of major European publishing houses, such as Axel Springer, Burda, Wegener Arcade and BBC Magazines, that source Finnish paper with wood from state forests in Kainuu have visited the disputed forests to see for themselves what the conflict is about and to evaluate their purchasing policies.

The conflicts in Kainuu are important and relevant for the scope of this study also because they concern two conflicting interests – timber production and conservation – of which both have representation *within* state forest administration. Natural Heritage Services has been responsible for inventorying the conservation values of the old-growth

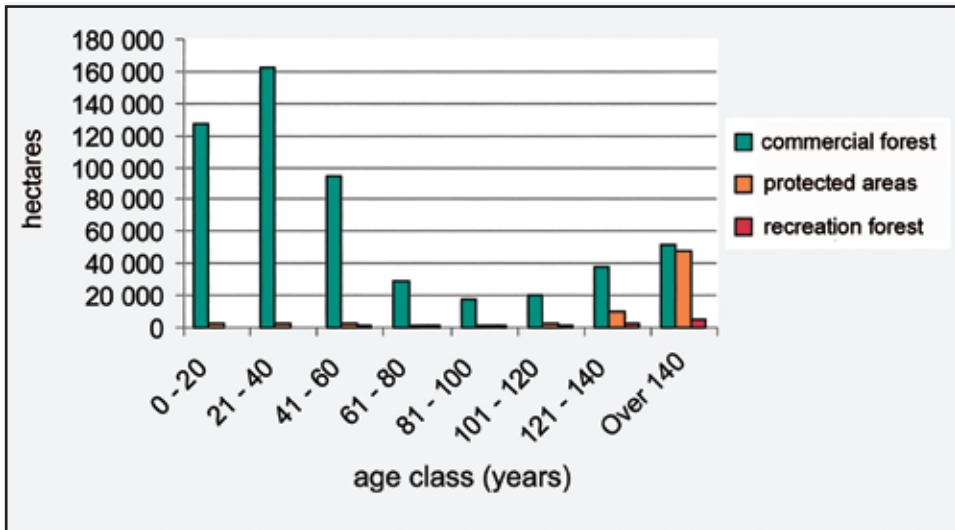


Figure 8. The age structure of productive forests on state land in Kainuu (Hiltunen & Väisänen 2004, Figure 11)

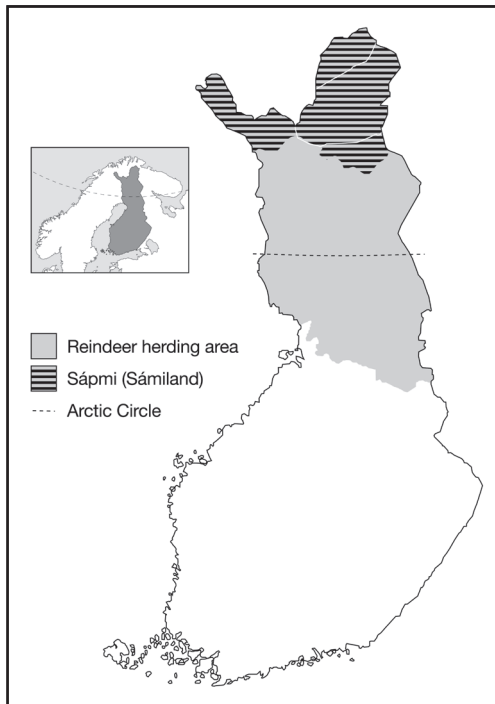
forests under the supervision and guidance from the Ministry of the Environment, while the ability of the Forestry Division – operating under the Ministry of Agriculture and Forestry – to successfully do business in timber sales has been directly dependent on its access to the same forest resources. This organisational solution in the management and administration of Finnish state forests is particularly interesting from the perspective of conflict management.

## 6.2 Inari/Aanaar<sup>40</sup> case study

Inari is a municipality situated at 68° North, at the same latitude as Inuvik in Canadian Nunavut, or Norilsk in Russian Siberia. Due to the Golf stream, however, boreal forests and also commercial forestry reach further north in Fennoscandia than anywhere else in the circumpolar area. Inari lies in the timberline between the northern boreal forest zone and the hemi-arctic zone. Forests are concentrated to lowland areas and to rivers valleys. At around 200-350 meters above sea level, the coniferous forests gradually transform to mountain birch (*Betula pubescens subsp. czerepanovii*) forests. Unlike timberline forests elsewhere in the circumpolar area, the northernmost coniferous forests in Inari are pine forests (*Pinus sylvestris*).

Inari covers an area of 17 321 km<sup>2</sup> and has a population of 7 120. The population density (0.47 inhabitants/km<sup>2</sup> of land) is among the sparsest within the EU. (Luhta 1999, 9, 34.) In contrast to most of Finland, most livelihoods in Inari - as in other municipalities in North Lapland - still depend directly on the surrounding environment. The most

<sup>40</sup> Inari is the name of the municipality in Finnish. Three different Sámi languages are spoken in Inari, and the name of the municipality is Anár in North Sámi language, Aanaar in Inari Sami language, and Aanar in Skolt Sámi language. Inari Sámi is the endemic language in the area, which is why I use the Inari Sámi spelling. Later in the text only Inari will be used.



**Map 4.** Inari, Finnish part of Sápmi, and the reindeer herding area of Finland

important livelihoods are forestry (5 % of the employment in the municipality), reindeer herding (8.3 %), and, to an increasing extent, tourism (20 %). Nature conservation provides employment (1.4 %) directly in the administration and management of the conservation areas and also by proving tourism with attractive destinations. 60 % of the total land area of the municipality and 40 % of the forests are protected. The largest national parks in Finland, Lemmenjoki NP and Urho Kekkonen NP are situated in Inari. (Vatanen et al. 2006.)

In Inari/Aanaar, 90 % of all the land is currently controlled by the Finnish State and managed by Metsähallitus. However, state ownership of the land is disputed, because Inari is part of the traditional territory of the indigenous Sámi people (Sápmi, or Sámiland, Map 4.).<sup>41</sup> Finnish Sámi Parliament (Sámediggi), the representative body for Sámi cultural self-governance, maintains that the historical land rights of the Sámi have been confirmed by research (Korpijaakko 1989) and this has been recognised by the Finnish State in government bills and statements by the Committee for Constitutional Law. Metsähallitus, in contrast, maintains that the land ownership of the state is undisputed since it is based on declarations by the Swedish Kings as well as on the Forest Act from 1886. (Sandström et al. 2000, 19.) A number of committees and experts have tried to find a solution to the issue in 1990s and 2000s, but to no avail thus far (Joona 2003). Finland has consequently not been able to ratify the ILO Convention 169 on Indigenous and Tribal Peoples. Sámi

<sup>41</sup> The borders of the traditional Sámiland (Sápmi) are not exactly defined or uncontested. Nowadays Sápmi covers the northern parts of Norway, Sweden and Finland as well as North-West Russia, although it is well known that Sámi people in Finland, for instance, lived earlier in areas much further south (e.g. Massa 1994, 158).

are a minority in most parts of their traditional territory, including Inari where 30 % of the population (2 100) is Sámi<sup>42</sup>.

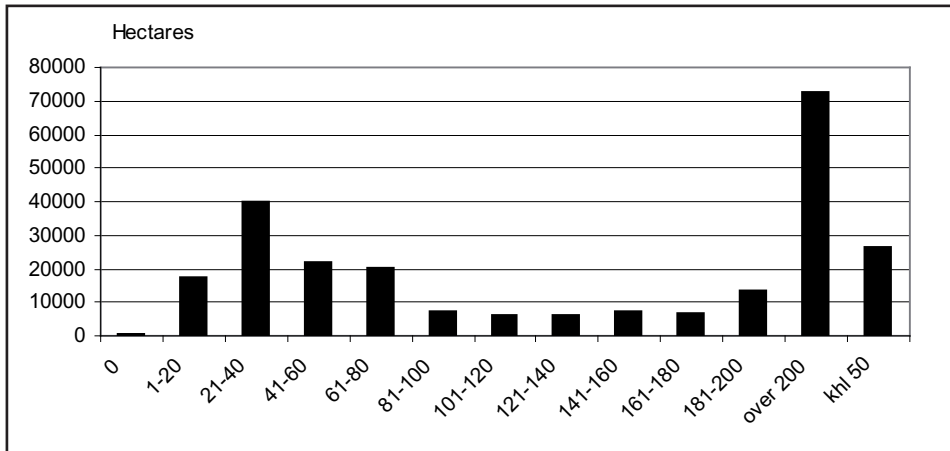
The traditional Sámi territories were gradually colonised from the 17<sup>th</sup> century onwards as the three states – Russia, Sweden and Denmark-Norway – and two churches – catholic church from the west and Greek orthodox from the east – competed over dominance in the area. (Massa 1994, 142-144.) In Inari/Aanaar, the share of ethnic Finns started to grow rapidly as the first roads from the south were built in the 1920s (Massa 1994, 184). In comparison to other parts of Finland, the commercial use of forest resources began in Inari relatively late, but it has expanded rapidly. Some commercial timber harvest had taken place already at the beginning of the 20<sup>th</sup> century, but extensive forest management began first in the 1950s, when Finland had lost 12 % of the total land area to Russia and rebuilding the country led to increased attention to the natural resources of Lapland. (Massa 1994, 119, 202; Luhta 1999, 75.) According to Luhta (1999, 75) the kind of commercial forestry practiced in Inari in the 1960s and 1970s changed the nature of Inari more than any other human activity. The harvest levels reached their peak in 1980 when the annual timber harvest level on state land in Inari (270 000 m<sup>3</sup>) clearly exceeded the annual growth (170 – 220 000 m<sup>3</sup>).

As mentioned in Chapter 2.4, state forestry practices in Lapland began to cause both local and national criticism from the 1970s onwards. Forest conflicts in Inari differ from the rest of Finland in that they include the issue of an indigenous peoples' right to their culture and traditional livelihoods. The traditional livelihoods of the different Sámi groups include fishing, hunting, gathering, reindeer herding, handicrafts and small-scale agriculture. Nowadays, a minority of the Sámi practices the traditional livelihoods as their primary occupation, but they are nonetheless considered the material foundation of Sámi culture and identity by the Sámi organisations and by the Finnish state through its legislation. Fishing, hunting, gathering and reindeer herding have been and are also practiced by ethnic Finns living in Inari. Of the total population in the municipality, 23 % has a hunting license, and majority of the households (up to 85 %) pick berries. 150 families have reindeer herding as their primary livelihood. (Luhta 1999, 46, 63.) Although reindeer herding in Finland in general is practiced by both ethnic Sámis and Finns, the majority of the herders in Inari are Sámi. Forestry and related activities provide jobs for both ethnic groups: Metsähallitus has estimated that of 100 people making living in timber-related jobs in Inari 20 are Sámi (Veijola 2005).

Reindeer herding is the one of the traditional livelihoods most adversely affected by forestry. Reindeer herding is based on the capacity of reindeer to utilise the scarce vegetation of the north for nutrition, and the quality and accessibility of wintertime pastures is crucial for the reindeers' survival. Conflicts emerge between reindeer herding and forestry because of the adverse impacts forestry has on the amount and availability of reindeer nutrition – ground lichen and tree-hanging lichen – during the most critical period of the year. Old-growth forests are both valuable winter grazing areas for reindeer and rich in timber, which is why the interests of state logging operations and Sámi reindeer herding conflict in these areas. Tree harvesting, soil scarification, road construction and other forestry related activities diminish, deteriorate and fragment lichen grounds, cause

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<sup>42</sup> Altogether, it is estimated that there are 80 000 – 95 000 Sámi, of which 8 000 in Finland, 20 000 in Sweden, 50 – 65 000 in Norway and 2000 in Russia (Pohjoismainen saamelaisopimus 2005, 65). Quantifying Sámi populations is both practically difficult and politically problematic. Not all Sámi have registered as Sámi, and the definitions of who is Sámi are in themselves contested. The nation states have historically subjected Sámi to forms of nationalism that both explicitly prevented and implicitly discouraged any identification with Sámi culture (systematically practiced through e.g. outlawing of Sámi language use at schools).



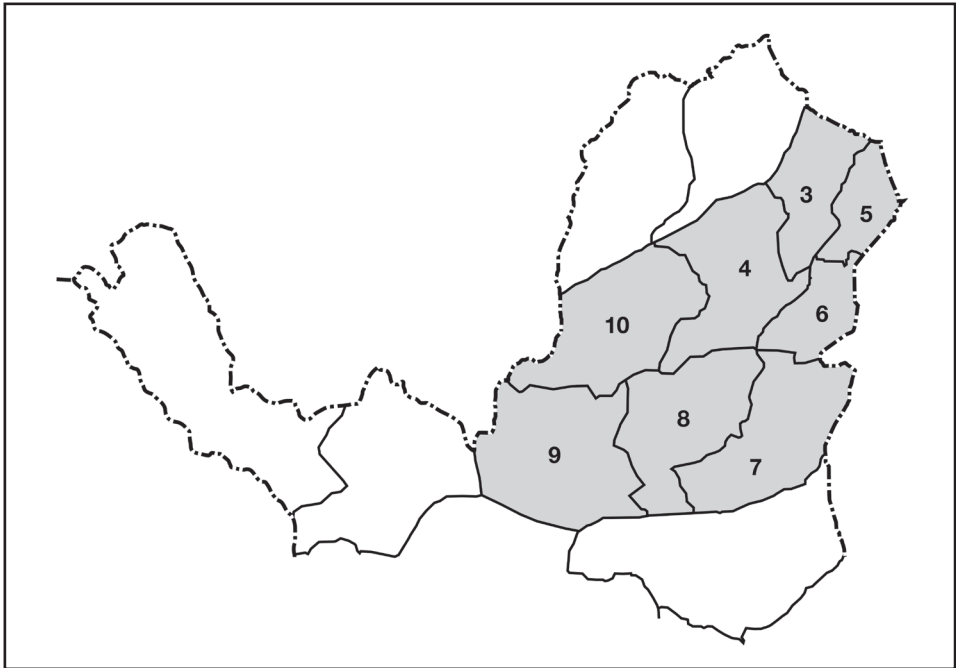
**Figure 9.** The age structure of commercial forests (productive forest land) in North Lapland (Sihvo et al. 2006, Figure 11). Majority of these forests are in Inari.

additional work for herders and further decrease the possibility for reindeer to graze freely. Reindeer graze occasionally on logged areas in winter, but less so than in old unmanaged forests. Decreasing amounts of undisturbed winter grazing grounds increase the need for supplementary feeding, which is expensive. (Helle 1995; Kumpula 2001, 30–35; 2003.) Reindeer herding is allowed in most protected areas and reindeer herders have therefore often been positive to increased forest conservation (e.g. Hallikainen et al. 2006). The demands to set aside important pasture forests from commercial activity, on the other hand, have been considered by the forest industry as a threat to the economic viability and employment in state forestry. As in Kainuu, also in Inari the age structure of the commercial state forests is uneven, which makes the old forests particularly desirable for timber production (Figure 9).

Altogether, there are over 700 reindeer herders in Inari and they are organised in eight reindeer-herding co-operatives (RHC). Reindeer are the private property of reindeer herders, who are by law obliged to belong to a reindeer-herding co-operative<sup>43</sup> within which reindeer are collectively herded. A RHC is both a legal-administrative as well as social unit. Each co-operative has also a legally defined geographical area (Map 5).

Inari/Aanaar was chosen as one of the case studies because it can be considered an extreme or critical case in many ways (Flyvbjerg 2001, 78–79). Metsähallitus has organised consultative meetings with RHCs in Inari/Aanaar since 1977 (Piiparinen & Kotisaari 2006, 37). There has been ample time to learn and to adapt the collaborative planning practices. 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. Finland has concluded that of all land use forms, forestry has the most significant adverse impact on reindeer pastures (Porotaloustyöryhmän muistio 1999). Metsähallitus has therefore set it as a one of its primary tasks in Inari to reconcile its forestry measures with the needs of reindeer herding (Sandström et al. 2000).

<sup>43</sup> In Finnish, *paliskunta*; equivalent to *sameby* in Sweden.



**Map 5.** The borders of the eight reindeer herding co-operatives in Inari municipality: Näätamö (3), Muddusjärvi (4), Vätsäri (5), Paatsjoki (6), Ivalo (7), Hammastunturi (8), Sallivaara (9) and Muotkatunturi (10) reindeer herding co-operative.

The northern location, as well as reindeer herding and Sámi culture, have all have contributed to significantly lower economic targets for Metsähallitus' timber production in Inari than elsewhere in the country. Metsähallitus also prides itself on its current attempts at 'softer' forest management methods adapted to the northern conditions. As such, one might assume that if conflict management were likely to succeed anywhere in state forests, it should do so in an area with a long experience of collaboration, low profit expectations for Metsähallitus, and strong legal protection of the traditional land uses – as is the case in Inari. Yet, despite these circumstances, as well as the relatively high percentage of conservation areas, and low percentage of commercial forestry on state land, conflicts between nature conservation, reindeer herding and forestry have persisted in Inari/Aanaar.

On the other hand, Inari/Aanaar is a very special area also in ways that make the conflicts there less amicable to resolution. As the title to land is yet to be settled, the legitimacy of the State or Metsähallitus as the decision maker and controller of the land has been questioned. Thus Inari/Aanaar, or the Finnish part of Sápmi as a whole, is an extreme case in the sense that the land rights conflict makes it more difficult for the State to succeed in the management of the forest conflicts. To address this point, the Kainuu case study was chosen from an area where land rights conflicts do not exist.

The time span of the empirical analysis in the Inari case study is 1997–2006. While the disputes over the state forests in Inari/Aanaar have a long history, and it is difficult to define exact periods during the conflict, the introduction of the new planning tools in late 1990s provides a fruitful starting point for the analysis of the most recent events.

### 6.3 Written material

The data used for the study consists of two main categories: interviews and written material. Both were collected from all levels of the state forest administration, from the local to the national level. Of these, the material from the interviews is the result of the interaction between myself, as the interviewer, and the interviewees, whereas the legal documents and policy material are so-called naturally occurring data.

The written material is divided into three main categories:

- 1) Formal regulations regarding state-owned forests (laws, orders, government bills and official agreements between ministries and Metsähallitus on the annual performance targets)
- 2) Published material on policy and planning, such as guidelines and finalised forest management plans
- 3) Unpublished written statements by Metsähallitus, Ministry of Agriculture and Forestry and Ministry of Environment, as well as by diverse actors involved in the cases study disputes.

The most important sources are summarised in Table 4. A more detailed list with full references is given in the References.

Table 4. Written material used in the study

TYPE OF WRITTEN MATERIAL	DOCUMENTS
Formal regulations related to state forest management at the national level	Relevant national laws and their legislative history: The Constitution of Finland (731/1999) State Enterprise Act (627/1987) Act on Metsähallitus (1378/2004) Government Decree on Metsähallitus (1380/2004) Forest Act (1093/1996) Nature Conservation Act (553/2004) Wilderness Act (62/1991) Reindeer Husbandry Act (848/1990)
	Relevant international and national court rulings
	Annual target documents by Ministry of Agriculture and Forestry to Metsähallitus (1992–2007) <sup>1</sup>
	Annual target documents by Ministry of the Environment to Metsähallitus (1992–2007) <sup>2</sup>
	Strategy for Metsähallitus business and public administration tasks in 2005–2010 as adopted by the Cabinet Committee on Economic Policy (dated November 16, 2005).



Other material by the ministries guiding Metsähallitus	Old-Growth Forest Protection Programmes for Southern and Northern Finland (Vanhojen metsien... 1992, 1994, 1996)
	Participatory Processes in Finnish Forest Conservation (Piiparinen & Kotisaari 2006)
	Relevant press releases by Ministry of Agriculture and Forestry
	Relevant press releases by Ministry of the Environment
Planning guidelines by Metsähallitus	Natural Resource Planning (Heinonen 1998)
	Guidelines for Landscape Ecological Planning (Karvonen 2000)
	Participatory Planning (Loikkanen et al. 1999)
Other national-level material by Metsähallitus	Metsähallitus' Social Responsibility Report 2002, 2003, 2005
	Issues of Metsähallitus' staff magazine Metsä.fi from 2003–2007
	Relevant press releases in 1999-2007
Material related specifically to the Kainuu case study	Kainuu Natural Resource Plan 1999 (Hiltunen 1998)
	Kainuu Natural Resource Plan 2004 (Hiltunen & Väisänen 2004)
	Summary report of the Landscape Ecological Planning 1996–2000 (Karvonen et al. 2001)
	Minutes of the Dialogue Process between Metsähallitus and ENGOs in 2002–2005
	Relevant press releases by Metsähallitus in 1999–2007
	Press releases/websites/letters to the editor by the stakeholders

The parliamentary level of decision-making is formalised in legislation regarding the administration and use of state forests. The key pieces of legislation include Constitution of Finland (731/1999), State Enterprise Act (1185/2002), Act on Metsähallitus (1378/2004), and Government Decree on Metsähallitus (1380/2004). Furthermore, Forest Act (1093/1996), Reindeer Husbandry Act (848/1990), Nature Conservation Act (553/2004) and Wilderness Act (62/1991) also include relevant regulation regarding the case study conflicts. In addition to legal documents, other general national-level regulatory documents used in the analysis include the annual performance targets set to Metsähallitus by the Ministry of Agriculture and Forestry and the Ministry of the Environment, as well as other strategic documents by the Government.

On the level of general policy guidelines, the overall planning and decision-making principles and policies of Metsähallitus are manifested in their guidelines on different planning methods, namely Natural Resource Planning (NRP), Landscape Ecological Planning (LEP) and participatory planning (PP). Metsähallitus has also published several versions of Environmental Guidelines for forestry, as well as annual Social Responsibility

Reports since 2002. These were all included in the data. In addition, issues of Metsähallitus staff magazine (Metsä.fi) from the period of 2003 to 2007 were collected.

As far as the selected case studies were concerned, Natural Resource Plans in both case study areas form the core of the local/regional material. The material also included all the relevant press releases by Metsähallitus in 1999–2007. Furthermore, specific material related to the case study conflicts was analysed, including minutes of the Dialogue Process between ENGOs and Metsähallitus and material produced by the Ministry of Agriculture and Forestry designed to reconcile the interests of state forestry and reindeer herding in Inari.

While the primary focus of the study is the conflict management strategies of the state forest administration, rather than the conflicts per se, it has not been possible or meaningful to entirely exclude the perspectives or actions of the other actors to the conflicts from the text. Conflicts and their resolutions and/or management are dynamic processes that depend on all the actors involved. The other actors in the case studies have been included in the analysis when necessary by giving reference to existing research literature (e.g. Lehtinen 1991; Roiko-Jokela 1997; 2003; Raitio 2001; Tuulentie 2003; Kyllönen & Raitio 2004; Raitio & Rytteri 2005; Linjakumpu & Valkonen 2006; Valkonen 2007, Hallikainen et al. 2006). I have also followed the public debate concerning the cases studies continuously since the late 1990s. I have complemented the case study material by selected press releases/newsletters /letters to the editor/websites or other expressions of opinion by the other stakeholders concerning events there is little or no published research on. These documents are given detailed reference in the text.

## 6.4 Interviews

Interviews can be used for different purposes. In informant interviews, the role of the interviewees is to provide the researcher with information on actual events or other “facts”. This information is then verified from other, for instance written, sources. In respondent interviews, in contrast, the aim is not to find objective fact or to verify or falsify the views of the interviewee. Rather, the purpose is to understand how what the interviewee is saying makes sense from his/her own perspective. (Kvale 1997.) The interviews carried out in this study have fulfilled both purposes. On the one hand, I have used them to help trace the course of events and relevant written material where it is documented. On the other hand, the interviews have been the primary source for the frame analysis, as well as an important source for the institutional analysis, in terms of how the interviewees perceive the case study conflicts and the institutional frameworks the conflicts are embedded in.

The selection of the informants was primarily based on purposive sampling, where informants are chosen based on the relevance of the position they have in the organisation (Bernard 1995). In cases where several people carry out similar jobs, I chose the interviewees either based on the extent to which they had been involved in the case study conflicts or in cases where this still left room for choice, based on snowballing, in which informants are asked to propose other informants (Bernard 1995). Also the Advisory Group nominated by Metsähallitus for this study (see Chapter 7.5) was given an opportunity to propose people to be interviewed and the proposals proved to be helpful and support the other selection methods. Not all of the selected people were necessarily relevant due to their current position, but selected based on their long and diverse background in Metsähallitus, or because they were known by others to be analytical key informants.

**Table 5.** Informants categorized by region and by department.

	Forestry Division	Natural Heritage Services	Total
Ministry of Agriculture and Forestry	2		2
Ministry of the Environment		1	1
Top management in Metsähallitus (Tikkurila)	3	2	5
Kainuu	5	6	11
Inari	3	3	6
Total	13	12	25

Everyone who was contacted agreed to be interviewed. After the interview one interviewee refused the right to use the interview, so it was excluded from the material. Excluding the contested interview, 28 people were interviewed, but three of these interviews were later excluded from the analysis when the focus of the study was changed somewhat. 22 of the 25 interviewees work or have worked in Metsähallitus and 3 in the two ministries. 16 of the informants work in Forestry Division of Metsähallitus or in the Ministry of Agriculture and Forestry, 12 in Natural Heritage Services or in the Ministry of the Environment. Four of the interviewees were women, 19 men. A summary of the informants is presented in Table 5. Representatives of the other departments in Metsähallitus (Wild North, Laatumaa, Morenia) were not included in the interviews, because those units do not carry out strategic planning, have not been actively involved in the old-growth forest conflicts, and are not considered as focal as the Forestry and Natural Heritage Services in Metsähallitus.

The interviews were conducted between May 2003 and February 2004. The informants were approached primarily by email. They did not receive the interview themes or questions beforehand, but they were told what the focus of the research was. The purpose of the research was explained to be (1) to understand and to analyse the reconciliation of divergent interests related to state forests and the conflicts related to them (2) to help develop new ways forward in managing the conflicts related to state forestry.

The interview situation took place primarily in the premises of Metsähallitus and the ministries, except for two, of which one took place at the interviewee's home and the other in a café that the interviewee had proposed. Except for the café, the interviews were carried out in a room where no one could hear the discussion. The typical length of one interview was 1.5 to 2 hours. All the interviews included in this study were recorded.

Both before and during the interview the informants were told that confidentiality would be secured by not listing the names of the informants in any documents and by carrying out the analysis on such a level that an individual interviewee could not be recognised (e.g. talk about 'forestry personnel in Kainuu' or 'top management'. The list of selected informants was not shown to anyone. In contacting the informants all the emails were sent individually, no group mailings were conducted. However, it became apparent

that the informants themselves had told each other they were being interviewed and often they also introduced me to their colleagues during the visits to the offices.

The interview method used in the study was semi-structured interviews, or more specifically theme interviews. Instead of detailed, pre-determined questions used in structured interviews, the method was based on using more loosely defined themes as the framework of the interview. (Hirsjärvi & Hurme 2000, 47–48.) The selected themes were based on the theoretical understanding of conflict management, as well as on existing knowledge on the conflicts and the forest planning by Metsähallitus. The research themes were more detailed than the research questions, yet less fixed than specific interview questions. They acted as a memo for me during the interviews, during which the themes could take the form of different questions. I also formulated some more specific questions around each theme in case the interviewee found it difficult to comment generally on the topic. However, the interviewees were often very conversational and articulate, and few additional questions were required. Not all the themes were relevant for interviewees at all levels of the administration, and the discussions and the way I formulated the questions were adapted according to each interview.

Constructionist epistemology affects the analysis of research material, and this is especially the case with interviews. As Alvesson and Sköldbberg (2000, 254–268) point out, “data” does not exist without construction and interpretation: interpretation precedes data. Instead of being understood as events for collecting material that is already there, interviews are here understood as a form of interaction in which meaning is constructed. In theme interviews, the interviewees play a central role in giving meaning and specifying the themes by the way they interpret and emphasise the questions (Hirsjärvi & Hurme 2000, 66–67). Mishler (1986, 96–105) describes interviews as a form of discourse:

”The interviewer’s presence as a co-participant is an unavoidable and essential component of the discourse, and an interviewer’s mode of questioning influences the story’s production. [...] [i]nterviewers and interviewees are both aware and responsive to both cultural and research contexts within which a particular interview is located.”

The interviewer interprets what the answers mean, and what further questions are relevant to pursue. The interviewee, in turn, interprets the situation, the behaviour of the researcher, and so forth. All this affects what the interviewee says. Interviewees also often produce their accounts in a politically conscious manner. During the interviews, the informants may observe new meanings or connections between issues, thus developing their descriptions or understanding of events. The researcher, in turn, may propose summaries or interpretations of the informant’s stories, which may then be clarified or denied by the informant. Kvale (1997, 189) calls this self-corrective interview. Such a pattern was not uncommon in the interviews carried out for this study. As experts, the informants provided me with their analysis of conflict management in their everyday work, which inspired many lengthy dialogues that contributed to the analysis during the process and affected the following interviews. In-between the interviews I read through the written material and my understanding of the different data evolved as a part of a dialectical process.

From the perspective of the purpose of this study and the analytical methods used (see Chapter 7), it has benefited the study that the interview situations have been interactive. They are examples of argumentative situations where the representatives of the administration choose how to present their organisation’s actions and justify those decisions. In a way, the interview situation is similar to situations the administrators face in conflict management in practice: they cannot be sure of the opinions of their counterpart regarding their organisation or its activities. Indeed, they may suspect some

critical viewpoint (if for other reason but because research tends to be critical) and they need to be politically conscious of what and how they say.

To underline the argumentative nature of the interview situations, the thematic interview strategy was complemented with a “claims approach” (Vesala & Rantanen 1999)<sup>44</sup>. The interviewees were presented with claims or statements related to the interview themes. The claims were presented in a written form on a piece of paper, in the exactly same form to all the interviewees. The claims did not represent the views of the interviewer, and this was told to the interviewees. Instead, they had been picked from newspaper articles, press releases, research reports or alike related to the topic and touched upon issues that have caused controversy. The interviewees were asked to freely comment on each claim. My role was to ask clarifying questions, but not to engage in the argumentation with the interviewees.

I presented altogether seven claims to the interviewees. The themes, questions and claims that guided the interviews were:

### **1) Goals and priorities in state forest use**

- What are the most central goals for state forest use in your area in concrete terms?
- Have the goals related to state forestry changed during the time you have been working in the organisation? If so, how?

**Claim 1:** Metsähallitus activities were not substantially changed when it was transformed into a state enterprise.<sup>45</sup>

**Claim 2:** The relative importance of state forests for timber production is likely to decrease in the future while their role in producing ecological and socio cultural values will increase.<sup>46</sup>

### **2) Reconciling the different tasks of Metsähallitus**

- How are the performance targets for Metsähallitus defined? What is the process?
- What is the role of the Forestry Division and the Natural Heritage Services in making decisions regarding the reconciliation of the different tasks Metsähallitus has?
- To what extent can you and your unit affect the economic targets for Metsähallitus?

**Claim 3:** The current profit targets for Metsähallitus are too high and limit the ability of Metsähallitus to take other interests (than timber production) into account in planning.<sup>47</sup>

### **3) Reconciling the needs of stakeholder groups in Metsähallitus’ planning**

- Are there disagreements or conflicts related to state forests in this area? What kind?
- Has the situation changed somehow during the past 10-15 years?

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<sup>44</sup> In Finnish, väittämämetsä

<sup>45</sup> ”Liikelaitostuminen ei olennaisesti muuttanut Metsähallituksen toimintaa.”

<sup>46</sup> ”Valtion metsien suhteellinen merkitys puuntuottajana todennäköisesti vähenee edelleen ja merkitys ekologisten ja sosiokulttuuristen arvojen tuottajana kasvaa tulevaisuudessa.”

<sup>47</sup> ”Nykyisen suuruinen metsätalouden tuloutustavoite rajoittaa liikaa muiden kuin puuntuotannon tarpeiden huomioon ottamista Metsähallituksen suunnittelussa.”

- Does Metsähallitus have a strategy for how to deal with such situations?
- How does Metsähallitus work with the feedback collected from different stakeholders in the collaborative planning processes? How are the different views reconciled?
- Tell about the processes here of how you in Metsähallitus have gone about to reconcile the different needs? Why did you choose the particular ways of addressing issues and the particular solutions?

#### 4) Assessing and developing the reconciliation between different uses and needs regarding state forests

- How to assess whether the reconciliation of different needs and interests has been successful?
- How would you assess how well Metsähallitus has succeeded in reconciliation in this area?

**Claim 4:** Metsähallitus' planning has improved the trust between different stakeholders and between stakeholders and Metsähallitus.<sup>48</sup>

**Claim 5:** A neutral facilitator would be needed for the reconciliation of different uses of state forests, because Metsähallitus has its own interests to promote.<sup>49</sup>

**Claim 6:** When seeking solutions that promote public interest it is inevitable that not everybody is always satisfied with the decisions.<sup>50</sup>

**Claim 7:** Reindeer herders are biased in terms of assessing the success of Metsähallitus' planning regarding the needs of reindeer herding.<sup>51</sup>

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<sup>48</sup> "Metsähallituksen suunnittelu on parantanut luottamusta eri sidosryhmien välillä sekä sidosryhmien ja Metsähallituksen välillä."

<sup>49</sup> "Valtion metsien eri käyttötarpeiden yhteensovittamista varten tarvittaisiin puolueeton neuvotteluiden vetäjä, koska Metsähallituksella on omia etuja ajettavanaan."

<sup>50</sup> "Yleisen edun tavoittelussa on väistämätöntä, että kaikki eivät aina voi olla tyytyväisiä tehtyihin päätöksiin."

<sup>51</sup> "Poronhoitajat ovat jäävejä arvioimaan Metsähallituksen suunnittelun onnistumista poronhoidon tarpeiden osalta."

# 7 METHODS FOR ANALYSIS

## 7.1 Role of theory in the analysis

I share new institutionalism's criticism of purely deductive and purely inductive logics in political analysis. Instead, the role of theory in this study has been to guide the empirical exploration, not to model the empirical reality, or to draw predictions based on observed regularities. In such an approach, theory sensitises the analyst to the process being studied, so that relevant events can be selected from the rich complexity of events. Thus, institutionalist political analysis proceeds in a way of a dialogue between the theory and the evidence. (Hay 2002, 46–49.)

Alasuutari (1998, 25–38) has described this approach by likening research to a detective story. Just like a detective, a researcher does not make observations randomly on anything that happens to surround her/him. The observations are selective and they are based on a guiding principle. It can be a vague, intuitive thought, a hunch, or a more detailed hypothesis. The guiding principle helps to focus observation on selected points, "clues" as Alasuutari (1998, 25–38) calls them. The principle is based on the how the detective has defined what constitutes the 'case', i.e. the research problem. The preliminary assumptions about the extent of the 'case' are needed for the purposes of data collection. (Alasuutari 1998, 29.) For instance, in order to understand the outcome of conflict management practices I presumed I would need to look at the regulatory framework external to the local setting where the conflicts regarding state forests played out. This presumption guided me to the theory on new institutionalism. Similarly, in assuming – theoretically and empirically – that there is a reinforcing feedback mechanism between this structural framework and the behaviour of the state forest administration (or other actors), I thus focussed the collection of data on the regulatory framework on one hand, and on the interviews of the actors on the other.

The skill of a detective, and of a researcher, is to be able to combine new observations and his/her guiding presumptions in fresh, creative, surprising ways (Alasuutari 1998, 27). The process is that of abductive reasoning:

"In detective stories, the process of drawing conclusions involves two elements. It proceeds both from the specific to the generic and vice versa. Observable details are examined in order to see how they might be connected to some wider context. On the other hand, new observations are collected and weighed against the initial hypothesis thus constructed, to see whether they could corroborate the solution proposed. There is not set order in which these two stages appear, but they come alternately, one after the other. The choice of a given model of explanation, the testing of this model and the formation of a new model amount to a hermeneutic cycle which leads eventually to the final solution. On the one hand, it is impossible to know in advance how the problem will be resolved without the researcher collecting observations and trying to sort out what they suggest. On the other hand, the observations are only relevant when they are examined as clues, i.e. when they are taken as evidence of a chain of events or a phenomenon that could explain the problem at hand." (Alasuutari 1998, 32)

Clues are not needed only for the empirical material. The process of abduction means collecting clues also on theories and methods. Often the process of abduction is not



straightforward; it includes several trials and errors. It is the researcher's task to interpret the clues and to assess their credibility. Clues speaking in favour of a proposed solution are called evidence. In crime stories, they are considered with humility. However, as with a constructionist approach, some interpretations of the reality are more plausible than others: the greater the number of clues speaking in favour of the offered explanation, the more convincing the proposed solution.

## 7.2 Identification of practices

The material in this study was analysed in three steps: identifying the practices, analysing the frames, and identifying the institutional framework and analysing its role in conflict management. The results of these different ways of approaching the data were then examined together, with the aim of concluding something on the inter-relatedness of the regulatory framework and the practices and frames of the administration. The phases of the analysis are summarised in Figure 10.

The first phase of the analysis was **the identification of the practices**, in other words the concrete events as well as actions taken by the state administration. In order to do this, I first identified the general features, themes and actors in the disputes.

- Who are the key actors?
- What are the major themes in the debate?
- What have been the major events during the course of events during the dispute?
- What different actions has the state forest administration taken to address the disputes?

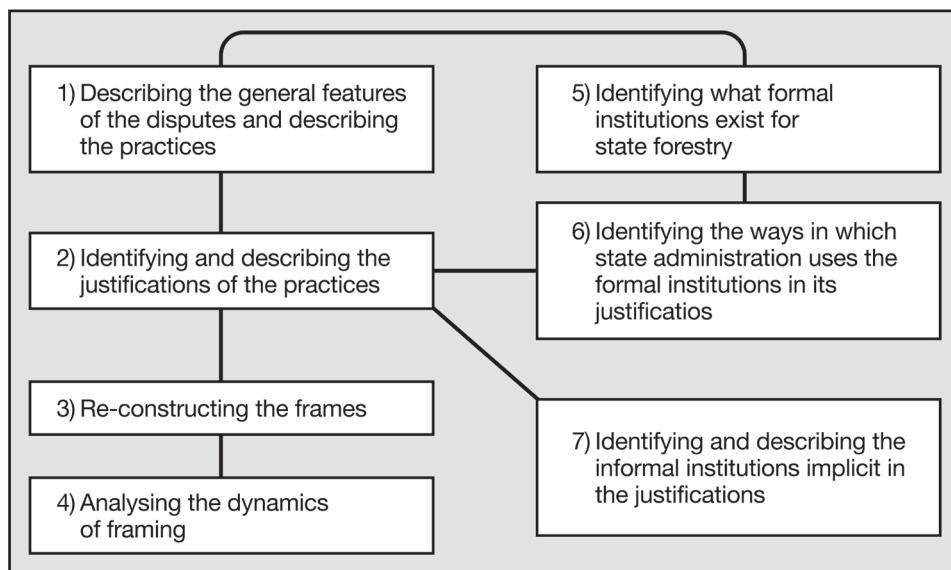


Figure 10. Different steps of the analysis

Actions by other actors in the disputes were documented at this phase to the extent that it was necessary for understanding the practices and reactions of the state administration and the dynamics of the conflicts. The purpose of this phase was to on the one hand describe the general features of the disputes and on the other to identify the concrete practices of the state forest administration. The primary source of information for this part of the analysis was written data, whereas the role of the interviews was primarily to guide the search for written documents (informant interviews). Reference for each piece of information is given throughout the text in Chapters 8.1 and 9.1, where the activities in each of the case studies are described.

While the identification of the activities and practices answers the ‘what’ of conflict management, it does not explain ‘why’. The first step of analysing the logic and reasoning of the state administration involves identifying and describing the most commonly used justifications for the practices and decisions (step 2 in Figure 10). These justifications functioned as the starting point for both the frame analysis and the socio-legal analysis. Justifications were identified by simply asking the interviewees “Why did you do what you did?” in a particular situation they had described, and by listing the different answers to these questions. Key written documents (e.g. Natural Resource Plans) were interrogated in a similar fashion, to the extent that texts themselves often offer ‘justifications’ of their reasoning.

### 7.3 Frame analysis

Frame analysis was used to answer research questions about the perceptions of the state administration regarding the case study conflicts and conflict management in state forestry. Both the written data and the interviews were used to identify and to reconstruct the frames (step 3, Figure 10). Written and public documents by the administration, such as the management plans, policy documents as well as press and Internet material were treated as a source for the collective frames of the organisations (Metsähallitus, ministries), while the interviews were treated as the representations of the frames of the individuals within the organisations. These two categories were kept separate throughout the analysis in order to allow the comparison between the collective and individual frames.

For the sake of anonymity and simplicity, all interviewees are in the text referred to as he, despite their gender. The choice of pronoun ‘he’ is based on the fact that an overriding majority of the informants are men, and calling all of them ‘she’ would imply a very different reality than the one found in the state forest administration. When the interviews are quoted in the text, the quotes are only in English (translations by the author) in order to protect the anonymity of the interviewees. The interviewees are referred to with codes that indicate whether the interviewee is from Metsähallitus Forestry Division (FD) or Natural Heritage Services (NHS) and whether (s)he is working in Kainuu (K), Inari (I) or at the head office in Tikkurila (T). The ministries are also indicated (MAF; MOE). The interviews have a reference number according to the order they were carried out. For example:

NHSG6 = a person working for Natural Heritage Services in Kainuu,  
reference number 6

FDT20 = a person working for Forestry Division in Tikkurila,  
reference number 20

MAF28 = a person working at the Ministry of Agriculture and Forestry,  
reference number 28

Because my interest concerns both the content of the frames (question 3) as well as on the ways the frames are used to support certain practices and courses of action (5), the analysis has included both of these elements. My approach was inspired by Peuhkuri (2004) and Lewicki & Gray (Lewicki & Gray 2003, 7; Gray 2003, 20) who combine the analysis of the content of the frames with what Peuhkuri calls discursive frame analysis.

Classic content analysis comprises techniques for reducing texts to unit-by-variable matrix and analysing that matrix quantitatively for producing objective, systematic and quantitative description of the content of communication (Ryan & Bernhard 2000, 785–786). In more general sense, however, the term content analysis is used to refer to a wide range of methodological approaches that aim to produce a condensed description of the contents and structure of communication in a text or an interview (Tuomi & Sarajärvi 2002; Peuhkuri 2004, 52). I have used the latter approach to identify and describe the frames of the forest administration. This part of the analysis emphasises the elements of frames as organisers of experience, whereas the analysis of the dynamics of framing (below) focus on the bias-for-action element of frames.

Thus the third step of the analysis was to systematically construct and describe the structure and content of the frames. In the analysis I focused on four types of frames: conflict frames, conflict management frames, organisational identity frames, and characterisation frames. In order to identify them, the following questions were asked in the case of each interview:

- What is the conflict about?
- Who are the key opposing parties in the conflict?
- Who is the “we” in these conflicts?
- Who are “they” in these conflicts?
- How should these conflicts be addressed? What would be the way forward?
- What would be a good solution to this conflict? Why?

These questions formed the main categories (Hirsjärvi & Hurme 2000, 48) of the frame analysis. The answers to them came in many forms. Typically they were interpretations and reflections on what the past events were about, and why they happened the way they did. Based on the answers of the informants, and on the written data, I formulated subcategories for each of the main questions listed above and indicated for each statement in which interview or written material it could be found in. The purpose of combining research questions and main categories derived from theory, with subcategories from the empirical material, was to secure sensitivity to the material while maintaining theoretical relevance (Dey 1993, 96).

Rather than looking for specific key words or other linguistic units, my analysis was based on looking for broader “storylines about what is to be comprehended” (Fisher 1997). As both Fisher (1997) and Nieminen (1994) maintain, frames are not necessarily literally outlined in the text. Rather, to mention some elements is to recall the whole set. Like Nieminen (1994), I differentiated in the analysis the frames from individual interpretations of an event based on that frame. For instance, a statement “there are other user groups we need to think of” is not a frame but an interpretation produced by a frame (balancing of local interests -frame).

Having gone through all the interviews once and having created new sub-categories along the way, I went through the material again with all the sub-categories in mind, and completed the analyses by putting it in the form of a table. The connection between the raw data and the table was made by indicating either the page in the written material where

the argument supporting the category could be found, or, in the case of the interviews by sorting the material out based on the categories with the help of Atlas.ti software for qualitative analysis. In the end, by looking at the categories derived from the material, it was possible to define different types of conflict frames, identity frames, characterisation frames and conflict management frames. When writing the analysis I returned to the original data, in addition to referring to the summaries produced in table format or in Atlas.ti.

I then approached the bias-for-action component of framing in a similar fashion to Peuhkuri (2004) and Lewicki et al. (2003), by analysing how the frames support certain courses of action over others (step 4). Nieminen (1994) calls this the “politics of framing”. This step of the analysis functioned also as a test on the accuracy of the previous stage. Johnston (1995, 235 in Fisher 1997) maintains that

“The final test of whether a [...] frame has been correctly described is if these reconstructions help the analyst to understand why individual participants and social movement organisations act the way they do.”

Schön & Rein (1994, 34) identify a number of methodological challenges related to the fact that it may be difficult to tell what frame really underlies an institutional actor’s policy position:

- The rhetorical frames the actors use may be different from the frames implicit in their actions
- The same course of action may be consistent with quite different policy frames
- The same frames may lead to different courses of action
- The meaning of a policy made at the central governmental level may be transformed at the local levels at the stage of policy implementation
- It may be difficult to distinguish between conflicts within a frame and conflicts that cut across frames
- It may be difficult to distinguish between real and potential shifts of frame

According to Schön & Rein (1994, 36) these challenges may be overcome by “carefully nuanced observations and analyses of the processes by which policy utterances and actions evolve over time and at different levels of policy-making.” They maintain that any given construction of a frame can be tested against relevant data – for example, the texts of policy debates or the routines of policy-making process (Schön & Rein 1994, 36).

I have attempted to follow this advice by looking at the frames at different levels of the state forest administration, by analysing the practices, and by covering a time period of several years through the written material in both case studies. Nonetheless, there is an inherent theoretical difficulty with frame analysis, namely that frames must be constructed by someone. Those who construct frames do not do so from positions of unassailable frame-neutrality (Schön & Rein 1994, 36). I have tried to address this unavoidable challenge by outlining my method as openly as possible and by openly reflecting on my position as a researcher (see Chapter 7.5).

## 7.4 Institutional analysis

It is hard to imagine the analysis of structural factors in conflict management without consideration of the law. Legislation, as a relatively permanent and formal system of rules, is a fundamental part of social structure (Laitinen 2002, 13). As Cotterrell (1992, 5) formulates it, “Law is a practical craft of systematic control of social relations and institutions.” Not surprisingly, traditional institutionalists primarily used legal analysis in looking at the formal rules in the society (Lowndes 2002, 92–94). By using institutional theory to broaden the analysis and understanding of conflict management I have attempted to contribute to bridge-building between research on environmental conflicts and the (socio-legal research on) environmental law, something that I consider can benefit both approaches. The data and analysis in the study includes three levels of institutions: constitutional level (Finnish Constitution), collective-choice (legislation regarding decision-making on state forests), and operational levels (written guidelines for planning or forest management).

A sociological or neoinstitutional perspective on law seeks to interpret the knowledge of law in a wider social context than what the traditional legal-dogmatic approach does. It looks at the interaction between legal development and the more general social changes. It tries to understand law as interacting in complex ways with the social environment it seeks to regulate. (Cotterrell 1992, 5–6.) In contrast to traditional legal analysis, in socio-legal analysis of institutions “social imagination” plays an important part in finding the interpretation of the legal phenomena. The critical attention is directed to both the legal system, as well as the social system at large. The study on the implementation of the law requires empirical analysis, in addition to the analysis of the written law itself. Due to the broader focus and multi-disciplinary nature of the analysis, the audience of socio-legal research is broader than that of legal studies in general. In addition to, or instead of the parliament, courts, lawyers and legal research community, the audience consists of policy actors at large. (Laitinen 2002, 9–14.)

In this study, my theoretical framework lead me to pay attention to the role of informal institutions, as well as frames, in determining how the operative law is interpreted and what changes in the legal system are considered necessary or unnecessary. The data and the analysis consisted of two types. The interviews conducted in the state administration provided information on the perceptions and informal norms guiding the forest administration, both in its practices and its ways of interpreting the formal-legal institutions. Sources of law provided the judicial material for an analysis of how the legal regulation supports or constrains the conflict management efforts of the state forest administration (Husa & Pohjalainen 2002, 15–16).

From the point of view of how state forests are governed in Finland (Chapter 2.7), the legal analysis provided a way of including the highest national decision-making body (the Parliament) into the analysis. The will of the Parliament is manifested in the legislation and the related legislative history. According to Määttä (2002, 158), one of the problems in the study of environmental policy instruments (e.g. collaborative planning as a tool for conflict management) in Finland so far has been the lack of understanding of the legal framework of regulation. I hope to have addressed this problem in the case of state forestry planning.

In analysing the formal institutions (step 5 in Figure 10), I applied the concepts and principles of judicial inquiry. For instance, the order of priority of sources of law was respected. The analysis was guided by the idea that coherence within the (environmental) legal system is desirable. This means that forestry and its regulation were analysed in

the broader context of environmental and land use regulation and the coherence/lack of coherence between regulation of state forestry and regulation of other land uses was considered relevant.

Another element of the socio-legal/institutional analysis was to look at how the legal framework was actually interpreted by the state forest administration and what role it played in their justifications for their actions (step 6). This, as well as the identification of the informal institutions (step 7), was based on the interviews and on the written planning and policy documents. In combination, steps 5–7 provided answers to the institutional analysis, namely, to what extent the goals and justifications for decisions were based on the formal institutions, and to what extent they included factors and issues not found in the formal regulation.

## 7.5 My position as a researcher

Traditionally, and in particular in the natural sciences, the preferred role of the researcher has been that of an outside observer. It has been seen as the most credible way of guaranteeing the ‘objectivity’ of the analysis – something that is considered not only possible but also necessary for scientific research (e.g. Crotty 1998; Palviainen 2001). Although the concept of objectivity of knowledge and research has long been challenged in the social sciences and replaced by a more constructionist understanding, the norm for the role of the researcher in relation to the research object is still often expected to be that of an outside observer. Alternative research strategies are often considered the ‘other’ compared to the norm of objective observer.

The most developed and well known ‘other’ are the various research strategies developed under the umbrella concept of action research (e.g. Kuula 1999; Babbie 1992). Common to these approaches is a practical orientation, promotion of change and the inclusion of the people/organisations under study in the research process (Kuula 1999, 10). The researcher becomes part of the object of the study and the activities of the researcher are as much at the focus of the analysis and critical scrutiny as the rest of the study object. In action research literature, it seems to be common to assume that the order of events is such that a researcher becomes an actor, a member of the community under study. The researcher makes conscious ‘interventions’ in the processes or organisation under study and analyses the consequences of these interventions. (Kuula 1999; Palviainen 2001.)

Less literature exists on a third type of role of the researcher, which falls in between these two main approaches. The researcher can be an actor in, for instance, another organisation interacting with the one under study. In addition to the effect this role as an actor has on the issue under study, it is also likely to affect the way the researcher is perceived, as well as the type of analysis the researcher makes of the research object. My background and role could be described as being of this third kind.

I have not at any point worked for the administration that I study in this thesis (Metsähallitus, Ministry of Agriculture and Forestry, Ministry of the Environment). I am an outsider to the administration on state forests, but not to the issue of forest conflicts. Instead, my entry point to the forest issues in Finland could be described as a representative of one of those groups that have challenged the state forest administration.

Soon after I started my graduate studies in environmental science and policy at the University of Helsinki in 1992, I also became active in the Finnish environmental movement by engaging in the forest conservation issues. Between 1994 and 1998, I was an active member of Nature League Forest Group, a group of forest activists that campaigned for the protection of old-growth forests in Finland. Since most, if not all, of

these forests are situated in state forests, the campaigns primarily targeted forests managed by Metsähallitus. As part of the campaigns, direct action on Metsähallitus logging sites also took place. In 1996, I was involved in such actions in East Finland on one occasion. In 1998 I was condemned, together with 5 others, to fines and compensations for stopping logging machines by entering within their safety zone, and for spraying timber with an 'old-growth' logo. We paid the fines and compensations. However, most of my time as a forest activist I spent on markets campaigns, meeting with the representatives of the major European publishing houses, such as Springer and BBC Magazines, and networking with ENGOs internationally.

Despite my withdrawal from active campaign work in ENGOs in 1998, my contacts within them remained. In 1998–1999, I was a member of the board in Nature League. In 1998–2003, I was a board member in Finnish Association for Nature Conservation (FANC), and in 1999–2005 also a member of its Forest Committee, which is responsible for developing the forest-related strategies of the organisation. From 2000 onwards, I have participated in the International Reference Group of Taiga Rescue Network (TRN), an international network of environmental NGOs and indigenous peoples' organisations (IPOs). Throughout my time as a post-graduate student I have also subscribed to internal e-mail lists of forest activists in different NGOs nationally and internationally, where I have been able to follow and to participate in the discussions.

My background as an activist was the biggest motivating factor, but also the biggest challenge, when I began my Master's thesis on Metsähallitus' participatory planning (Raitio 2000; 2001). In order to gain some distance to my role as an activist, I withdrew from all active forest campaign work in 1998, and have not returned since. Furthermore, in my Master's thesis I was transparent about my background, in order to allow the reader to assess the extent of bias in my analysis. I chose North Lapland as the focus on my Master's thesis partly because it was one of the areas with state-owned land where I had no prior history of forest activism.

At the beginning of my research career, in 2001–2003, I was also involved in an EU-funded research project on sustainable reindeer herding coordinated by the University of Lapland (RENMAN). The purpose of the project was to promote participatory institutions for reindeer herding, in other words, to improve the herders' position vis-à-vis important policy decision-makers, including MAF, MOE, and Metsähallitus (Hukkinen et al. 2002; 2003a; 2003b; Heikkinen et al. 2003). Due to both my Master's thesis and the RENMAN project, I became acquainted and made friends with several reindeer herders, some of whom also became my colleagues in RENMAN.

At the time, several of the reindeer herding co-operatives in Inari were mobilising in jointly formulating their position regarding state forestry in the area. They had also begun working more closely with the ENGOs by, for instance, jointly inviting international media to witness the logging of disputed forests. I provided the interested RHCs with knowledge and summary papers on the legal status of reindeer herding in Finland, as well as of the existing research on the impacts of forestry on reindeer herding. I also met some of the journalists to inform them of the results of my research. On some occasions I participated in negotiations between Metsähallitus and reindeer herding co-operatives as an observer, on the invitation of the co-operatives.

Due to the prior experience with the Master's thesis, I defined the following major challenges in my PhD:



- The effect of my background on the quality of the research: Will I be able to undertake good quality research on this topic? Will there be a loyalty issue with the ENGOs and reindeer herding co-operatives that will prevent me from saying certain things?
- Research ethics: How to ensure that the commitment to confidentiality regarding the research data is not breached? Also, how not to act so as to escalate the conflicts?
- Credibility as a researcher in the eyes of the administration on state forests: How would my background affect the collection of the data (interviews)?

My strategies have been multiple in dealing with these challenges. I have not been directly involved in the ENGOs campaign work in forest-related issues in an activist capacity. In my contacts with ENGO or with reindeer herding co-operatives regarding forest issues I have been careful to define my role as a researcher. In the discussions with ENGOs and/or co-operatives, my contribution has included structuring them, i.e. pointing out what kind of issues ENGOs/RHCs need to have a position on when they aim to enter negotiations with Metsähallitus or other representatives of the State. I have also discussed my role with activists and herders. During the years, both ENGOs and herders have themselves started to exclude me from strategic discussions and contacted me only to consult me in my capacity as a researcher.

I also maintain that my choice to focus the study on the administration and to conduct interviews only in Metsähallitus and ministries has in fact contributed to balancing the bias. Researchers tend to develop sympathies toward their object of study. Indeed, it has sometimes been pointed out that researchers need to watch out in order not to be “co-opted” by the interviewees in developing their interpretation of the phenomenon. While it is important to seek to understand the phenomenon from the perspective of the informants, the analysis needs to be made independently by the researcher. Particularly during the intense phases of reading and processing the data, I have clearly noticed that I have become very understanding of the people in the organisation(s) I study. In fact, I think there are grounds to say that without my background and contacts in the ENGOs and herding communities, the chosen focus and data for the study would have caused a considerable risk for bias in my analysis.

Confidentiality of the research data is particularly important in the case of interviews, because interviews are based on the trust that the identity of the interviewees as well as some of the information they share in the interviews are kept confidential. Confidentiality is also related to the contribution of the researcher in escalating or alternatively settling a dispute. Surely, if I as a researcher was to reveal sensitive confidential information to other parties in the conflict, it would be more likely to escalate the conflicts than to contribute to the settlement. Therefore I have found it very important that I throughout the research process have only given out information that either already has been or will be made public in oral or written presentations. Throughout the research process, I have never revealed the names of my interviewees to anyone, although I was asked to do so on several occasions. Not even my supervisors were provided with the list of the interviewees. At times, however, the interviewees chose to reveal themselves to their colleagues by introducing me to them in a coffee table, or by telling each other I was coming and coordinating the interview times.

The impact of my role as an activist on the interviews is probably the most difficult effect to assess. It feels fair to expect that those people aware of my background would be affected by that information. I have been open about my background as an activist,

throughout the process, whenever the issue has been raised. However, I did not actively tell about my background to the interviewees as a part of introducing myself. I know that most of them are aware of it, but some possibly are not. My impression during the interviews was that the interviewees were being very direct, honest and self-critical and did not withhold information from me. Nonetheless, the influence of my background on the data remains an unanswered question.

Together with my supervisors I also initiated, at the beginning of the study, the establishment of an Advisory Group for this research process with Metsähallitus representatives. Metsähallitus chose three representatives to the group (all of whom were from the Forestry Division), which was complemented by a representative from the Ministry of Agriculture and Forestry. The role of the Group has been to act as an additional reference point within the administration. The Group has commented on the research plan, proposed people to be interviewed (the final choices were confidential), commented on the interview themes and commented on drafts of articles. In addition, the Group has received updates on the progress of the research. After the first gathering of the group in a meeting, communication has occurred primarily via email.

Having said all this, it should be noted that the issue of subjectivity is always present in qualitative research in particular, whether or not the researcher has such an obviously challenging background as I. As Kvale (1997) points out, in qualitative research the researcher is him/herself one of the most important tools for the research. Transparency requires the description of this tool. The process of describing and analysing one's own role as a researcher also functions as a mechanism that forces the researcher to critically assess the choices made during the research process. It makes sure that the researcher does not forget the role (s)he plays throughout the research process. My research strategy has been based on this perception that "objectivity" is achieved by acknowledging, exposing and addressing subjectivity. The description and analysis of my roles as a researcher and an activist is an important part of that strategy and of my thesis. It has not only forced me to look systematically at the issue and to address it throughout the research process, but also provides the audience with the opportunity to assess the affect of my bias and the success of my efforts to take it into account.

PART IV:  
EMPIRICAL ANALYSIS



# 8 CONSERVATION VERSUS EMPLOYMENT IN THE FOREST PERIPHERY OF KAINUU

## 8.1 Identifying key events and practices

Before the 1980s, the Finnish network of protected areas had not been assessed from the perspective of forest biodiversity conservation. In the late 1980s and early 1990s several studies on the endangered flora and fauna were carried out, which revealed deficiencies in the conservation of species dependent on decaying wood and other forest features found mostly in old-growth forests. (Komiteamietintö 1991:30; Ruhkanen et al. 1991; 1992; Vanhojen metsien...1996, 20.) The environmental movement was quick to highlight these results as a part of its demands to increase the amount of protected old-growth forests. Around the turn of the decade, forest activists loosely organised under some of the major ENGOs took direct action for the first time against planned logging of state-owned old-growth forests. In particular, the confrontations in two old-growth forests in Kainuu, Talaskangas (1988–1989) and Porkkasalo (1992), were significant for the emergence of a new conservation policy regarding forests, as well as of a more consolidated forest movement in Finland. These actions resulted in the formation of the Forest Group of Finnish Nature League, a group of forest activists who would play a significant role in the old-growth forest politics. (Heimonen & Kaaro 1999; Roiko-Jokela 2003).

International high-level political events such as the UN Conference on Environment and Development in Rio de Janeiro in 1992, and the second Ministerial Conference on the Protection of Forests in Europe in Helsinki in 1993, were also contributing factors to the initiation of several political and administrative processes aimed at addressing biodiversity conservation, primarily directed at state-owned forests.

The following chapter includes an overview of the most important processes that were consequential for state forests in Kainuu. Because the processes overlapped both temporarily and spatially, the events are not always described in a chronological order, and some repetition is unavoidable. The purpose of this chapter is to address the research question 4 on the part of Kainuu case study.

*Research question 4:* What are the practices of the state forest administration in the case study disputes regarding (a) planning and decision-making processes (b) forest management practices in the disputed areas?

I have divided the events around the old-growth forest debate in Kainuu into three stages. The first period consists of the political process that saw the drafting of the protection programmes for old-growth forests (1991–1996) in southern and northern Finland, initiated by the events mentioned above. This was the first time forest biodiversity and old-growth forests stood at the centre of a protection programme in Finland, and the decisions made in these processes were significant for Kainuu. The second period concerns the struggle with the unresolved issues in the new forest planning processes. During this period (1995–2004), Metsähallitus initiated new planning tools for addressing the biodiversity conservation issue in managed forests, as well as for taking better account of the perspectives of the concerned stakeholder groups – both those for and against further protection. I call this a struggle, because despite the many efforts, the conflicts

around old-growth forests did not fade away or find resolution during these processes. In contrast, the international markets campaigns of the ENGOs intensified and forced the state forest administration to look for new ways forward. What followed was an ad hoc Dialogue Process between Metsähallitus and ENGOs to find closure to the old-growth forest dispute (2002–2006). This is where the analysis presented here ends, but it is more than likely that the forest debate in Kainuu will continue.

### *8.1.1 Old-Growth Forest Protection Programmes for Southern and Northern Finland*

The first political process to address the old-growth forest issue started in 1991, when the Ministry of the Environment nominated a national Working Group on the Protection of Old-Growth Forests (in the following, the Working Group). It was given the task to determine the amount of valuable unprotected old-growth forests in Southern Finland and to draft a proposal for their protection. The Working Group consisted of the representatives of the Ministry of Environment (MOE), Ministry of Agriculture and Forestry (MAF), regional environmental authorities, The Central Union of Agricultural Producers and Forest Owners (MTK), Finnish Association for Nature Conservation (FANC), WWF Finland, Metsähallitus, Finnish Forest Industries Federation, University of Helsinki, and the Forestry Development Centre Tapio (Vanhojen metsien...1992, 5).

Metsähallitus and the environmental authorities had carried out inventories of the potentially valuable forests already since 1989. During the drafting of the protection programme forest activists also made voluntary inventories and delivered the results to the authorities. (Vanhojen metsien...1992, 9.) Most of the remaining valuable old-growth forests were situated on state land in Kainuu and south of it in the Province of Northern Karelia. Altogether 300 km<sup>2</sup> of forest were protected in Southern Finland, of which 186 km<sup>2</sup> on state land. Of these, 63 km<sup>2</sup> was situated in southern parts of Kainuu. The Working Group emphasised that the effect of the proposal should be taken fully account in reducing harvest plans and production targets of Metsähallitus as set by the Parliament. (Vanhojen metsien...1992, 11.)

In 1993, MOE extended the task of the Working Group to include a similar proposal for Northern Finland. The Ministry of Agriculture and Forestry (which was still solely responsible for the owner control of Metsähallitus) gave the Natural Heritage Services the task to conduct an inventory of all naturally occurring old-growth forests on state land in Northern Finland. All of Kainuu was included in the inventory area.

The old-growth forest inventories for Southern and Northern Finland were the first major task of Metsähallitus Natural Heritage Services (NHS) since its establishment in 1992. NHS carried out the inventories in Southern Finland on its own, whereas the Forestry Division was integrated into the process for Northern Finland. The fieldwork was in part done together and the maps were shared. NHS also hired a number of forest activists to carry out the inventories, because they were among the most knowledgeable people in Finland at the time regarding old-growth forests. The decision to hire activists, who had been condemned to fines for the obstruction of logging in state forests, was not received well by everyone in the Forestry Division. These activists had formed a Forest Group under the ENGO Nature League (Luonto-Liitto) and working for NHS provided the group with direct access to the inventory material that was essential for its campaign work.

Once the inventories had been carried out, the data was reviewed and classified by Metsähallitus on the basis of ecological criteria developed by the national Working

Group and Metsähallitus. By autumn 1995, the sites had been classified by regional NHS and the Forestry Divisions into three categories: (1) those sites they agreed fulfilled the conservation criteria, (2) those sites they agreed did not fulfil the criteria and (3) those sites NHS and the Forestry Division disagreed upon. This data was then given to the national Working Group for decision-making. (Vanhojen metsien...1996, 15, 24–25.)

The Working Group divided the inventoried areas into three groups:

- a) Areas proposed for statutory protection;
- b) Areas that, due to their “lesser ecological value, location, small size or fragmentation” were considered better suited for preserving under “landscape ecological planning” that Metsähallitus had recently begun to develop; and
- c) Areas excluded from the inventories due to their lesser value. These areas were, however, also to remain “within the sphere of landscape ecological planning”. (Vanhojen metsien...1996, 17.)

Because the conservation program was likely to have major ecological and economic consequences, and hence the political stakes were high, the Council of State (Government) wanted to steer the process while the Working Group was still sitting. In December 1995, it took a decision-in-principle according to which a maximum of 1000 km<sup>2</sup> of previously unprotected productive forest land could be placed under protection.

Forest activists in Nature League were concerned about the turn the process was taking, and feared that a major proportion of the valuable old-growth forests might be excluded from the protection program. They were upset that logging was continuing in the potential inventory sites while the inventories and the political process were going on, thus making it a race against time. To increase the political pressure to protect the contested forests, Nature League participated in the fall of 1995 in a joint “Taiga Terminators” markets campaign of European ENGOS. The campaign, coordinated by Taiga Rescue Network (TRN), an international network of ENGOS and Indigenous Peoples’ Organisations for the protection and sustainable use of boreal forests<sup>52</sup>, aimed at pressuring Central European publishing houses, such as Springer Verlag and BBC magazines, to adopt old-growth free purchasing policies for the paper they were buying from the Nordic countries. Greenpeace Germany, Robin Wood, Friends of the Earth (FOE) Netherlands as well as FOE England, Wales and Northern Ireland participated in the campaign that targeted the Nordic paper giants such as Stora Enso, UPM Kymmene, Norske Skog and SCA.

Municipalities and Regional Councils affected by the protection plans were equally worried, but for opposite reasons. They were concerned for the consequences forest protection would have on the wood procurement of the forest industry and on the employment of people in these forestry-dependent regions. The Regional Councils<sup>53</sup> of Kainuu and Northern Ostrobothnia commissioned, together with Metsähallitus, a study from Jaakko Pöyry Consulting on the estimated socio-economic impacts of the proposed protection programs. The first report, published in spring 1995, estimated that up to 4000 jobs could be lost due to increased forest protection (Jaakko Pöyry Consulting 1996). The Managing Director of Metsähallitus, Pentti Takala, explained that the commissioners of the report wanted to inform the decision-makers of the national economic consequences of forest protection (Helsingin Sanomat 6.5.1995). The report received strong critique from some academic institutions and from ENGOS (VATT press release 21.6.2005; Niskanen & Ollikainen 1996, Eisto 1997, 130). Even Jaakko Pöyry Consulting admitted

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<sup>52</sup> See [www.taigarecue.org](http://www.taigarecue.org) for more information on TRN.

<sup>53</sup> Regional Councils consist of the municipalities of a Province.



serious flaws in the assumptions and conclusions of the report (Niskasaari 1995), but they did not effect the opposition to protection that was increasing in the leadership of the affected municipalities and counties.

When the Working Group finally delivered its proposal in the summer of 1996, it increased the amount of protected productive forestland in the area it covered from 2.4 % to 5.6 % One third of the new protected areas were situated in Kainuu, where the amount of protected productive forestland increased to 4.4 – 6.3 % of the total forest area, depending on the vegetation zone. (Vanhojen metsien...1996, 62.) The 1000 km<sup>2</sup> of the new conservation areas were divided into two categories: 630 km<sup>2</sup> were proposed to be established as permanent forest reserves, whereas the ecological values of the remaining 360 km<sup>2</sup> would be preserved “as a part of landscape ecology plan in the normal course of their commercial use”. The most valuable parts of those sites should, according to the Working Group, remain unlogged. (Vanhojen metsien...1996, 17–18, 58.) The Working Group pointed out that some of the areas designated to landscape ecological planning included some fairly uniform and large sites that were, however, too small to be established as statutory protected areas. These included sites such as Kukkuri and Malahvia in Kainuu, which the Working Group recommended to be permanently protected later on. (Vanhojen metsien...1996, 57.)

The two environmental organisations represented in the Working Group, FANC and WWF Finland, expressed their joint Dissenting Opinion to the report of the Working Group. They criticised the decision to give landscape ecological planning such a major role in the proposal, despite the fact that the planning tool was in its early stages of development and there was no knowledge of its effectiveness in conserving the ecological values of the old-growth forests. They proposed a logging moratorium of 10–20 years on these sites, until the research and development of the method had been sufficiently carried out by experts. (Vanhojen metsien...1996, 77.) The proposal was not implemented.

Instead, a separate working group was established to design compensatory measures regarding employment in the areas affected by the protection program. This working group proposed that Metsähallitus would increase logging in the remaining commercial forests in Kainuu by 10 % for the coming 20 years. Another proposal was that Metsähallitus could release some areas it had voluntarily set aside from timber production in Northern Finland back to use, including so-called high-elevation forests. The working group also suggested that Metsähallitus would refrain from replacing any loggers with harvesters in areas where the need to mitigate job losses was highest (Pohjois-Suomen...1996, 23–25).

### *8.1.2 Struggling with the unresolved issues in new forest planning processes*

The protection programs left a number of issues unresolved, including the future of the areas excluded from the programs and the ones to be protected through landscape ecological planning. The development of Landscape Ecological Planning was a part of a larger reform of Metsähallitus' planning system in the mid-1990s. As a whole, the new system consisted of three spatial scales and stages: strategic level planning on regional scale to define the scope and volume of different forest uses (Natural Resource Plans, NRP); Landscape Ecological Planning (LEP) for more detailed consideration for conservation values, game management and recreation; and conventional Operational planning of individual forest management sites. The aim was that any further consideration of biodiversity conservation could be done in conjunction with NRP and LEP processes.

An important part of launching the new system in 1995 was the introduction of public participation to all planning activities. By interacting closely with regional and

local stakeholders on issues related to forestry planning, nature conservation and other land uses, Metsähallitus wanted to ensure that it heard the views of all stakeholders. This would both function as a way of acquiring information, but also as a means for addressing and preventing potential conflicts. (Loikkanen et al 1999; Wallenius 2001.) The "participatory approach of Finnish Forest and Park Service" is described in the following way in the Guide Book on Participatory Approach to Natural Resource Management (Loikkanen et al.1999, 5):

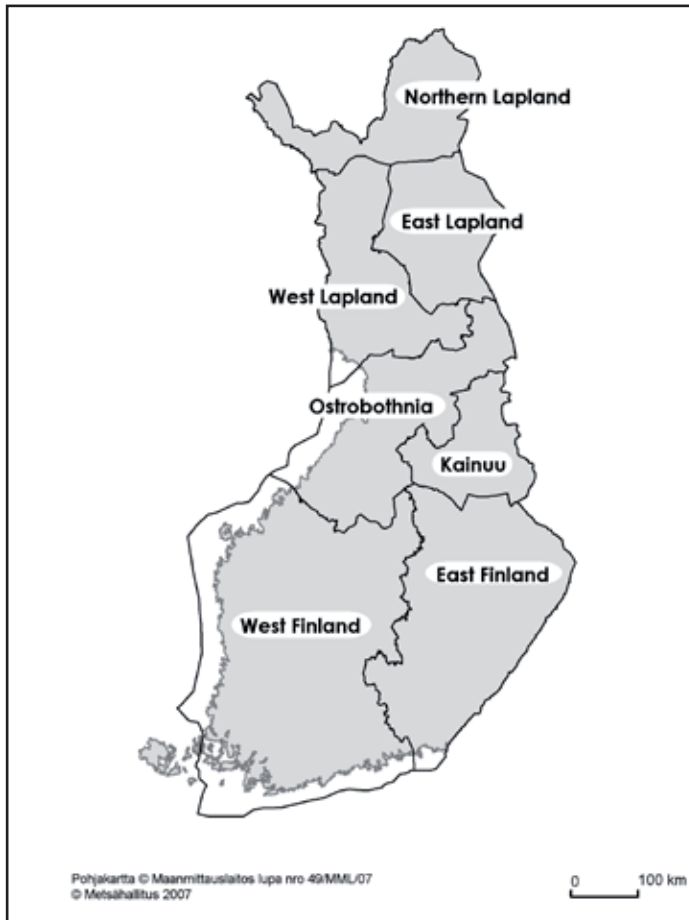
"The FPS pursues an open, interactive and people oriented everyday management and planning philosophy. In the FPS participatory management include informing, gathering value based and geographic input, talking with the stakeholders and the public and giving them feedback. Negotiating or even seeking consensus might well come into question. The aim is to improve the working relationships with all those stakeholder groups and citizens interested in the FPS's activities and the management of the State lands. An effort is made to determine at an early stage – when activities are being planned – the different interest groups and their expectations and knowledge related to natural resources being planned. All public input is documented and taken into account. Through participatory management, the FPS will take care of common property in a broadly accepted way while implementing the objectives set by the parliament. [...] Public participation has been voluntarily initiated by the FPS; the agency is not obliged to apply it though legislation."

In the following, I will describe the different planning processes that took place in Kainuu, as well as the different ways the environmental movement and other actors have responded to them.

### *Natural Resource Planning I*

In Natural Resource Planning (NRP) state lands across the country were divided into 7 regions, which correspond to the regions of the Forestry Division's organisation (Map 6). Kainuu was chosen as the pilot area, and the planning began in Spring 1995, while the old-growth forest protection process was still on-going. (Hiltunen 1998.) The central task in NRP was to choose a strategy for the management of the different natural resources for the coming 10 years, most of all for the forests. For this purpose, Metsähallitus formulated four strategic alternatives (scenarios). By comparing the impacts of the alternatives from different perspectives, the process aimed at finding a strategy that would best balance the ecological, social and economic aspects of natural resource use. Working groups with representatives from 60 different stakeholder groups were formed on regional and local levels to discuss the alternatives. Citizens were asked for their input, and altogether 600 people presented 1600 statements to the process.(Hiltunen 1998, 8–9.)

The four alternative scenarios were Business as usual (BAU), enhanced nature conservation (Conservation), enhanced recreation (Recreation) and enhanced business (Business). They were analysed based on the criteria and indicators developed in the Ministerial Conference on the Protection of Forests in Europe in Helsinki in 1993 (Table 6.). The alternatives differed significantly in their impacts on the desired goals. For instance, the net income for the State was three times higher in the Business scenario than in the Conservation scenario. The Conservation scenario would mean considerable decrease in timber production and vice versa; the conservation goals could not be achieved unless the amount of protected areas was increased. (Hiltunen 1998, 46–50.)



Map 6. Metsähallitus' Natural Resource Planning areas

Once the impacts of the alternative scenarios were known, a numeric decision analysis method called Interactive Decision Analysis (IDA) was used to provide comprehensive decision support for integrating the preferences of the different actors into the decision-making. In IDA, different parties chose how much weight they would give to the economic, recreational, nature conservation and socio-economic goals, respectively. The parties themselves were also given weights in relation to one another. Metsähallitus had the weight of 50 %, the Regional Working Group 25 %, Local Working Groups 12.5 % and public input 12.5 %. Based on the weights given by and to the different groups, the analysis produced a “total utility function”, which set the alternatives in an order of preference. According to IDA, the best option was the Business scenario, with BAU ranking second, Recreation as third and Conservation as the last one. (Hiltunen 1998, 51–53, on IDA see Pykäläinen 1997; Pykäläinen & Loikkanen 1997; Pykäläinen et al. 1999.)

However, as the old-growth forest protection process was going on at the same time, Metsähallitus considered it best to wait for the results of that process before adopting any

**Table 6.** The criteria used in the Kainuu NRP to assess the economic, ecological, recreational and socio-economic impacts of the alternative scenarios

GOAL	INDICATOR
Economic goals	The area of forest available for timber production
	Net income
	Forest balance
Recreation goals	Area of important recreation areas
	Recreation index
	Quality of watersheds
Nature conservation goals	Area of conservation areas
	Multiple use areas(combined forestry and conservation)
	Changes in the amount of forests aged over 140 years.
	Changes in the amount of dead wood
	Changes in the amount of broadleaved trees
Socio-economic goals	Direct and indirect employment provided by Metsähallitus
	Metsähallitus turnover in Kainuu

of the scenarios for the Natural Resource Plan. (Hiltunen 1998, 26.) When the decision on the Protection Programme for Old-Growth Forests in Northern Finland came, it meant an increase of protected forestland by 450 km<sup>2</sup> in Kainuu, of which 240 km<sup>2</sup> in forests planned for commercial use. This was a significant deviation from the Business As Usual scenario, and more than had been expected in any of the scenarios for NRP. Instead of implementing any of the scenarios, the harvest levels and other goals were adjusted according to the Protection Programme. Timber harvest levels were estimated to decrease by 20 % for 1997–2006 in comparison to the previous decade (Pohjois-Suomen... 1996, 24). Since the Protection Programme included a decision to protect some of the areas in Landscape Ecological Planning, an additional maximum of 140 km<sup>2</sup> was reserved in the NRP for set aside areas for conservation within commercial forestry. (Hiltunen 1998, 54–57.)

#### *Landscape Ecological Planning*

Metsähallitus started developing Landscape Ecological Planning (LEP) for commercial forests already in 1994, in co-operation with the Finnish Environment Institute, in order to improve biodiversity conservation. The goal of the planning was to protect and maintain viable populations of the species naturally occurring in the planning area over the long

term. Old-growth forests, and other valuable habitats, were to be protected either as set aside areas, or as ecological corridors and steppingstones that would connect the set aside areas and existing conservation areas into each other. (Karvonen et al. 2001, 9–19.)

A special characteristic of Metsähallitus' LEP was that it was closely tied to forestry planning. Metsähallitus also included a social goal for the planning, "to ensure the preconditions for multiple use and traditional forest-based livelihoods" (Karvonen et al. 2001, 13). Metsähallitus defined local people as the key target group for participatory planning (Karvonen et al. 2001, 13).

Pilot projects began in 1996, and in 1998 Metsähallitus established a national-level Project Group to develop LEP and to provide guidelines and support to the planners in different parts of the country. In accordance with the decision by the Working Group on the Protection of Old-Growth Forests, an Expert Group was established for providing scientific expertise to the process. (Karvonen et al. 2001, 12, 37.)

The actual planning was carried out at the local level in Metsähallitus. LEP was the first joint project of the Forestry Division and Natural Heritage Services, where NHS staff were working on the forest management planning of commercial forests. The Forestry Division led the process. Kainuu was divided into 15 Landscape Ecological Plans (nationally the corresponding figures was 112 plans). The planning areas were typically between 100 and 1000 km<sup>2</sup> in size. The process consisted of goals setting, collection of data, carrying out the planning by comparing inventoried sites, drafting a plan and assessing its impacts, writing the plan and assessing it. The biggest and most expensive task was the field inventories of the valuable sites. The aim was to carry out inventories on 5-10% of each planning area. In addition to ecologically valuable areas, important game habitats were also inventoried. (Karvonen et al. 2001, 26, 37–38.)

The general public was given an opportunity to comment on the plan at the beginning and end of each process in public hearings. Organised stakeholder groups were given the opportunity to participate in Working Groups. In Kainuu, a total of 1427 individuals participated in 45 public hearings and in ten Working Group meetings. (Karvonen et al. 2001, 40.)

While difficult to define exactly, it was assessed that the ecological goals could be achieved by protecting the currently known occurrences of red-listed species, by conserving habitats and structural elements of the forests that are important for those species, and by ensuring possibilities for their dispersal (Karvonen et al. 2001, 13.) Old-growth forests were defined, in accordance with the Working Group on the Protection of Old-growth Forests, as consisting of trees 20 years above the age of regeneration, a high amount of decaying wood and having not been logged after the Second World War. (Karvonen et al. 2001, 29–31.) The planning tool was, however, still in its development phases in mid-1990s, so NHS staff in Kainuu needed to develop more concrete criteria for the valuable habitats.

Setting aside areas from forestry was not done purely on the ecological grounds. The decision-making was affected by an estimate that had been made in the Natural Resource Plan regarding the maximum amount of valuable habitats to be found and protected in LEP, 140 km<sup>2</sup> in Kainuu. Although an estimate, the representatives of NHS maintain that, in principle, the figure was used to define how many hectares of valuable set-aside habitats each LEP could contain at the most. As long as there were less than the maximum amount of hectares, it was easy to get them a status as set aside areas. But once the quota was filled, negotiations between NHS and the Forestry Division became more difficult. In the end, however, the estimate – or limit – was exceeded considerably. During the first round, the amount of set aside areas was eventually 190 km<sup>2</sup> and after another update it was in 2003 already 260 km<sup>2</sup>.

Landscape Ecological Planning did not convince the environmental movement. LEP was criticised for allowing logging on sites that the environmental movement considered to be valuable old-growth forests (Nature League press release 24.3.1998). Nature League and Greenpeace Nordic continued to organise international campaigns to influence the purchasing policies of major European publishing houses sourcing their paper from Finland. The customers of Finnish paper industry were required to adopt an old-growth-forest free purchasing policy in order to push Metsähallitus to stop old-growth forest logging, which the ENGOs claimed was still taking place. Nature League documented the disputed loggings on its website. Representatives of some of the publishers even visited the disputed forest areas.

The results of the campaign included, for example, a Dutch Declaration of Concern Regarding Old growth Forests in Finland (dated September 29, 1997)<sup>54</sup>. In their statement, six major publishing houses<sup>55</sup> noted that in the Netherlands, there was a growing concern regarding the exploitation of old growth forests in the world for the production of paper, in particular in Scandinavia, but also in Canada and Russia. They acknowledged the steps taken in Finland to preserve biodiversity so far, however they urged the Finnish Government, the forest managers, the forest industry and the forest owners, to continue their efforts. In particular, the publishing houses were concerned of the fate of the old-growth forests. They stated:

“We, the undersigned, appeal to the Finnish paper industry to take full responsibility in preserving the endangered species and to refrain from logging the forests concerned, North and South, and to stop buying timber from these areas. A voluntary moratorium is to the opinion of the undersigned needed. During the moratorium all parties involved should discuss and address the issues thoroughly, finally resulting in a united vision and approach.”

The publishing houses wanted to know how large areas the disputed old-growth forests covered. For that purpose FANC, WWF, Nature League and Birdlife Finland published in January 1998 maps identifying what they considered the most valuable unprotected old-growth forests in Northern Finland. The maps included 492 sites, among those all of the areas designated in the Old-Growth Forest Protection Programme for Northern Finland to be protected as a part of Landscape Ecological Planning (so-called ‘A-areas’ after the Finnish name of LEP, alue-ekologinen suunnittelu). They demanded that all of the A-areas should be protected in their entirety. (Nature League press release 24.3.1998)<sup>56</sup> In addition they demanded a logging moratorium on all of the mapped areas until the Landscape Ecological Plans for all state land would be finalised in 2000. ENGOs highlighted that in order to do this, the profit targets put to Metsähallitus by the Finnish Parliament and the Ministry of Agriculture and Forestry would need to be significantly reduced, and the possible adverse socio-economic impacts in Eastern and Northern Finland compensated (Näetkö metsää puilta? 1999, 6).

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<sup>54</sup> Available at <http://www.luontoliitto.fi/metsa/forest/dutchdeclaration.html> [Cited May 22, 2007]

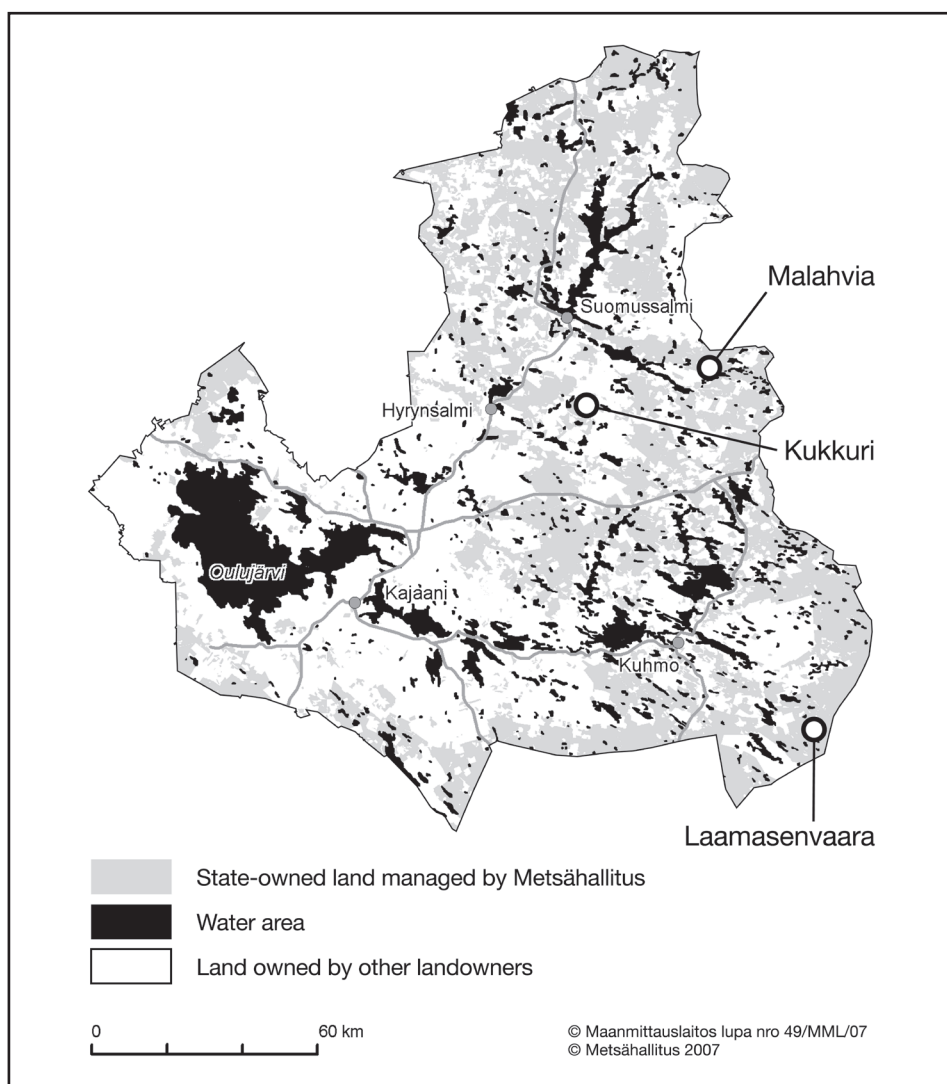
<sup>55</sup> Wegener Arcade BV, Buermann-Ubbens Papier, PCM Uitgevers NV, Roto Smeets De Boer NV, NV Holdingmaatschappij Dagblaad DE Telegraaf and VNU Dagbladengroep BV

<sup>56</sup> The mapping project is presented at Finnish Nature League's website, where also the status of the different areas was updated until 2000. <http://www.luontoliitto.fi/metsa/jarjestokartat/index.html>.



The appeals of the ENGOs and the publishing houses fell on deaf ears. Stora Enso and UPM Kymmene, the paper giants sourcing from Metsähallitus and providing the Dutch publishing houses with their paper, never pushed Metsähallitus to adopt a moratorium. Metsähallitus, at the same time, did not consider a moratorium necessary or realistic due to the adverse impacts it was estimated to have on the wood industry in Eastern Finland.

Many of the disputed areas in the ENGO maps were situated in Kainuu. Among them were the areas of Kukkurin, Malahvia, and Laamasenvaara, where open confrontations between Metsähallitus and ENGOs were to take place in 1998–2000 (Map7). All of these sites had been addressed at various stages of the old-growth forest conservation process, but remained unprotected, either partially or entirely. While other sites marked on the ENGO maps also caused conflicts during the years, the three areas dominated much of



**Map 7.** Location of Malahvia, Kukkurin and Laamasenvaara forests in Kainuu



the public debate. They gained wide attention nationally and internationally, and resulted in direct actions in the forests, and in court cases both against forest activists and harvester contractors. Furthermore, they played a significant role in the unfolding of a Dialogue Process between Metsähallitus and ENGOs in 2003. Below, the main events related to these conflicts are shortly described.

The Working Group on the Protection of Old-growth Forests had proposed in 1996 that **Malahvia**, situated in Suomussalmi municipality, be later established as a conservation area. The fairly young forests included in the area could be first managed in order to make the forest stands move uneven-aged. (Vanhojen metsien...1996, 57.) ENGOs defined the area as to encompass some 34 km<sup>2</sup> of forests, peat lands and waterways. The regional environmental authorities (Kainuun ympäristökeskus) proposed that the area be included in the Finnish Natura 2000 network. However, at the end of 1998, Metsähallitus began logging in parts of the area, because according to the finalised Landscape Ecological Plan, the sites to be harvested did not host particular ecological values (Metsähallitus press release 14.1.1999).

Environmental NGOs disagreed with Metsähallitus' judgement and protesting forest activists gathered to demonstrate in the area in January 1999. (FANC press release 4.1.1999.) Nature League announced that the local people had collected over 100 names in a petition supporting the protection of Malahvia forest (Nature League press release 5.1.1999). Some days later, Metsähallitus gave out a press release announcing that MAF, MOE and Metsähallitus had reached an agreement regarding Malahvia. Ten hectares (0.1 km<sup>2</sup>) would be logged, and the rest would wait until surveys of the ecological values would be carried out. (Metsähallitus press release 14.1.1999.) Inventory of the ecological values of the area had been required by the Working Group on the Protection of Old-growth Forests in 1996, and it was to be carried out in summer 1999 (see also Metsähallitus press release 27.5.1999).

In December the same year, WWF, FANC, Birdlife Finland, Nature League and Friends of the Earth Finland presented a proposal to the Minister of the Environment for the establishment of statutory protection area in Malahvia and in another disputed area called Jämäsvaara. In the beginning of 2000 MOE, MAF and Metsähallitus met to discuss the proposal. After the meeting Metsähallitus announced that Malahvia would be designated as a conservation area covering 22 km<sup>2</sup> (Metsähallitus press release 3.2.2000). Later Metsähallitus also proposed Malahvia to be added to the Natura 2000 network. Nature League criticised the proposal for excluding one third of what they considered to be the Malahvia area, including dozens of occurrences of red-listed species. Nature League also criticised Metsähallitus for planning restoration loggings within the protected areas. (Nature League press release 7.9.2000.)

In 1999, direct actions moved to **Kukkuri** (Hyrynsalmi municipality), where Greenpeace protested against the logging for several months. Kukkuri had been defined by the Working Group on the Protection of Old-Growth Forests in 1996 as a valuable old-growth area which, due to its small size, was better suited to be protected as a conservation area in Landscape Ecological Planning (Vanhojen metsien...1996, 57.) Metsähallitus made a Landscape Ecological Plan for the area, in which it defined 0.25 km<sup>2</sup> of the area to be set aside, and the rest to be managed so that the conservation values would be taken into account in the forestry operations (Metsähallitus press release 25.5.1999). In March 1999, Metsähallitus started logging in the areas designated for forest management, which resulted in Greenpeace activists arriving to protest in the area.

Metsähallitus argued that 70 % of the people in Hyrynsalmi municipality had signed a petition demanding Greenpeace to leave the area. According to Metsähallitus, the

local nature conservation association (Ylä-Kainuun luonto) supported these demands. Nonetheless, Metsähallitus decided to postpone the logging, carry out ecological surveys in the area, and to establish a “support group” for the inventories. The group consisted of representatives from local people, loggers, regional timber industry, all ENGOS involved in the dispute, Metsähallitus themselves, and regional environment and forestry authorities. (Metsähallitus press releases 16.6.1999; 7.7.1999.) Greenpeace ended its protest in June, but continued to follow and document the events in the area together with Nature League. Once the inventories had been carried out, the ENGOS published the results on the websites. Nature League quoted the statement of the Kainuu Regional Environment Centre, according to which

“**Summary of the value of Kukkuri for species conservation.** Regarding the species composition of tree-decaying fungi hosted by old-growth forests, Kukkuri represents top quality in Finland, also when comparing it to other carefully inventoried old-growth forest areas in Kainuu [...] According to the fungi scoring system for old-growth forests developed by Niemelä & Kotiranta the target was categorised as an extremely valuable, unique area. Kukkuri hosts large amounts of endangered and old-growth forest indicator species in almost all of the assessed parts of the area (map 1).”

Once the results of the inventories were available, Metsähallitus decided to protect 1 km<sup>2</sup> of forest, while 2.5 km<sup>2</sup> of the disputed forests were released to commercial forestry. (Metsähallitus press release 15.11.1999.)

Like the other conflict sites, also **Laamasenvaara** in Kuhmo municipality had been part of the old-growth forest inventories. In 1992, the Working Group had proposed that 1.5 km<sup>2</sup> of the area be protected by law as part of the programme (Vanhojen metsien...1992, 45). The ENGO definition of the area was much larger, some 7 km<sup>2</sup>, and this area included in the old-growth maps in 1998. At the end of the same year, Nature League also filed a complaint to the Supreme Administrative Court regarding the Finnish Proposal for areas to be included in the EU Natura 2000 Network. Nature League referred to several old-growth forest areas that should be added to the Finnish Natura 2000 network on state land, including Laamasenvaara (Valitus...19.10.1998). In January 2000, Metsähallitus started logging in the disputed area, and some weeks later forest activists from Nature League came to the area and took direct action against the logging for several days.

The usual practice of the protesting forest activists was to approach the timber harvesters and to get within their defined security zone of 50 meters. This would force the driver, according to the security regulations, to stop the machine, whereby the activists would win a time-out in the logging and increase pressure to resume negotiations with Metsähallitus about the fate of the disputed area. However, when the activists approached the timber harvester in Laamasenvaara, the harvester driver did not stop the machines. Instead, he continued to work whereby, one of the cut spruces fell on one of the activists. She managed to avoid major injuries by plunging into the harvester's wheel track in the snow.<sup>57</sup> Nature League also reported three harvester drivers assaulting three forest activists, and called the police to come and calm down the situation. (Nature League press releases 9.2.2000; 10.2.2000; 11.2.2000; 12.2.2000.) One of the men was later condemned to fines for bodily harm (Nature League press release 22.3.2001).

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<sup>57</sup> Photos of the incident are available at <http://www.luontoliitto.fi/metsa/forest/reports/00/laama0002.html> [Cited May 22, 2007]

Both Metsähallitus and the harvester contractor were charged for endangerment offence. Metsähallitus denied its part in the incident by stating that, as an independent entrepreneur, the contractor was solely responsible for the events in Laamasenvaara (Metsähallituksen valitus Itä-Suomen hovioikeudelle 23.4.2001). The Appeal Court of East Finland agreed with Metsähallitus and the activist had to cover the expenses of Metsähallitus. The contractor was condemned to fines and compensation to the activist for pain and suffering.

In all of the three cases, open confrontations between Metsähallitus and ENGOS eventually lead to additional areas being set aside from forestry, although not always at the scale the environmental NGOs had proposed. In most cases the Landscape Ecological Plans had been finalised prior to the logging and consequent direct actions, whereby the additional set aside required revision of the plans.

### *Results and Evaluation of Landscape Ecological Planning*

Once the Landscape Ecological Planning had been finalised and supplemented, 3.7 % of the state-owned productive forestland in Kainuu was permanently set aside from forestry (the corresponding national figure was 3.6 %). The forests designated to restricted use in Kainuu totalled about 10.6 % of state-owned productive forestland (nationally 5.8 %). In addition to ecologically valuable sites, these included sited important for scenery, hunting and other multiple use goals. With existing conservation areas and LEP, Metsähallitus concluded that in 2000, 15.4 % of state-owned productive forest land in Kainuu was permanently set aside from commercial forestry. (Karvonen et al. 2001, 60, 65.)

When most of the Landscape Ecological Plans in different parts of country had been finalised in 2000, Metsähallitus ordered an independent evaluation of the planning tool from Helsinki Consulting Group Ltd. In its report published in June 2001 (Niemelä et al. 2001) the evaluation group concluded that LEP was a major step forward in developing ecologically, economically and socio-culturally more sustainable forest management. LEP had been taken into practice quickly and efficiently and it was estimated to have positive impacts on the conservation of biodiversity. To further improve LEP, the evaluation group proposed that the theoretical and scientific foundation of LEP be strengthened and clarified and that the general goals of the planning should comprise of conserving the naturally occurring biodiversity in each planning area. The group also wished to see regional goals to be formulated based on the overall goals, allowing the assessment of the success of the plans in conserving the quantity and quality of the habitats. (Niemelä et al. 2001.)

The group noted that the goals Metsähallitus had set for participatory planning<sup>58</sup> were not visible in practical guidelines given for the planners. Such discrepancies between the goals and guidelines could easily cause problems in co-operation with stakeholders. The group also highlighted the lack of consistency in participatory planning and the lack of influence the participants had on the plans. The evaluators reported dissatisfaction from the participants regarding the extent to which could affect issues important to them. In particular, the participants considered the profit targets set for Metsähallitus forestry operations too constraining. The evaluation group pointed out that if the contested issues were not addressed, people would be likely to become frustrated and the acceptability

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<sup>58</sup> These were: increase the acceptability of the plans; anticipate and reduce conflicts; include different skills and data in the planning; and develop long-term co-operation with other actors (Loikkanen et al 1999).



**Picture 1.**  
Unprotected disputed  
old-growth forest  
in Suomussalmi  
municipality  
in Kainuu  
(© Greenpeace/  
Liimatainen 2007)



**Picture 2.** A harvested  
site in a disputed  
old-growth forest  
area in Suomussalmi  
municipality  
in Kainuu  
(© Greenpeace/  
Liimatainen 2007)



**Picture 3.** Direct  
action by Finnish  
Nature League at  
Laamasenvaara forest  
in Kainuu in the year  
2000. Shortly after  
the picture was taken  
the harvester fell a tree  
on one of the forest  
activists (© Nature  
League/Liimatainen)



of the plans would not be improved. The group also observed that there seemed to be confusion amongst the Metsähallitus staff as to how the obtained input should be taken into account in the planning. They suggested more systematic forms of participation with more clarity and influence to participants. In general, the group suggested that the socio-cultural aspects of forests should be given more attention in the planning. (Niemelä et al. 2001, 73–82.)

Nature League and Greenpeace took the opportunity to summarise their views on LEP at the publication event of the evaluation report. They maintained that the planning did not fulfil its own ecological goals. Instead of being applied in secondary forests, it was, according to the groups, being used to fragment valuable forest areas that should be set aside in their entirety. Thus, they claimed, LEP legitimised timber harvesting in areas that even Metsähallitus' own inventories had characterised as top quality old-growth forests. (Greenpeace press release 23.5.2001; Nature League press release 23.5.2001.)

### *Natural Resource Planning II*

Metsähallitus continued to develop its planning system based on the evaluation. Two major outcomes of the evaluation included updating the Environmental Guidelines for Forestry (the updated guidelines were published in 2004) and integrating Landscape Ecological Planning and Natural Resource Planning. Like on the first round of NRPs, Kainuu was chosen as the pilot area for developing the integrated Natural Resource Plan. (Hiltunen & Väisänen 2004, 7.)

The participatory methods were changed so that more emphasis was put on the work of the Regional Stakeholder Working Group, and less on public hearings for citizens. Instead of interactive decision support (IDA), which the stakeholders had found difficult to understand, preferences in the group were shown by voting and by “borda count” method, where the most preferred option is given the most points and the least preferred the least. Metsähallitus also presented the alternative scenarios and their impacts to the Municipal Councils in the municipalities in Kainuu and where the Councils were able to express their preferences. Finally, the statutory Metsähallitus Advisory Committee for the Province of Oulu (see Chapter 8.3.3) also expressed its preferences. In addition, an Expert Group consisting of academics was established to follow and comment on the new design of the process. (Hiltunen & Väisänen 2004.)

Similarly to the first round of NRPs, alternative strategies were formulated for state forest use in Kainuu in 2002–2011. They were:

- 1: Business as usual
- 2: Conservation network more spread out than current network
- 3: Increased nature conservation
- 4: Decreased nature conservation
- 5: Increased recreation
- 6: Increased recreation and conservation
- 7: Increased recreation decreased conservation
- 8: High conservation proposed by ENGOS

The alternatives were assessed from the perspective of nature conservation, recreation, business, and local economy. Metsähallitus gave these perspectives criteria and indicators (Table 7).

At the end of the process, the Regional Stakeholder Working Group unanimously supported the strategy called “Enhanced Recreation”. In comparison to business as usual,

**Table 7.** Criteria and indications used in assessing the alternatives in the second Natural Resource Planning in Kainuu (Hiltunen & Väisänen 2004, 32).

PERSPECTIVE	CRITERIA (INDICATOR)
Economic	Sustainable harvest level (in cubic meters)
	Net income for the state (million €)
Recreation	Area of important recreation areas aged over 80 years (hectares, % of area)
	Area of forests under 20 years (hectares, % of land)
Nature conservation	Area of conservation areas (in hectares and as % of productive forest land)
	Representativeness of the conservation network (grading)
Local economy	Direct and indirect employment provided by Metsähallitus in Kainuu (man-years)
	Metsähallitus turnover in Kainuu (million €)

it meant a slight decrease in harvest levels and in the amount of young forests, and a slight increase in forest over 80 years of age, in employment and in Metsähallitus turnover in Kainuu. Seven out of ten Municipal Councils also set the criteria into an order of preference, where all of them emphasised employment and timber procurement. The same result came from the permanent Advisory Committee in Oulu Province. (Hiltunen & Väisänen 2004, 32–34, 41–44.) Despite the more timber production oriented preferences of the municipalities and the Advisory Committee, Metsähallitus accepted the Enhanced recreation strategy preferred by the Stakeholder Working Group, and the plan was published in November 2004 (Metsähallitus press release 2.11. 2004).

### 8.1.3 Ad hoc Dialogue Process between Metsähallitus, FANC and WWF

The campaign the ENGOs had driven since the early 1990s, to protect the remaining unprotected old-growth forests in Kainuu, continued throughout the second NRP process. Since the new Natural Resource Plan did not increase the amount of protected areas, the disputes regarding old-growth forests remained unaddressed.

In 2001 and 2002, Greenpeace's markets campaign was particularly successful in Germany. In the fall of 2002, representatives of German publishing houses and of the Association of German Magazine Publishers (VDZ) visited Kainuu where they met representatives of FANC, Nature League and Greenpeace, as well as ecologists from a regional research institute Friendship Park Research Centre and from Helsinki University. The recurring visits of the publishing houses, and the consequential inquiries they made to Metsähallitus as to the causes of the endurance of the conflict, were becoming increasingly difficult to ignore. On the other hand the Greenpeace campaign was also causing fierce protests from forestry-dependent actors. A representatives of the Finnish

private forest owners (MTK) likened Greenpeace to the Nazis, while the representative of wood workers defined Greenpeace as the “al-Qaida of the forest sector” (Suomen Kuvalehti 10.1.2003 )

To deal with the increasing international attention, on December 20 2002 Metsähallitus hosted a round-table discussion between ENGOs, ministries, forest industry and their European publishing houses<sup>59</sup> on the issue of old-growth forests in Northern Finland. WWF and Finnish Association on Nature Conservation (FANC) proposed in the meeting that a working group should be established to supplement the 1996 Protection Programme. The German publishing houses said that receiving wood from the disputed areas was a problem and that any solution to the issue would need to include the support of WWF and Greenpeace. Without them, the policies would not have credibility in the international markets.

Despite of these statements, Metsähallitus’ Managing Director Jan Heino commented publicly that the status of forest conservation in Northern Finland was rather good and that the focus should now be on Southern Finland. He pointed out that Metsähallitus could not base its conservation policy on the demands of one stakeholder group. He was confident that the revised Natural Resource Planning – still in progress – would provide improved possibilities for reconciling the many interests. (Metsähallitus press release 20.12. 2002; Suomen Kuvalehti 10.1.2003.)

Nonetheless, in April 2003, representatives of Metsähallitus’ Forestry Division at the main office, Natural Heritage Services in Kainuu, WWF and FANC met in Metsähallitus in order to discuss the proposal put forth by WWF and FANC. It was agreed upon that a new round of negotiations between Metsähallitus, FANC and WWF would be started. The purpose of the negotiations would be to improve the status of forest conservation in Northern Finland while respecting the rights and views of other stakeholders involved in the planning of state forest use in the area. The long-term goal was to resolve and reduce conflicts related to state forests. The rules of the process were defined and agreed upon together. They included writing mutually adopted protocols, joint media strategy, sharing of data from the forest sites and postponing logging when possible on the sites under discussion. Malahvia, Laamasenvaara and Jämäsvaara were defined as the priority. After that, the negotiations would address the rest of Kainuu and then work northwards. (Minutes of the Dialogue Process 3.4.2003.)

The following process became known as the Dialogue Process. The parties met every second week. One month later, Metsähallitus, WWF and FANC were able to publish a joint press release announcing that they had reached an agreement on the protection of Malahvia and Jämäsvaara forests. Some of the disputed areas would be released to logging while others were set permanently outside commercial forestry. Both Metsähallitus and the ENGOs expressed their satisfaction for the process and the atmosphere of the negotiations. Metsähallitus anticipated that the negotiations would last until the coming fall. (Metsähallitus joint press release with WWF and FANC 14.5. 2003.)

However, the process turned out to be much longer. In June, FANC and WWF provided Metsähallitus with maps identifying 476 forest sites in Northern Finland, which they wanted to be included in the dialogue (Minutes of the Dialogue Process 24.6.2003).

In the summer, Nature League conducted inventories in the sites, collecting additional information on the endangered species, primarily polypores dependent on decaying wood. In October, MAF sent Metsähallitus a letter urging that the process be opened

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<sup>59</sup> The publishing houses that attended the meeting included Heinrich Bauer Productions KG, Burda Procurement Centre, Burda GmbH, and the national associations VDZ and VDP. In addition the Swedish furnishing giant IKEA was also present.



up for input from other stakeholders. The group agreed that proposals for protection would be formulated jointly and presented unanimously by Metsähallitus and ENGOS to the enlarged stakeholder group. (Minutes of the Dialogue Process 15.10.2003.) The stakeholder meeting was held in February 2004. Representatives of altogether 20 different stakeholders were present. The group worked throughout the year of 2004, with altogether 30 negotiations. New stakeholder meetings were held in April, September and December 2004. The December meeting took place in Kainuu. (Metsähallitus press release 16.4.2004; 28.9.2004; 17.12.2004).

The Dialogue Process had proceeded well, but ran into problems in March 2005, when another public hearing was organised in Kemijärvi, Lapland, where the northernmost pulp and paper mill in Finland has been situated. Metsähallitus presented an assessment that would exclude 455 km<sup>2</sup> of forest from commercial use in Kainuu and other parts of Northern Finland and would reduce logging by 170 000 cubic meters annually. This information caused the local timber processing industry in Eastern and Northern Finland to protest. They collected a petition opposed to any further protection of forests, which was signed by the representatives of 113 companies. They varied in size, from family businesses to firms with 260 employees. The petition stated that the undersigned wood processing entrepreneurs

“do not believe that the current on-going process to restrict the use of state-owned commercial forests will bring any benefits to the small and medium-sized wood processing industry or to the people dependent on it for their income. It has already been seen that the costs of protection are paid by the society and in particular by the local industry and population. They are not paid by the ENGOS or the customers that rely on false information and demand more protection, nor by the large companies that are being pressured, and not to any extent by the ignorant signatories who, blinded by false information, put their names on different letters and petitions.” (Minutes of the National Forest Council meeting 2/2005, Appendix 1, author’s translation)

The Minister of Agriculture and Forestry reacted immediately by stating that the Dialogue Process had exceeded the limits originally set in terms of duration and scope. He underlined the duty of Metsähallitus to consider employment and economical development in Northern Finland, and maintained that it was time to end the process. (Minutes of the National Forest Council meeting 2/2005; Rytteri 2006.) Yet nothing in the record of the subsequent meeting between ENGOS and Metsähallitus indicated that the process would end. (Minutes of the Dialogue Process 8.6.2005.)

Nonetheless, only some days later Metsähallitus made a press release announcing that its Executive Group had decided to end the Dialogue Process and to set 550 km<sup>2</sup> of productive forestland (1000 km<sup>2</sup> of forests and mires) permanently outside commercial use in Northern Finland. Half of the area had already previously been identified as set aside areas as part of Landscape Ecological Planning. According to Metsähallitus, the decision included all those sites that the parties had reached an agreement upon (two thirds of all discussed areas). In the 1996 decision to protect old-growth forests in Northern Finland, 353 km<sup>2</sup> of productive forestland had been designated to be protected as part of Landscape Ecological Planning. As a result of the Dialogue Process, the figure was now 550 km<sup>2</sup>. In Kainuu, the process increased the amount of protected productive forestland with 45 km<sup>2</sup> in comparison to the earlier decisions made in LEP.

WWF and Finnish Association for Nature Conservation expressed their disappointment over Metsähallitus' unilateral decision to end the dialogue. (Minutes of the Dialogue Process 14.6.2005.) FANC nature conservation manager commented:

“We have put a lot of time and effort in these negotiations. Together with WWF we have delivered over 10 000 verified coordinate points of habitats of Threatened and Near Threatened species to Metsähallitus. We could have reached a decision acceptable to all parties but now we have to return to the starting point: an open conflict on old-growth forests. Two years of work will be wasted” (FANC press release 13.6.2005, author's translation)

According to Metsähallitus, the dialogue would continue in the Natural Resource Planning processes in different parts of Northern Finland (Metsähallitus press release 13.6.2005.) Metsähallitus explained that during the process it had become apparent that the process would not result in the intended “forest peace” for Northern Finland, because Greenpeace had not accepted the results being achieved in the Dialogue Process. Instead, Greenpeace had continued to demand a logging moratorium for a total of 5000 km<sup>2</sup> of forest. At the same time the National Forest Council, amongst others, had highlighted the need to take into account the other affected stakeholders, such as the local sawmills. (Metsähallitus press release 14.6.2005.) Metsähallitus estimated that its supply of wood in Northern Finland would decrease by 150 000 cubic meters annually due to the Dialogue Process. This was estimated to cause a direct job loss equivalent to one year's full-time work for 70 people. (Metsähallitus press release 14.6.2005.)

Metsähallitus informed FANC and WWF it would produce maps where the selected sites would be indicated, and that the ENGOs would be given an opportunity to comment on those maps. WWF joined Metsähallitus in producing the maps, whereas FANC declined the invitation. In February 2006, WWF and Metsähallitus held a press conference announcing that an agreement had been reached to complement the 1996 decision regarding the protection of old-growth forests in Northern Finland (WWF and Metsähallitus joint press release 22.2.2006). The agreement was described by WWF as “internationally significant”. The press release concluded that

“Bearing in mind also all the previous decisions regarding old-growth forests, the negotiated agreement means that the essential ecological values of old-growth forests situated on state land within the examined area and managed by Metsähallitus have been secured.”(author's translation)

FANC and Greenpeace welcomed the agreement as a step forward in forest conservation. However, they called it a partial solution to the problem, highlighting the unresolved issues in Lapland and also to a lesser extent in Kainuu (FANC press release 22.2.2006; Greenpeace press release 22.2.2006). Both FANC and Greenpeace considered it necessary to establish statutory conservation areas of the forests included in the agreement.

The decision by Metsähallitus received criticism also from other actors, albeit for different reasons. Several members of the parliament asked the Government how it was possible that Metsähallitus made such a major decision concerning conservation on its own, and what the Government was going to do to safeguard wood procurement for the timber industry in Northern Finland. The implementation of Metsähallitus' decision also turned out to be somewhat complicated. A representative of MAF pointed out that Metsähallitus could not unilaterally move forests that were registered in its business balance sheet to protected areas. Such a decision would need to be taken by the

Parliament. (Kirjallinen kysymys 604/2005, Rytteri 2006.) The Provincial Government in Kainuu announced that it objected to any additional forest conservation in Kainuu based on agreement between Metsähallitus and ENGOs and that it opposed to any such an agreement being endorsed by the State. (Kainuun Sanomat 20.11.2007.) At the time of writing this study, the process is still underway.

In 2006 and 2007, the open confrontations in Kainuu diminished, but intensified in central Lapland. The debate regarding state forestry in Kainuu continued, although with somewhat different focus. 101 active citizens in Kainuu representing nature-based tourism, forestry, research, education, arts and politicians, wrote a petition in January 2006 to express their concern for the fate of landscapes and recreation possibilities in state forests. They considered the revised Natural Resource Plan inadequate in terms of preserving and promoting these values, although enhancing recreation had been one of the primary goals of the new plan. The signatories of the petition proposed that important recreational forests and sites with scenic significance would only be selectively logged. (Kainuulaiset vetoavat metsämaiseman puolesta 11.1.2006.)

#### *8.1.4 Concluding the analysis of the practices*

Old-growth forests in Kainuu have been a source of conflict for almost 20 years. Ever since the Talaskangas direct actions in 1988–1989, the Finnish forest movement has demanded that all remaining old-growth forests on state land in Kainuu be protected. Many of the disputed areas were highlighted as ecologically valuable by the Working Group on the Protection of Old-Growth Forests during their convening period 1991-1996, but those areas remained unprotected. Since 1998, ENGOs have identified controversial areas on maps. The total area of the forests that has been disputed at any one point during the process has never been officially calculated, but covers approximately 200 to 400 km<sup>2</sup> of forests.

Obviously, balancing forestry and conservation interests has not been an easy task for the state forest administration. The conflict has included interests and processes at many different levels of governance, from local to international (Table 8). While the campaign of the ENGOs to protect old-growth forests has been vigorous, the anti-campaign by the forest- and wood-dependent workers, entrepreneurs, industries and some municipalities has been equally sustained. Petitions against additional forest protection and against Greenpeace's presence in Kainuu have been collected, and the international paper giants, Stora Enso and UPM Kymmene have continued to buy timber from the disputed areas, despite increased pressure from ENGOs and from their own customers. Even violent confrontations have not been entirely avoided.

The Finnish Government and the state forest administration has addressed the old-growth forest issue in a number of processes throughout the years, many of which have increased the amount of protected old-growth forests but failed in achieving the support of those ENGOs that have been most active in driving the old-growth forest campaigns. The Protection Programmes for Old-Growth Forests in Southern and Northern Finland were followed by Landscape Ecological Planning and two rounds of Natural Resource Planning in Kainuu. In addition, the Dialogue Process was established to specifically address the conflict between ENGOs and the state forest administration. In that process Metsähallitus succeeded in reaching an agreement with WWF, but WWF had not really been an active party to the open confrontations that had caused the process to be initiated in the first place. The primary parties to the conflict, Metsähallitus, FANC, Greenpeace and Nature League, on the other hand, did not reach an agreement, and Metsähallitus

**Table 8.** Key actors involved in the Kainuu conflict

	STATE OR INTERS-STATE ACTOR	CIVIL SOCIETY	MARKETS
INTERNATIONAL		Greenpeace	European publishing houses and their associations (Axel Springer Verlag, BBC Magazines, Wegener Arcade, VDZ etc.)  Stora Enso UPM Kymmene
NATIONAL	MAF MOE Metsähallitus	Nature League FANC	
REGIONAL	Metsähallitus NHS Metsähallitus FD	FANC Kainuu	UPM paper mill  Harvester contractors  Sawmills other medium to small-scale wood-based industries
LOCAL	Metsähallitus NHS Metsähallitus FD	Local nature conservation associations (Lentue-seura; Ylä-Kainuun luonto)	Metsähallitus FD  Harvester contractors  Sawmills other medium to small-scale wood-based industries

was right in its prediction that a forest peace would not be achieved. Although the open confrontations in Kainuu have ceased for the time being, possibly because there is less and less unprotected potentially contentious forest left, the failure to reach an agreement in the Dialogue Process has meant that conflicts have continued in other parts of Northern Finland.

Some representatives of Metsähallitus' Forestry Division have maintained that the failure to reach agreement is simply because there is no way to negotiate with the most radical environmental groups (for closer elaboration of this point see below 8.2.2). Regardless, the goal of Metsähallitus participatory planning has been to address and mitigate conflicts, and it is therefore pertinent to question to what extent the process design has provided possibilities for succeeding in this. One way of approaching this issue is to look at to what extent the various processes undertaken in the past decade have

fulfilled the key features required of consensus-seeking processes. These have been defined by a number of researchers and have been summarised by, for example, Innes (2004)<sup>60</sup> (Chapter 3.5).

Reflecting on the practices of the state forest administration in Finland through Innes' criteria, the processes initiated by Metsähallitus at the local level (LEP, NRP) have been inclusive of a full range of stakeholders, whereas in the Dialogue Process only Metsähallitus and the two ENGOs were included in the negotiations. The strategy chosen in the Dialogue Process seemed to work well in terms of building trust with ENGOs, but in the end received heavy critique and political pressure caused the process to end before the negotiating parties had reached an agreement. As a consequence, the trust building between Metsähallitus and the other ENGOs (except for WWF) experienced a serious setback.

Ever since the Old-Growth Forest Protection Programmes, one of the key problems for the state forest administration has been to design a process that all parties can commit to and where they, despite their differing views of the issue at hand, can start looking for new, mutually beneficial ways forward. Metsähallitus' own approach to reconciling timber production and forestry in forest management has included exclusion of biodiversity hot-spots from forestry by defining key habitats, ecological corridors or steppingstones (and in some cases also postponing the logging while further inventories are carried out). Many ENGOs have criticised this approach for causing fragmentation of previously uniform areas, the protection of which in their entirety should according to them be the goal of the planning. The representatives of forestry and wood-based industries have been strongly opposed to this view. They have maintained that the protection of forests was dealt with and finalised through the adoption of the protection programs by the Council of State in 1996. As a result, not all the key parties to the conflict have been able to accept the planning tasks as meaningful, or the ground rules of the process as mutually acceptable. The Dialogue Process fulfilled these goals, but only through excluding some of the major parties from the negotiation table. Professional training for facilitators or mediators of environmental conflicts is practically speaking non-available in Finland, so professional facilitators have not been available for the collaborative meetings. Other external facilitators were, however, used in the Natural Resource Planning.

A process is unlikely to result in a successful settlement of disputes where the parties are known to disagree on the planning task or the ground rules, or where some key parties or issues are excluded. The success of a collaborative process depends on all of the involved parties. But existing research also shows that process design – which, in this case, is the responsibility of Metsähallitus – is a more decisive factor in explaining the outcome of the process, than for instance the prior relationships between the parties (lack of trust) or the type of issue they are dealing with (Beierle & Cayford 2000). This is exactly why issues related to process design and facilitation strategies have gained so much attention in the literature on dispute settlement (e.g. Fisher & Ury 1981; Susskind & Cruickshank 1987; Carpenter & Kennedy 1988; Susskind et al. 1999; Innes 2004).

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<sup>60</sup> These include: inclusion of full range of stakeholders; a task that is meaningful to participants and likely to have a timely impact; participants are able to set their own ground rules for behaviour agenda setting and decision-making; mutual understanding of interests at the beginning of the process and avoidance of positional bargaining; a dialogue where everyone is equally heard and respected; a self-organising process unconstrained by conveners that permits all assumptions to be questioned; information accessible and fully shared among participants and understanding that 'consensus' is only reached when all interests have been explored and every effort has been made to satisfy these concerns. Often achieving these conditions requires a skilled and neutral facilitator.

It is a well-known fact that the relations between the forestry and nature conservation stakeholders in Finland have been polarised for a long time (Hellström & Reunala 1995; Hellström 2001; Rantala & Primmer 2003). Improving such infected relations would require a particularly careful and skilled process design and planning practice. Naturally, the multi-scaled nature of the conflict and the parties involved further complicates this task. The end of the Dialogue Process also demonstrates that there are larger national-level economic interests at work regarding state-owned forests. Whatever the ambitions of Metsähallitus were for the process in the beginning, it was ordered by its superior MAF to end the process in haste.

The following frame analysis will give a more detailed account as to how the people inside the state forest administration have experienced the old-growth forest disputes in Kainuu and their own efforts to manage them. What are their explanations for the perceived intractability of the conflict? What is it in fact about? The different frames found in the interviews, as well as their occurrence in the written documents, shed more light as to why certain practices have been chosen to manage the conflicts.

## 8.2 Framing of the practices and the conflict

The purpose of this chapter is to analyse the way the state forest administration has constructed the Kainuu conflict by answering the following research questions:

Research question 3: How does the state forest administration frame the two case study disputes, its own attempts to settle the disputes, and the other parties involved in them?

Research question 5: How are the frames of the state forest administration reflected in its practices? What is their role in the management of the conflict?

### 8.2.1 *A clash of two cultures*

The title, “a clash of two cultures”, is a phrase several of the interviewees from both the Forestry Division and Natural Heritage Services use to describe the early times after the establishment of Natural Heritage Services in 1992, and the first joint project that followed it: the old-growth forest inventories. The interviewees broadly agree that the beginning of the co-operation and joint work of the two units was far from smooth. The arrival of a new profession – biologists – to the organisation, which had previously been dominated by foresters and other forestry professionals, was a challenge, particularly considering the tension between the tasks they were to carry out. The Forestry Division had been designed to produce timber, while NHS’s task was to identify ecologically valuable forests that would be set aside from timber production. For forestry, the challenge and threat was both practical and conceptual. On practical terms, both the on-going inventories and the resulting conservation decisions restricted the availability of forests for logging for several years, and resulted in reduced harvest levels. The harvest levels were dropped by over 20 % in just a few years in mid-1990s (Hiltunen & Väisänen 2004, 29). During the worst period the loggers were laid off for three months. The abrupt changes were not easy to accept, particularly when they were caused by a worldview that was difficult for many forestry people to understand.



“Well it was a great loss when someone else come to the territory... of us foresters (laughs). Well, I don't know. The problem I guess was back then that, that, the conservation culture did not really fit into my set of values. Like I was telling about the background here, people have lived from the forest and agriculture. How can some value be higher than that of felling a tree, and making paper or plank, which, for welfare, you build a house and create welfare, so it did not, and still does not fit into the set of values of someone living in these cold conditions that letting some tree rot would be more valuable.”(FDK12)

According to the interviewees from NHS, on the other hand, the problem was that the Forestry Division also assumed that NHS would be equally committed to the goals of maintaining or increasing timber harvest levels and the economic turnover. Nature conservation was considered a threat to these goals, and as a result, anyone supporting conservation was perceived as someone working against the interests of the organisation. A representative of the Forestry Division confirms this interpretation by an illustrative metaphor: “the arrows were not pointing in the same direction” (FDK11). Overall, Forestry Division's representatives in Kainuu criticised the then staff of NHS for leaking information to environmental NGOs and for not being committed to all the goals of Metsähallitus. The NHS staff at the local level in Kainuu experienced the conflict was more intense there than higher up in the organisation:

“The higher you went [in the hierarchy, author's note] the more easily things worked, so in Tikkurila [head office] they were clapping their hands, while at the local level they were also clapping their hands, but with their head in-between them.” (NHSK14)

On the other hand, another conservation biologist recalls Metsähallitus Managing Director saying that it is easier to educate a forester into nature conservation professional than to hire biologists and teach them the ways of Metsähallitus.

The clash was not smoothed by the fact that NHS hired forest activists to carry out major parts of the inventories. Some of them had been convicted by the courts for the direct action on Metsähallitus logging sites in Porkkasalo and Talaskangas. The reason for hiring them despite of this was two-fold. On one hand, there was lack of people with expertise on old-growth forests in Finland at the time, and the activities were hardworking and competent to do the job. On the other hand, the aim was to commit the activists to the process and the decisions. However, the decision raised critique and suspicion within Metsähallitus.

Another factor that irritated and caused confusion in the Forestry Division was that the disagreements between the different units were exposed to the public. This gave the public the impression – and rightly so, as one interviewee pointed out – that “one hand does not know what the other one is doing” (FDK15). According to the NHS staff in Kainuu, there was a simple reason in using the media. NHS was in the early 1990s too small and weak to balance the views of the Forestry Division within the organisation. The only way to gain leverage in the internal negotiations was, according to them, by exposing the disagreements to the public.

The Government decision on the protection of old-growth forest in Northern Finland did not close the issue for Metsähallitus, because the decision designated a major part of the protection to be done in Landscape Ecological Planning. Many of the interviewees say that Landscape Ecological Planning was the project that “welded the units together”, and taught them how to work together and respect one another's knowledge. Nonetheless,



the process still included the same points of disagreement as the earlier inventories had had regarding the fate of old-growth forests. The key question was, how much of the forests should be protected and what criteria should be used for selecting the areas for protection. During the process for defining these factors both sides accused the other one of ungrounded arguments. Such accusations were present both during the inventories for the conservation program and in Landscape Ecological Planning.

“Some figure is the minimum goal for one and the maximum goal for the other, then it is quite difficult to find common ground. [...] In the guidelines it is said that visual interpretations should not be made, yet the other one says ”This looks good, some large aspens are found on the stand.” (FDK11)

“[...] there was one meeting, was it about Laamasen--, I think it was about Laamasenvaara, there was, it ended up as real argument, NN [district officer] was also in the meeting and he was pressing, and I presented the results from the two weeks [of inventories]. There were marks on every forest stand of the area, then YY [logging planner] said, ”that’s not true, it is normal commercial forest”, and the [district officer] asks “have you been there?” “Well, not for the past ten years I have not”. Like, “he knows his own forests, but has not been there lately, has anyone else?” Well, I just explained that I have lived in that forest for the past two weeks. “If no-one has any expertise on the site, we’d better move the decision until the next meeting.” So the negotiations were really tough at times.” (NHSK1)

The joint experience described by the interviewees from both NHS and the Forestry Division about the internal conflicts in Metsähallitus during the early 1990s gives a rather different picture of the old-growth forest conflict than what has been revealed by the written data earlier on. The way Metsähallitus staff describe and frame the old-growth forest inventories and Landscape Ecological Planning gives little attention to environmental NGOs, despite the fact that their campaigning apparently had been one of the driving motors to the whole process and that the campaign went on throughout those years. What was in fact the role of ENGOS in the conflict? How did the interviewees in general define the conflict and the parties involved in it?

Despite the seemingly similar stories on the difficulties in making the Forestry Division and NHS work together in the beginning, the way the interviewees frame the conflict itself differ remarkably. The two main interpretations of the conflict – their conflict frames – are here referred to as the “External” and “Internal” conflict frames. The *External Conflict frame* emphasises the primary role of ENGOS in the old-growth forest conflicts and maintains that without ENGOS the conflict would not exist. The *Internal Conflict frame*, on the other hand, perceives the conflict primarily as a general conflict between protecting forests and using them for timber production and maintains that the conflict would have occurred in any case. There are different variations of these two main types that I will describe in the text. Consequent characterisation and conflict management frames are also named according to the conflict frames they adhere to. After presenting the different frames I have constructed from the material, I discuss their similarities and differences.

### 8.2.2 External Conflict frame

According to the External Conflict frame, ENGOs did and do play a major role in the old-growth forest conflict. In fact, according to this frame, it is the ENGOs and their “unreasonable” and “selfish” demands that were, and continue to be, the root cause of the conflict. While there may have been difficulties between the Forestry Division and NHS in the beginning, they would never have caused such problems to the extent that the campaigns by ENGOs have. The name given to this frame in this study –External Conflict – refers to two aspects. First, the conflict is considered *external* to Metsähallitus: reconciliation between forestry and nature conservation would have been possible within Metsähallitus without major disagreements, if the resolution of the issue had been up to them. Those at the higher levels of the hierarchy within Metsähallitus underline the importance of several forms of co-operation between the units. There is the Executive Group consisting of the Heads of the different Units at the main office, an informal co-operation group between the Forestry Division and NHS in the head office, as well as regional co-operation between the regional Heads of Units. In addition to these come all the joint planning processes, most importantly LEP and NHS. However, according to this frame the internal agreement within Metsähallitus does not help, because what the conflict ultimately concerns is the conflicting views of the ENGOs on one hand and of forestry-dependent local and regional actors, on the other. What is really at stake in the conflict is the timber harvest and procurement that matter to the local employment and economy. Exaggerated nature conservation thus threatens the possibilities of the local people to make a living from forestry and in the forest industry.

Second, the conflict is external in the sense that the groups causing it are not from Kainuu. In particular, Greenpeace and Nature League, who have been responsible for the majority of the direct actions, lack local or regional associations and are therefore labelled within this frame as “outsiders” to the entire Kainuu forest debate. According to this frame, the current conflict, or levels of protection, would not exist if the people in Kainuu had the opportunity to decide amongst themselves how to use the forests.

The characterisation frame depicts ENGOs as narrow-minded and untrustworthy, because they are perceived as uninterested in the impacts of their actions and demands on other people. They are not willing to compromise, and do not respect the agreements achieved in legitimate processes, such as the protection programmes, NRPs and LEPs. In particular, the ENGOs are considered ignorant of the needs of the local people in Kainuu. Not surprisingly, this frame concludes that there is no mutual trust between Metsähallitus and ENGOs. Greenpeace and Nature League are particularly disliked. This view is not restricted to Kainuu, but found equally in the interviews carried out at the main office of Metsähallitus. One of the interviewees explains:

“It bothers me personally many times that, that, environmental groups describe us [Metsähallitus], of course in order to achieve certain goals and purposes, to the world in a way that maybe somewhere in Namibia one can find as heavy destructors of nature as we are here in Finland. But if we think of everything Metsähallitus has done in this issue, and how it manages these issues, there is no other actor who would do it as well. But environmental organisations can never say a positive thing, how things are done really well in Finland, and that we are the top in developing these things. And when we all the time get mud on our faces on this issue, that nothing, nothing is done right, then it cannot lead to anything else than that you are always clenching your fists in your pockets when

you're talking to these people. And we can never expect anything else from them except extremely negative, even distorted from our perspective, that's how we experience it all the time. There is no hope for co-operation, none whatsoever.” (FDT20)

Since the problem is considered external to Metsähallitus, the conflict management frame also emphasises solutions that involve the stakeholders, and seek to strike a balance between their needs. To meet the full extent of the ENGO demands is considered an impossible way to resolve the conflict, because that would leave many other stakeholders dissatisfied. Therefore, the External Conflict frame underlines the importance of involving ENGOs in participatory processes where the groups hear the views of the other stakeholder groups. It is hoped that the communication between the groups will lead to an understanding that the conflict is not about the views of one stakeholder group against Metsähallitus, but the views of one stakeholder group against the other. By participating in the stakeholder working groups the ENGOs are hoped to notice to what extent their views are supported and to what extent they do not enjoy broad support in the local community. This interpretation of how to manage the conflicts is also the official policy of Metsähallitus and MAF (e.g. Loikkanen et al. 1999; Piiparinen & Kotisaari 2006).

The role of Metsähallitus in conflict management is, from this perspective, to act as a facilitator between the conflicting external interests (identity frame). Old-Growth Forest Protection Programmes, Landscape Ecological Planning and Natural Resource Planning have all sought to balance the different uses and conservation of the forests and they are considered as major steps forward in managing the conflicts and in achieving sustainable forestry. While interviewees adhering to this frame are of the opinion that enough forest has already been protected, they do not doubt that ENGOs disagree with this view. They refer to the amount of state forests in Kainuu that have been excluded from forestry and point out that it is higher than in most other parts of the country. Clearly, it cannot be the responsibility of Kainuu alone to take on the responsibility for biodiversity conservation in Finland.

Nature conservation is recognised as an important task for Metsähallitus, but additional forest conservation is perceived as contrary to the views of the majority of people living in Kainuu and in conflict with providing the local people with jobs and supplying the local wood and paper industry with timber. It is also pointed out that Metsähallitus needs to provide profit to the State Budget. Metsähallitus is frequently compared with “other forest companies” that it needs to compete with. At the same time Metsähallitus is considered more environmentally progressive than the other forest companies. The value of NHS is seen in this light: it gives the Forestry Division a competitive benefit as the manager of state forests in comparison to some other organisations. If the State was purely looking for a timber production organisation, maybe someone else could do it more profitably? Or maybe Metsähallitus could be an easier target for international pressure for forest protection if it did not have NHS?

When assessing how well Metsähallitus has succeeded in dealing with the old-growth forest conflicts, there are two different variations of the External Conflict frame (Table 9.).

According to the more optimistic *Success Story frame*, Metsähallitus has been the forerunner of public participation and of integration between timber production and nature conservation, both in its organisational structure – by combining NHS and the Forestry Division - and in its planning and forest management practices. Overall, the new Metsähallitus with its equal emphasis on ecological and economic aspects of forest use,

**Table 9.** Two variations of the External Conflict frame, called ‘Local Distress’ and ‘Success Story’

	EXTERNAL CONFLICT	
	Local Distress	Success Story
<b>Conflict frame</b>	The conflict is about nature conservation versus regional employment and well being provided by forestry.	
	The conflict is about the unreasonable demands of ENGOs against nationally and locally negotiated balance between nature conservation and employment.	
	The internal conflict between nature conservation and forestry is still bubbling under.	There was an internal conflict within MH but since LEP those conflicts have been resolved. Now the co-operation is close and the units well integrated, despite some conflict between the goals.
<b>Identity frame</b>	Metsähallitus is part of forestry sector and industry. “Other forest companies”	
	Critical towards MH as an employer (“they”). Has left the employers alone with difficulties.	Strong commitment to Metsähallitus (“we”)
<b>Characterization of NGOs</b>	ENGOs are narrow-minded and selfish. The only way to satisfy ENGOs is to do exactly as they say. There is no mutual trust between ENGOs and FD.	
<b>CM frame process</b>	Public participation in all levels.NRP in Kainuu. But few people are interested locally and PP does not seem to help with “external” ENGOs.	Public participation in all levels. NRP in Kainuu. Dialogue process with ENGOs. Metsähallitus has been the forerunner in Finland, participatory planning has been developed voluntarily.
<b>CM frame substance</b>	Old Growth Forest Protection Programs, Landscape Ecological Plans, Natural Resource Plans, new forest management methods, environmental guidelines, certification.	
<b>CM frame Measure of success</b>	Feedback from stakeholders: no news is good news; open conflicts mean we have failed. Amount of forests excluded from commercial forestry.	

and the new, collaborative planning system, are considered as great successes to which there is no comparison in Europe or even in the world. The fact that the conflicts with ENGOs remain, despite the alleged success story, is explained with the unreasonable demands of the uncompromising ENGOs. No planning system could have succeeded in satisfying the ENGOs, without selling out the needs of all other stakeholders.. ENGOs' accusations that the profit targets restrict conservation or multiple use are rejected as ungrounded accusations. ENGOs are defined as an exception to the rule, where the majority of participants and stakeholders are content with the way Metsähallitus is operating. Those interviewees framing the conflict management as a success story show a strong commitment to Metsähallitus and are proud of its achievements. They are people employed in mid and high level positions in the Forestry Division or in the Ministry of Agriculture and Forestry.

I have named the more pessimistic version of the External conflict frame *Local Distress*, because this frame portrays the situation as largely unsustainable for the forestry planners working at the local level. While this frame also puts the primary blame on ENGOs, NHS is still perceived to an extent as a threat, because any joint projects with NHS are likely to lead to reductions in the amount of forests available for commercial forestry. While both the Success Story frame and the Local Distress frame include scepticism as to the possibilities of ever reaching an agreement, or forest peace with the more radical ENGOs, the difference is that according to the Local Distress frame, Metsähallitus leadership has dealt poorly with the situation and left the local planners to face it alone. When areas that have been planned for harvesting have been “frozen” abruptly, based on on-going conflicts or processes to define new set aside areas, the forestry planners have had to quickly find new areas. What is worse, is that a number of the staff members of the Forestry Division were laid off due to cost reductions around the same time as the old-growth forest conflicts began in mid-1990s.

“...the remaining organisation was forced to very quickly find wood elsewhere, and it was a completely unreasonable request, and nobody paid any attention to it.” (FDK12)

Another planner recalls how, for instance, during the Laamasenvaara dispute, the harvesters were moved between logging sites to avoid protesting forest activists. And how, despite all the efforts, the activists found the machines and came to stop the logging, and how that resulted in the tree being felled on one of the activists.

“And then when a young girl or a boy, in his twenties or even younger, comes from inside the Ringroad 3 [highway around the capital area, Author's note], walks on the winter road with the coat open and tells us what to do, that you know nothing, it, it...it is a wonder if people do not explode.[...] so the harvester contractor reached a limit, his tolerance was out.” (FDK13)

Overall, the local planners of the Forestry Division describe a trend of declining resources and a tendency to delegate more and more demanding tasks to lower and lower levels in the organisation. This has led to a situation where people have less training for the tasks they are assigned to, there are less people out in the forest, and there is less time and resources to carry out the increasingly complex tasks. The amount of people employed in the Forestry Division has decreased, although environmental considerations in planning and the collaboration with stakeholders would require more resources than previously. One of the planners explains that the commitment the Forestry Division employees

seem to show by staying in the organisation for most of their working lives is more caused by lack of alternative employment in Eastern and Northern Finland, than by real commitment to Metsähallitus.

What frustrates the Forestry Division employees interviewed in Kainuu is the way the local perspectives and the regionally run Natural Resource Plan was ignored when settling the old-growth forest conflict through the Dialogue Process:

“...So first ENGOs were along in the Natural Resource Plan, and when it had been accepted by all, then they distanced themselves from it....and started, started to demand that things are discussed one more time. And now, if the local active people in Kainuu knew this, they do not know yet, I think they would feel humiliated and tell us that the whole participation in NRP is just bullshit, because after the process one party has been accepted to re-negotiate, and they have been given new goals and given in to. And others do not get this chance.”  
(FDK 11)

In contrast to the Success Story frame, the Local Distress frame includes critique towards the economic profit targets set for Metsähallitus. One of the logging planners maintains that the profit targets do in fact constrain the possibilities of reconciling different interests, and also make it tougher for planners to plan enough logging sites on time. He would like to see a bigger gap between what is logged and what is possible to log. On the other hand, creating such a gap would mean even further reductions in harvest levels on the short run.

### *8.2.3 Internal Conflict frame*

The Internal Conflict frame challenges the description of the ENGOs as the ‘bad guys’ in the old-growth forest conflicts in Kainuu. Instead the conflict has, according to this frame, been about two goals on forest use that are partially mutually exclusive. These goals exist in the society at large and are both represented within Metsähallitus, namely timber production and nature conservation. While ENGOs have played an important role in highlighting the problems caused to biodiversity by forestry and by keeping up the pressure, they have not been the root initiator of the conflict according to this frame. In fact, those interviewees that employ the Internal Conflict frame downplay the role of ENGOs in sustaining the dispute and underline the fact that the dispute would have occurred internally in Metsähallitus regardless. This is because NHS has as its task to protect biodiversity in forests, and this goal is in part in conflict with the Forestry Division’s need to produce timber. In contrast to the External Conflict frame, the conflict is not defined as conservation versus jobs, or people versus nature, because both nature conservation and forestry are perceived as potential sources of employment. Rather, the conflict is about two different visions on the desirable future for both the forests and the people in Kainuu.

Like the External Conflict frame, the Internal Conflict frame also portrays the Forestry Division as a part of the forestry sector. The Forestry Division has, according to the Internal Conflict frame, become more and more business oriented and less and less connected to the local community or committed to employing people. The amount of people employed by the Forestry Division has decreased both in Kainuu as well as nationally, whereas NHS keeps employing new people.



“Maybe at some point it felt like they were looking for a reference group, quite clearly from the forestry departments of forest companies...that have no social responsibility, no community responsibility. Only the economic responsibility, and then, in some ways what has happened in that connection is that the social responsibility and public participation, a great deal of it has become the responsibility of the NHS. Particularly during the time when the public tasks were all organised under NHS, I mean both recreation and nature conservation, clearly what happened was that we have for many years been the flag bearer, who has communicated a message about social and local responsibility, and that the Forestry Division, in a way, has wanted to take some distance from it” (NHSK21)

In contrast to the Forestry Division, NHS is in this frame associated with the environmental administration. It is defined as the Park Service, whose task is to manage protected areas and enhance biodiversity conservation, in contrast to the timber production oriented Forest Service. The separateness of NHS and the Forestry Division, and of their goals and tasks, is a central element in this frame. Not surprisingly, this frame was found exclusively amongst the interviewees from NHS and MOE. The interviewees, mostly biologists or other environmental scientists, show strong commitment to biodiversity conservation; it is what they are committed to as individuals and what NHS is committed to as an organisation. Regarding nature conservation, one interviewee comments that NHS and the Forestry Division assess its successfulness with opposite criteria:

“Well, my view is that it has been assessed in Metsähallitus with primarily two criteria. One is the economic grounds: the aim has been in a way to minimise the costs. It is the starting point of the Forestry Division; no doubt. And the starting point of NHS has on the other hand been the maximisation of the ecological values, maximisation of what can be protected.”(NHST3)

In stark contrast to the External Conflict frame, the Internal Conflict frame characterises ENGOs as “collaborative partners”, who share the goal of biodiversity conservation with NHS. The commitment to that goal, and the means to pursue it, has existed in NHS all along, but the political pressure created by ENGOs has had a significant impact on the extent to which NHS has succeeded in achieving those goals. According to the NHS staff involved in the LEP process, for instance, it is clear that the pressure from ENGOs played a significant role in that the maximum limit defined in NHS for set aside areas was exceeded.

While the overall characterisations regarding the nature of the conflict, the identity frame of NHS and the role ENGOs are common features for the Internal Conflict frame, there are a number of issues where there are different variations of the frame. I have named these variations *Success Story*, *Continuous Improvement* and *Structural Conflict* (Table 10.). As the names imply, they differ in terms of how successful the integration of the two conflicting goals for Metsähallitus is considered to have been.

*The Internal Success Story frame* is similar to the External Success Story frame introduced earlier. Here it is also evident that the tension between the goals of NHS and the Forestry Division has not disappeared altogether. The integration of the units has not occurred in terms of integration of goals, but in terms of recognising each others' value and striking a satisfactory balance between two somewhat contradictory goals. Whatever difficulties there were in the beginning to integrate nature conservation and forestry, they were resolved during the Landscape Ecological Planning. Co-operation is now close and



**Table 10.** Three variations on the Internal conflict frame: ‘Success Story’, ‘Continuous Improvement’ and ‘Structural Conflict’

	INTERNAL CONFLICT		
	Success Story	Continuous Improvement	Structural Conflict
<b>Conflict frame</b>	The conflict is about nature conservation versus timber production. Both can have positive effects for local people.		
	ENGOS have been instrumental for nature conservation but the structural conflict would have existed in MH in any case.		
	There was an internal conflict within MH but since LEP those conflicts have been resolved. Now the co-operation is close and the units well integrated, despite conflicting goals.	The conflict is about conflicting goals within Metsähallitus (nature conservation and timber production). The units are clearly separate from one another.	
<b>Identity frame</b>	NHS is a part of nature conservation administration. Part of Metsähallitus as Park Service		
	Strong commitment to Metsähallitus (“we”)	Strong commitment to nature conservation administration.	Critical towards MH as an employer (“they”). Poor leadership, poor management of internal conflicts. There is lack of coordination/ wholistic view within Metsähallitus, or that view is very forestry centred.
<b>Characterisation of NGOs</b>	ENGOS are collaborative partners who have joint goals with NHS. Without ENGOS forest conservation would not have progressed as much as it has.		
<b>CM frame process</b>	Public participation in all levels. NRP in Kainuu.  Major investments voluntarily, forerunner in Finland.		Improve integration of goals by clearer rules and policies and by frame bending within the organization. Dialogue and training when new people come in. Transparency in goals. Stronger role to social obligations. Clearer role as environmental educator (not just manager of protected areas).
	Old Growth Forest Protection Programs, Landscape Ecological Plans, Natural Resource Plans. New forest management methods, environmental guidelines		
<b>CM frame Measure of success</b>	Amount of the ecologically valuable forests protected.		

the units well integrated. More forests have been protected than were ever expected when NHS was established in 1992.

NGOs were crucial in helping that change take place, and they still share the goals with NHS, but according to this frame, NHS no longer supports further demands on old-growth forest protection, because the existing compromises need to be respected. It is admitted that due to the strategy of NHS to concentrate conservation efforts in LEP to certain key areas, valuable areas have remained unprotected. In a perfect world they would also have been protected. But considering how much has been achieved, and how well the organisation now functions, it is considered unfair and unnecessary risky to demand for any more.

“NHSK14: The set of values has changed immensely in ten years, I mean it is incredible. It has been affected by the leadership defining certain issues, this division of tasks between the units has become concrete in some way. And then people have been changed. The old, old group has left. And then many also, I mean, from the Forestry Division who have struggled against, they have had to reassess their views because they have noticed that they are in the minority.

KR: Well has it transformed itself entirely already, the organisation, or is the process still on-going?

NHSK14: I think it is finished, the process.

KR: That's quite incredible if such a big change can happen in ten years.

NHSK14: Yes, yes. It is incredible.”

*The Continuous Improvement frame* is likewise positive about the developments within Metsähallitus and in forest conservation over the past 15 years. The confrontations between the Forestry Division and NHS were tough in the beginning, but now the co-operation is clearly better, despite the existing tensions. In comparison to the Internal Success frame, the Continuous Improvement frame is clearly more careful about calling the development a success (yet). The Forestry Division and NHS behave correctly towards each other, but the two units are perceived as clearly separate from one another, as two distinct organisations, with their own tasks, goals and identities:

“So these different units in Metsähallitus have under the years become very independent...now if you think that we [NHS] have our own economic administration, our own data administration, our own collaboration groups with unions and others, we have an entirely separate regional organisation, situated mostly in different offices than the Forestry Division. These are parallel lines, but there is quite little the kind of discussion here where this [Metsähallitus] would be observed as a whole. These are well-functioning units, that form a bunch [...] They are really different, it can be that somewhere two separate organisations have closer co-operation [than NHS and the Forestry Division]” (NHST3)

Rather than working for one Metsähallitus, the people framing the conflict this way show commitment to NHS. NHS happens to be situated within Metsähallitus, but, more importantly, it is part of the environmental administration. The “we” this frame refers to is “we in the environmental administration”.

The most critical variant of the Internal Conflict frame does not see that much progress would have been made in terms of integrating nature conservation and forestry in

Metsähallitus. *The Structural Conflict frame* emphasises the lack of coordination or holistic view within Metsähallitus, or considers it too forestry centred. Two opposing goals have been cast into the same organisation, but just by calling them both Metsähallitus does not mean the structural conflict has been resolved. Yet, despite the lack of unanimous policy within the agency, the staff, according to this frame, is indeed expected to have a unanimous public policy, and to give an impression of a united Metsähallitus. While it is generally recognised that the relations between NHS and the Forestry Division have improved from the 1990s, the tension between the units surfaces whenever more forests needs to be set aside from forestry operations. When this does occur, each decision is the result of a power play, and according to this frame, depends on the persistence of individuals on each side of the table:

“In a way these logging methods, soil scarification, retention trees, all these changes, it...it is the kind of things that I think is easy for the staff of the Forestry Division to accept...and to understand. It is part of today’s ecological networks, or ecological footprint or footprint of forestry...In that sense, on that side, environmental issues have been taken well...but then this dilemma about to log or not to log, it is the one that has simultaneously been very difficult to resolve.” (NHSK 21)

According to this frame one of the central problems is not the conflicting expectations from stakeholders regarding state forests, but the poor leadership within the organisation regarding the integration of the conflicting goals both outside and, more importantly, within Metsähallitus. Communication between the units should be increased, power should be better balanced and the organisation should be more transparent regarding the sometimes painful compromises that need to be made:

“...don’t claim that leaving three spruces standing [on a logging site] will protect *Antrodia crassa* [a threatened polypore], when you know perfectly well, and your conservation biologist has said a hundred times, that it does not work.” (NHSK19)

“Like in Landscape Ecological planning there was [...] stuff like ”the aim is to burn 5 % of the logging sites and thereby hinder the extinction of the fire-dependent insects”. What do they mean by hinder? If one burns 5 % of the logging sites, it hinders nothing! Good heavens. It can possibly *aim* at hindering it the best we can, but... there were such absolute, beautiful absolute statements in the goal setting. And the practical solution was...it was often not relevant at all [original emphasis].” (NHSK1)

According to this frame, there needs to be more dialogue between the two units in order to understand one another’s views (frames) and hopefully even broaden one’s own. As one interviewee summarised the problems and the needs to address them:

“Let’s say we have a work unit that works with the same forests. The situation is that a new conservation biologist arrives to the periphery. What should happen is that when (s)he comes to the house a meeting is arranged, where the person gets to tell his/her own history and views on things before (s)he has been suppressed. After that, everyone who has been working there tells him/her, that this is what we’ve been working on, these are the current issues, and then they go to the forest together. And they look at the forest together and describe, tell each other

about the forest and what they see, in order to understand that we talk about this forest. But this never happens. I've never heard, it only happens once the decision is to be made, to log or not to log. [...]we're in an emergency situation, that it [a forest] will be logged, and we are already in the situation where the men are sitting in their machines and the motor is running, when the conservation biologist comes there, in October, November, when there is a quarter, 15 centimetres of snow, to look for a flying squirrel<sup>61</sup> from the site. This happens all the time in our unit." (NHSK19)

It is not only NHS who is said to suffer from the described ad hoc reconciliation that takes place, in a last minute fashion, on site in the forest. Sometimes, as the same interviewee describes, the Forestry Division forestry planners come to NHS and ask them to find some threatened species so that they would not need to log everything. Overall, many staff members and bosses are told to be overloaded and if people are overloaded it does not help to train them to new tasks: they simply cannot absorb and utilise the new information. An exhausted person starts behaving in unconstructive ways and what is supposed to be the key benefit of combined NHS and the Forestry Division – reconciliation - becomes impossible.

Many of the NHS staff members point out that the most persistent conflicts including direct actions have taken place in forests that had, prior to those events, already been part of the old-growth forest process for a long time. That these areas should become under dispute is not a surprise to the interviewed NHS employees. Laamasenvaara was included in the internal negotiations in Metsähallitus already during the LEP process, but it took another decade before the area was included in protection plans. The same happened also for Kukkuri and Malahvia. As one of the NHS staff members concluded, "much pain could have been avoided" if the earlier decisions had been slightly different (NHS21). One of such decisions was the estimated/defined maximum of set aside areas in Landscape Ecological Planning. It caused, according to the NHS staff, considerable problems for the planning process and lead to the exclusion of sites from the set aside areas that would cause direct actions in the forests some years later. Yet, in the end, the maximum level was exceeded considerably, but only after the open confrontations had taken place.

"[...]once the maximum level had been launched, we simply needed to put the A-areas to be included in Landscape Ecological Planning in an order of preference and when the maximum level was reached, then that was it. I mean, even if an equally valuable area was still unprotected, it could not be, it played no role what kind of species or how good area was left, it was impossible to reach an agreement on it after that. The harsh reply was that "The quota is up. Do we log this or this?" And in the summer of -98, the existence of the limit was denied many times, that is does not exist, but sure it did. For instance Kukkuri conflict is the result of us not getting more than 24 hectares, or what it was, of Kukkuri protected, after that the limit for Hyrynsalmi [municipality] was reached. The rest had to remain in commercial use. I said that this will cause problems, if you go there and log, but..." (NHSK1)

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<sup>61</sup> Flying squirrel (*Pteromys volans*) is a red-listed species protected by the EU Habitats Directive (92/43/EEC). It is prohibited to destroy or deteriorate places where it is known to reproduce or rest. A common way of identifying the occurrences of flying squirrel is to look for its faeces on the ground below the trees it has been eating in forests with large aspens. The faeces are difficult to find from under the snow.

The same interviewee also noted that compromising between timber harvesting and nature conservation requires that there is something left to compromise over. Otherwise the so-called compromise might mean that the original goal is lost altogether:

“Because forest conservation was left to the last minute, from the nature’s perspective in many respects, then compromises are a bad solution at that point. I mean, if forestry already has 97 % of the forest land, why would we need to compromise on the remaining 3 per cent?” (NHSK1)

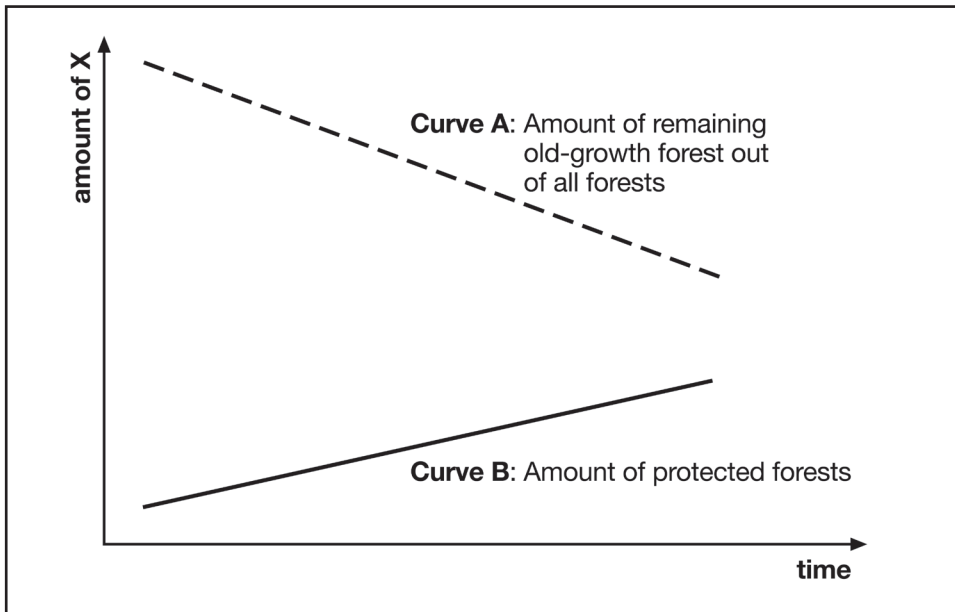
Because this frame focuses mainly on the role of the internal, structural problems of Metsähallitus, there was less talk about the role of public participation or collaboration with stakeholder groups as a means of dealing with the conflict. Several conservation biologists maintain that public participation played a minor role in particularly in LEP, because local people had little knowledge of the forests that was not already known by the NHS. ENGOs were an exception to this rule, but their contact with NHS did not take place in the formal participatory meetings. Those who mentioned public participation/collaboration as an important conflict management tool in the future perceived it not only as a way of collecting input from and making the stakeholders talk with each other, but more as a potential forum for widening stakeholders’ horizons, and making them see future perspectives beyond “the view informed by the past and limited to today” (NHSK21). Metsähallitus should, it was maintained, act more as an environmental educator. But before any holistic, integrative views can be created from the multitude of stakeholder voices, one must first be created within Metsähallitus.

#### *8.2.4 Similarities and differences in the frames*

Both of the described main frame types appear exclusively in the interviews of one part of the organisation: the Internal Conflict frame was only present in the interviews carried out in NHS and MOE and the External Conflict frame only appeared in interviews within the Forestry Division and MAF. The most clear-cut differences between the two types of frames are related to the definition of the conflict, the characterisation frames regarding environmental NGOs, as well to the definitions of what Metsähallitus is as an organisation. Those with “Forestry identity” spoke of Metsähallitus as one organisation, while those with “Park Service identity” made the distinction between NHS and the Forestry Division.

The Internal Conflict frame clearly frames the conflict from the perspective of nature conservation, whereas the External Conflict frame looks at it from forestry’s point of view. Therefore, the ways of justifying the actions and assessing the situation are also different. For nature conservation, the relevant criteria for reconciliation are number of threatened species and the amount of high conservation value forests that have been protected. For forestry, on the other hand, balancing is about the amount of state forests available for forestry in comparison to what was previously available. Where one sees a declining curve (amount of old-growth forests) the other one sees a rising curve (amount of protected forests/forests excluded from commercial forestry), and the conclusions are easily the opposite (Figure 11).

Despite the striking differences in framing the conflict and its primary parties, there are, however, also a number of overlaps between the frames. Both of the Success Story frames maintain that nature conservation and forestry are nowadays fully integrated goals in the ‘new’ Metsähallitus, and that the planning tools developed in the past 15 years have



**Figure 11.** Internal Conflict frames tend to focus more on the Curve A whereas External Conflict frames emphasise the Curve B.

meant enormous progress, both in terms of ecological sustainability in forest management as well as in public participation. While they may look at the different curves, both frames share the idea that some compromises need to be made, and have already successfully been made. Therefore the continuous campaigns by ENGOs are perceived as more and more unreasonable.

On the other hand, the most critical frames – Local Distress and Structural Conflict – while presenting opposite views on the substance of the conflict, also share one aspect. They both criticise the political decision-making and the leadership of their respective organisations for leaving the local level employees alone in dealing with the old-growth forest conflict and with the integration of, not only timber harvesting and nature conservation, but also increasingly tight demands for profit. These frames tell not of integration of different goals through systematic, open and collaborative process, but instead of ad hoc decision-making, where power play, tight time constraints and lack of understanding for each other’s perspectives play a major role.

According to these critical frames, the logging planners and the conservation biologists at the local level in Kainuu have been the ones to find the practical solutions to situations, which are in fact are about policy-level issues. According to the NHS staff, it was they who needed to develop LEP practically from scratch, after the political decision to protect a major part of the old-growth forests through LEP had been made in 1996. According to the logging planners, it has been they who have had the task of re-planning the logging for the coming years in order to make the ends meet when several harvest sites have, without prior warning, been put under moratorium during various phases of the conflict. And it is conservation biologists and logging planners who meet either around an office table, or in a forest, and need to make decisions on whether to log or not. The decisions that

come from 'above' are never entirely in line with one other, and can, in the worse case, be mutually conflicting. Therefore, the final interpretation has always eventually been done at the local level and that has at times been very difficult. Both the conservation biologists and logging planners recounted that they had tried to involve the head office in the decision-making, but mostly to no avail:

“NHSK1: But then we tried to take many issues to Tikkurila [headquarters], but very often the reply was that these issues have to be decided at the local level. In other words, Tikkurila very often withdrew from taking responsibility.

KR: And why did they do that?

NHSK1: I don't know that. They did not want to take a stand on something that they could later be held accountable for.”

Logging planners have found this particularly difficult to accept in cases where ENGOs have taken direct action in forests where logging has been going on. According to planners, logging sites are definitely not the places to carry out the reconciliation between nature conservation and forestry. The harvester drivers are private entrepreneurs with tight schedules and economic margins, and for them it is unacceptable and draining not to be able to carry out logging as planned. However, when the Laamasenvaara case (where a tree fell on one of the activists) was addressed in court, Metsähallitus argued that the harvester driver was an independent entrepreneur and hence Metsähallitus was not responsible for what had occurred at the logging site. An NHS employee criticised this line of argument in the following way:

“And eventually it should be, in principle it should, if the decision maker is nowhere else to be found then it should be the highest level that should take responsibility for the decisions. But as we could see in these, for example, forest...this activist logging in Kuhmo, there was no-one of those to whom the responsibility belong, who would have taken it.[...] and when the activist in no way was directing the protest against the harvester driver, or the owner of the harvester, she was protesting against the logging policy of Metsähallitus.[...] in this case it would have been honest, that “yes, we told him[harvester contractor] to go there, but we don't give a damn...let him deal with it on his own”  
(NHSK19)

The question that arises from the very different ways that people within the state administration perceive the old-growth forest conflict and indeed the state forest administration as a whole is, how are these issues dealt with in the formal institutional framework regulating state forests and Metsähallitus. How is the reconciliation between biodiversity conservation and commercial forestry approached in the regulation? How are the role of NHS and the Forestry Division defined? How is the regulation implemented by the ministries and by Metsähallitus in its planning processes? Are there other informal norms that also affect the decision-making? These are the questions addressed in the following chapter.



### 8.3 Formal and informal institutions on biodiversity conservation and public participation

The task of this chapter is two-fold. Firstly, to identify the formal-legal rules and informal norms that exist for state forestry. Secondly, to analyse how the state forest administration has used them in its justifications for the adopted practices for managing the conflict. The research questions to be addressed include:

Research question 1: What formal institutions regulate the goals and procedures in state forestry?

Research question 2: What informal institutions can be identified regarding the goals and procedures in state forestry?

Research question 6: How do the formal and informal institutions affect the practices of the state forest administration?

In order to avoid unnecessary repetition, the description of a formal or informal institution is combined with the analysis of how it is used (or not used) by the state administration, which leads to a conclusion on the role of that institution in the management of the Kainuu conflict.

#### *8.3.1 Legal regulation on integrating biodiversity conservation with business*

As was mentioned earlier, the Act on Metsähallitus (1169/1993) was the first piece of forest legislation in Finland that defined ecological goals of forest management to be equally important as timber production goals. In 1994, the Council of State also initiated an overall reform of the forest and nature conservation legislation, which resulted in a new Forest Act (1093/1996) and Nature Conservation Act (1096/1996) in 1996. The goal of the new Forest Act was to promote economically, ecologically and socially sustainable forestry on all forest owners' lands so that both sustainable timber production and the conservation of biological diversity would be achieved (HE 63/1996 vp, 14–15).

According to Salila (2005, 136), conservation of forest biodiversity is based on a model of three levels in the reformed forest and nature conservation legislation (see also Toivonen 2000). The first level of conservation embraces the notion that most forest-dwelling species can be given due consideration in regular forest management by following the modern forest management recommendations by forest authorities. Metsähallitus applies in practice its own Environmental Guidelines (published in 1997 and 2005).

The second level of conservation concerns habitats of more demanding species, which are to be preserved as habitats of special importance, as listed in the Section 10 of the Forest Act<sup>62</sup> (also known as Forest Act habitats (Pykälä 2007) or woodland key habitats (Junninen & Kouki 2006). In case these habitats are in a natural state or resemble a natural state and are clearly distinguishable from their surroundings, their use and management must be carried out in a manner that preserves the special features of the habitat. The habitats covered by the Act include immediate surroundings of springs, fertile hard-wood–spruce mires, fertile patches of herb-rich forest, heath forest islands in undrained mires, gorges and ravines, steep bluffs and the underlying forest, and sandy soils, exposed bedrock,

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<sup>62</sup> Metsäluonnon erityisen tärkeät elinympäristöt (METE-kohteet), in Finnish.

boulder fields, mires with sparse tree stand and flood meadows. Occurrences of red-listed species or old-growth forests are, in contrast, not included in the Act (Junninen & Kouki 2006). Those red-listed species and ecologically important features of forest that cannot be sufficiently taken into account by the two previous measures can be protected by a third level of conservation, which establishes statutory conservation areas in accordance with the Nature Conservation Act.

The Nature Conservation Act lists nine protected habitat types, which cannot be altered in such a way as to jeopardise the preservation of the characteristic features of the area in question (29 §). These do not include old-growth forests. The Act also lists species that are under strict protection<sup>63</sup> and whose habitats cannot be altered or destroyed. Furthermore, the Act translates the European Council Habitats Directive<sup>64</sup> and Bird Directive<sup>65</sup> into Finnish law, which, among other things means that the destruction and deterioration of breeding sites and resting places used by the bird species listed in the Annex IV (a) of the Habitats Directive is prohibited.

Assessing the overall quality of the reformed legislation from a nature conservation perspective is outside the scope of this study. While both ENGOs and researchers have identified a number of points where the legislation would need to be improved<sup>66</sup>, this has not been the most central issue in the old-growth forest conflict. Rather, the question has been, what the role of state forests should be in addressing the biodiversity problem in Finnish forests. While the state forest administration and ENGOs have largely agreed that the State has a higher responsibility than other forest owners for carrying the conservation burden (Raitio & Rytteri 2005), they have divergent views as to what extent the state forest administration has succeeded in living up to these expectations.

Metsähallitus points out in its recent report on its investments in the ecological and social obligations given to it in the Act on Metsähallitus that, in addition to the Forest Act habitats, it has voluntarily excluded 3.9 % of productive forest land in commercial forests entirely from forestry as ecologically valuable sites, and another 1.8 % is in restricted use (Yleisten yhteiskunnallisten...2007,10). In addition, an overriding majority of the statutory protected areas in Finland have been established on state land, and hence it is clear that the State stands out in nature conservation in comparison to any other forest owner group. Yet, ENGOs have argued that there is much more that remains to be done, because forestry continues to be the single most important factor causing species becoming threatened in Finland (Rassi et al. 2001, 347). This is generally acknowledged, but the views diverge on the role old-growth forests and state forests should play in tackling this problem.

Related to this, one major issue of disagreement on the role of state forests has been the effect Metsähallitus business operations (primarily forestry) have on the goals related to biodiversity conservation. One of the recurring demands of several ENGOs has been that Metsähallitus' profit targets need to be reduced in order to create more room for the ecological and social goals (e.g. Näetkö metsää puilta? 1999; Nature League press release 30.1.2002; Harkki et al. 2003; FANC statement to the Parliamentary Environment Committee in 2006 and 2007). From this perspective, a central part of the legislation is

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<sup>63</sup> In Finnish, erityisesti suojeltavat lajit

<sup>64</sup> Council Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora, (habitaattidirektiivi, in Finnish).

<sup>65</sup> Council Directive (79/409/EEC) on the conservation of wild birds (lintudirektiivi, in Finnish)

<sup>66</sup> On the adequacy, implementation, compliance or enforcement of the legislation see e.g. Pappila (1998), Laakso (2003a) and (2003b), Laakso et al. (2003), Junninen & Kouki (2006), Suvantola (2006), Primmer (2007), Pykälä (2007).

the Act and Decree on Metsähallitus, where the balance between the business activities and the other tasks of Metsähallitus is defined.<sup>67</sup>

According to the Government bill in 1993 (HE 257/1993 vp), ecological principles should guide all Metsähallitus activities. The business tasks, as well as the social obligations (promotion of employment and recreation) should be carried out only to the extent that they fit within the boundaries set by the ecological preconditions. This formulation indicates a hierarchy between the different tasks given to Metsähallitus: business and social goals are subordinate to ecological ones. In the reformed Act from 2004, the hierarchy was somewhat altered so that now all societal non-business goals – both ecological and social – define the operational room for the business activities:

“Metsähallitus practices business within the framework of the obligations to the society laid down in this act and manages public administration duties”(2.2 §)

These obligations in the reformed Act include that Metsähallitus “shall sufficiently take into account” the protection and appropriate increase of biological diversity. In addition, Metsähallitus shall take into account the requirements of recreational use of nature and promoting employment. Ensuring the conditions of the Sámi culture and fulfilling the obligations defined in Reindeer Husbandry Act are likewise included in the new statute (4 §).

With these multiple goals, which are to an extent conflicting, the key question becomes, how formulations such as “take into account” and “sufficiently” are to be interpreted. The Government bill from 2004 (HE 154/2004 vp, 11) emphasises – similarly to the previous bill from 1993 – that the conservation of biological diversity should remain “a precondition that limits all other activities of Metsähallitus”. On the other hand this rather strict formulation is softened by a statement that this precondition should be “sufficiently taken into account together with the other goals” set for the management, use and conservation of forests and other natural resources (HE 154/2004 vp, 11).

While the political message of the Act seems to be that Metsähallitus remains an organisation with important societal tasks not be compromised for the benefit of business opportunities, the vague formulations open up for several interpretations as to how the practical balance between the multiple goals should be defined. An interviewed MAF representative emphasised the hierarchical relationship between the societal tasks and business operations:

“MAF26: When it [Metsähallitus] has these social obligations, that can in a way be derived directly from the Act, they set the preconditions, in a way the latitude, within which it [Metsähallitus] then, it makes profit, or...achieves the profit targets that the Ministry [of Agriculture and Forestry] sets for it. But the Ministry must not, the profit target set by the Ministry, must not be in contradiction with the central goals defined by the Parliament and of course with the legislation.”

KR: Mm. So in other words, it is not possible to argue that compromises should be made on the preconditions so that a better [economic] result can be achieved? You mean that the preconditions are in a way unconditional?

MAF26: Yes, that's right.”

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<sup>67</sup> The Act on Metsähallitus was reformed in 2004, but the social obligations have been included in Act on Metsähallitus since 1994.

The interesting question is what the actual concrete process for interpreting and implementing this principle is in the ministries and in the planning processes within Metsähallitus. This is the question to which I now turn.

### *8.3.2 Disappearing chain of responsibility: Defining the profit targets*

The more exact content of the different goals for Metsähallitus is specified annually by the Finnish Parliament and by the ministries under which Metsähallitus operates. The Finnish Parliament approves Metsähallitus' annual service tasks and other operational objectives for its activities. It also defines the annual profit targets for the Forestry Division and other business units as a part of deciding on the State Budget. Based on these, the Ministry of Agriculture and Forestry formulates the more detailed annual performance targets for Metsähallitus' Forestry Division. The Ministry of the Environment defines, in turn, the annual targets related to the social and ecological tasks of NHS that are funded separately from the State Budget. (State Enterprise Act (1185/2002) 8 §, see also Metsähallitus Act 10 §.) The Ministry of Finance, which is responsible for the State Budget, also plays a role in these processes.

The integration of business activities and public authority into one organisation has caused some challenges regarding both the integrity of the public authority (NHS) and the competitive neutrality of the business unit (the Forestry Division) vis-à-vis other market actors. Therefore, the state lands are divided into two separate balance sheets. The Forestry Division is responsible for the commercial balance sheet (50 000 km<sup>2</sup> of land and water of which 36 000 km<sup>2</sup> productive forest land), where the economic profit targets set by MAF apply. NHS manages protected areas as public property (70 000 km<sup>2</sup> of land and water, of which 10 000 km<sup>2</sup> productive forest land) under MOE, and those areas are not subjected to profit requirements. NHS and the Forestry Division are independent from each other in their management responsibility for the respective lands. Combined, the decisions by the Parliament and by the ministries outline the annual interpretation of the legally defined goals regarding state land belonging both to the commercial balance sheet and to the public property.

The decision by the Finnish Parliament on the annual objectives for Metsähallitus is but one of numerous decisions the Parliament takes when defining the State Budget. Not surprisingly, one representative from MAF pointed out that the parliamentary decision is largely based on a proposal the Government has formulated in its proposal. There are rarely any changes to it. Within the Government MAF is responsible for Metsähallitus' business activities and therefore also for drafting the proposal for the profit targets. The process is described as a yearly routine, where incremental changes can be made, if necessary:

“Our task is to look at the whole in Metsähallitus, and we do it according to the will of the Parliament. [...]I would say that the result from parliamentary decisions[...] is the best possible one produced by the Finnish decision-making system under the circumstances.[...]And the proposals from here to the Parliament, they include all the best information available to us[...]"(MAF 28)

MAF, MOE and Metsähallitus meet a few times per year to coordinate the different tasks and their prioritisation. According to MAF representatives the cooperation between the ministries works well (see also HE 154/2004 vp, 8). While the representative from MOE does not disagree, he considers the role MOE plays in defining the profit targets for the Forestry Division as limited, despite the fact that ecological considerations should set the preconditions for the business activities:

“KR: Does MOE not have any formal role in the process [of defining the profit targets]...?”

MOE 25: Well, not very much, it is in these tri-partite meetings that these issues are addressed. And sure they have been discussed, in particular this profit target, whether it is...OK as it is, or should it be changed somehow, but we cannot, cannot really affect it.”

What then forms the basis of MAF decision-making? There are number of factors that affect the annual business result of Metsähallitus. Many of them, such as timber prices, are hard to forecast, whereas salary and harvesting costs are more predictable. A central parameter in the equation is the amount of wood available for timber harvesting. The definition of the annual harvest levels is, according to MAF, in the discretion of Metsähallitus and it would be inappropriate of the Ministry to interfere in the process of defining them (see also Ylä-Lapin...2003). In addition, Metsähallitus emphasises that the harvest levels are not defined in top-down performance targets, but in the collaborative processes as a part of Natural Resource Planning (Diverse Use...2002, 11). The total annual harvest level for state forests is the sum of the regional levels defined in NRPs.

In other words, the annual profit targets produced by the State, for Metsähallitus, are, to a significant extent, based on information and decisions that come from Metsähallitus itself, even though the final targets (in Euros) may exceed what Metsähallitus has proposed. Once set, the planned harvest levels bind Metsähallitus for the coming year, because the profit targets defined by MAF and endorsed by the Parliament in the State Budget are based on those figures. Any abrupt changes in the amount of harvested timber are likely to cause problems in achieving the targets.

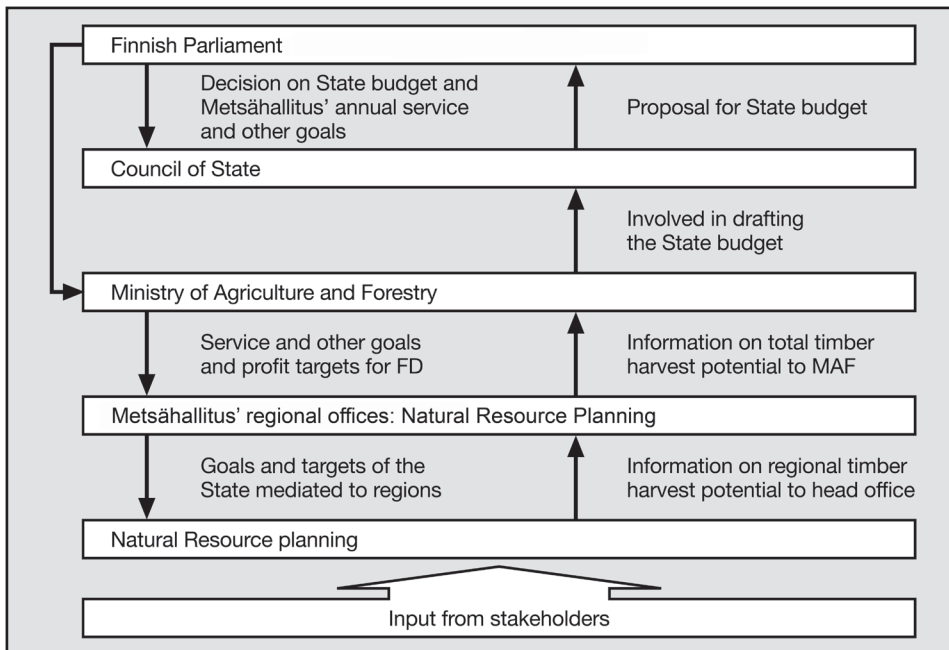
A good example of the interconnectedness of Metsähallitus' own preferences and the will of the State as the owner of the forests was a decision by the Cabinet Committee on Economic Policy<sup>68</sup> on the policy for Metsähallitus business operations and public administration duties in 2005–2010. Among other things, the policy document included a goal to raise the annual revenue target for Metsähallitus by € 10 million in ten years. The decision was described by the Head of Metsähallitus' Forestry Division as a “challenge set to us by the owner” (Metsä.fi 1/2006), but the editorial of Metsähallitus' staff newspaper Metsä.fi had only some time earlier formulated the situation in opposite terms, whereby the State was framed as accepting strategies developed by Metsähallitus itself: “Metsähallitus' development strategy has gained the support of the State owner” (Metsä.fi 6/2005).

The Cabinet Committee's decision was indeed based on a strategy developed by Metsähallitus' Board of Directors. Based on it, MOE and MAF had then drafted a proposal for the Committee's decision, which the Committee endorsed (Definition of policy for Metsähallitus business operations and public administration duties in 2005–2010<sup>69</sup>). The public documents do not reveal at what point the actual figure of € 10 million entered the picture. But the general message in the proposal Metsähallitus, MOE and MAF drafted for the Committee was that efficiency and profitability of the business operations should be increased. The social obligations were named as a framework that needed to be taken into account, but they were not given any specific content. The only comment that related to social obligations was that Metsähallitus would need to report annually to MAF the costs and benefits as a result of social obligations on the business

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<sup>68</sup> In Finnish, talouspoliittinen ministerivaliokunta.

<sup>69</sup> Metsähallitusta koskevat liiketoiminnan ja julkisten hallintotohtävien ohjauslinjaukset 2005-2010.



**Figure 12.** The decision-making circles between the different levels of the state forest administration.

operations. Furthermore, it was stated that any transfer of land from the business balance sheet to public property would have to be compensated to the business unit from the State Budget. Efficiency was proposed to increase also in the public administration duties (NHS), and more so than in the state administration on average. Thus the document gave goods grounds for the State to raise its profit target expectations, and to expect that Metsähallitus would find them agreeable.

The close inter-linkage between Metsähallitus and the parliamentary/governmental steering of its business activities makes it more difficult to detect which actor holds ultimate responsibility for the policy on state forests (Figure 12). Power and responsibility disappear in a never-ending chain of decisions. Each actor refers to the decisions made by one's superiors. The superiors, on the other hand, tell that their decisions were based on the proposals by the person or unit referring to the superior's decision in the first place. At the local level, the Forestry planners are following orders and trying to make ends meet between the logging constraints caused by ENGO campaigns and the harvesting needs coming from their superiors. The regional leadership (such as the Forestry Division in Kainuu) does not see itself as major decision maker either, but as a mediator between the conflicting needs of the local stakeholders as well as the goals set by the State. Furthermore, Metsähallitus' head unit in Tikkurila considers itself as the intermediate between the regions and the State: it has no expertise to decide on the harvest level on behalf of the regions, nor does it consider itself to be in the position to define the profit targets for the organisation as a whole, because they are set by the Parliament/MAF.

MAF, on the other hand, considers itself the intermediate between Metsähallitus and the rest of the Government – in particular the Ministry of Finance. A MAF representative



maintained that since the deep recession of the Finnish economy in the early 1990s, much of the political power has slipped to the civil servants of the Ministry of Finance, and they are pushing for higher returns from the state enterprises. In the end, MAF needs to follow the decisions of the Parliament. And the Parliament? Its decisions are based on proposals from MAF, either in the form of annual performance targets or as draft Government bills regarding forestry and Metsähallitus.

As decisions are justified by the decisions made by others, it becomes difficult to grasp the substantive justifications behind them. The following quotes from the Forestry Division at local level and in Tikkurila head office as well as MAF summarise this “chain of evasive responsibility”:

“To ring someone in the ministry [MAF] and to say that we were thinking of reducing, they won't, they'll say that well that's just your opinion” (FDK13)

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“KR: Do you really feel that if the representatives of the State decided to totally change the tasks you [Metsähallitus] have, Metsähallitus would just say ”alright”?  
FDT2: Yes, that's the way it is. That's the way it is.”

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“KR: But now for instance if... Jan Heino [Metsähallitus Managing Director at the time of the interview] came to the next performance negotiations and said that next year the profit target has to be reduced by 10 million euro, because we have made a new round of NRPs and the harvest levels have been reduced by 25 %, just so that you know., would you [MAF] just say ”alright”?

MAF26: Yes, if it were well justified, absolutely, that, I mean...But of course... these changes do not take place so rapidly that...”

The question that remains unanswered in this circle of non-responsibility is what role ecological and social obligations (as stipulated in the law) play in this process. According to the Government bill in 2004 to reform the Act on Metsähallitus (HE 154/2004 vp), Natural Resource Planning is a central tool for balancing ecological, economic and social goals in commercial forests. Because these forests are in the balance sheet of the Forestry Division, it is the lead organisation in the planning process. This is significant, because, as several NHS staff members from both Kainuu and the Head office noted, NHS has no formal role in the decision-making regarding forests in the Forestry Division's balance sheet, despite the hierarchy whereby the ecological and social obligations should guide the business economic goal setting:

“But it's funny in a way that our [NHS'] role is often highlighted as if we were an internal certifier of the Forestry Division who would give some permission to logging some forest... our co-operation has traditionally been in these, Landscape Ecological Planning, Natural Resource Planning, these big planning systems, and when it has been about forests of the Forestry Division we have had the role of an expert, there is no direct decision-making authority involved. [...] in those areas that are in the Forestry Division's balance sheet[...] in those areas we are just experts, I mean we give all the possible information that we can produce, [...] and of course in these nature conservation issues we have our own position on things, but the Forestry Division takes it into account to the extent it does.” (NHST3)



Some of the NHS interviewees expressed that they do not even know how, and by whom, the annual harvest levels are eventually defined, or do not feel NHS has a role to play in the process. As to why the harvest levels are set to the level they are, one of the NHS representatives assumed that it is in the interest of the Forestry Division to have large enough harvest volumes. As he put it, size is power.

If it is so that there is a close link between the strategies Metsähallitus adopts in Natural Resource Planning, and the performance targets set by the State, then the participation of stakeholders in NRP becomes a central tool for affecting the priorities of state forest use and for settling conflicts. Before moving to the practical implementation of NRP in Kainuu, I will now address how NRP is regulated in general, and the public participation in particular.

### *8.3.3 Missing legal regulation on planning and participation<sup>70</sup>*

The rights of the public to participate in decision-making regarding the environment have been broadened in Finland, particularly since 1990s. The most significant binding international agreement on environmental participatory rights Finland has ratified is the so-called Aarhus Convention (Convention on access to information, public participation in decision-making and access to justice in environmental matters; SopS 122/2004). It was signed in 1998 and entered into force in 2001. The convention is built on three pillars of participation: (1) access to information (2) public participation in decision-making and (3) access to justice in environmental matters. The convention highlights, in particular, the role of NGOs as an important part of the public, and covers not only specific projects, but also plans, programs and policies relating to the environment.<sup>71</sup>

The three pillars of the convention are also central elements of fundamental rights and good governance in the Finnish Constitution (731/1999), although not related specifically to environmental decision-making. Section 12.2 of the Constitution stipulates that everyone has the right of access to public documents and recordings, unless their publication has, for compelling reasons, specifically been restricted. Section 2.2 maintains that democracy entails the right of the individual to participate in and to influence the development of society and one's own living conditions. Furthermore, Section 14.3 stipulates that the public authorities shall promote the opportunities for the individual to participate in social activity and to influence the decisions that concern oneself. Section 21 states that everyone has the right to have one's case dealt with appropriately, and without undue delay, by a legally competent court of law or other authority. Important elements of good governance include, according to the statute, publicity of proceedings, the right to be heard, the right to receive a reasoned decision, and the right of appeal.

In 1995, a new provision was added to the Constitution that defined the right to environment as one of the fundamental rights (this became section 20 of the reformed Constitution (731/1999)). The provision consists of three elements: (1) everyone's responsibility for the environment, (2) the duty of the public authorities to guarantee everyone the right to a healthy environment, and (3) the duty of the public authorities to guarantee for everybody the possibility to influence the decisions that concern their own living environment.

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<sup>70</sup> The Act on Metsähallitus (1378/2004) was revised in 2004, so the current legislation is only applicable to decisions taken since the beginning of 2005. Nonetheless, much of the regulation was similar to the new Act that had been in force since 1994. When this is not the case, it is indicated in the text.

<sup>71</sup> The convention does not however specifically mention forestry plans or projects.

Since the 1990s, public participation in decision-making and access to justice in environmental matters have also increasingly been included in the Finnish environmental legislation. For instance, the Environmental Impact Assessment (EIA) Act (468/1994), Land Use and Building Act (132/1999), Environmental Protection Act (86/2000), and Nature Conservation Act (1096/1996) all include provisions regarding the right of the public to be heard. Land Use and Building Act (191,193 §), Environmental Protection Act (97 §) and Nature Conservation Act (61 §) also include provisions that grant environmental NGOs a right to appeal the authorities' decisions.

The right of appeal is a central element in public participation. Without it the right of citizens to participate in environmental decision-making would differ very little from any other form of political activism, where the significance of the right to participate depends on the political weight of each participant. While the right to appeal is not an aim in itself, it is a central element of meaningful participation in ensuring that participation is more than just a formality. (Suvantola 2003, 224–225.)

In Finnish public law, the right of appeal against decisions of the authorities is generally guaranteed through a process called administrative appeal. In short, it means that citizens have the right to appeal a decision by a public authority whenever they are directly affected by the particular decision. In contrast to civil law suits, an affected citizen can initiate an administrative appeal processes without the need to hire a lawyer, because it is the duty of the administrative courts or other appellate authority to take the initiative to obtain sufficient evidence in the matter on behalf of the appellant, in so far as the impartiality and fairness of the process and the nature of the case require. (Administrative Judicial Procedure Act (586/1996) 33 §; Mäenpää 2003, 190). This means significantly lower costs and demands on the appellant. The purpose of administrative appeal is one hand to secure the subjective rights of the citizen vis-à-vis administrative decisions of the authorities. On the other hand, the right to appeal also aims at securing objective legality of the decisions, and hence at ensuring the legitimacy of the public administration. (Määttä 2002, 38; Suvantola 2003, 215–216.)

Traditionally in Finland, only people whose duties, rights and/or interests are directly affected have had the right to appeal a decision by authorities (Administrative Judicial Procedure Act 586/1996 6 §). The threshold for legal protection has been high (Suvantola 2003, 220). However, when it comes to environmental issues, it has been considered necessary, both internationally (Aarhus Convention) and in Finland, that the scope of the right of appeal should be more inclusive. Therefore, environmental NGOs have been granted the right of appeal in many cases. According to the Aarhus Convention, in environmental matters the interests of ENGOs are always deemed an affected party (Article 2.2).

The reform to include public participation and the right of appeal in environmental legislation is still on-going in Finland, and some of the reformed Acts have been criticised for being internally inconsistent and in need of further development<sup>72</sup>. Nonetheless, the trend in both international and national law has been clear: to improve the possibility for citizens and environmental NGOs to affect environmental decision-making.

Finnish forest legislation, however, is an exception to this general trend. (Määttä 2002, 45). Neither the Forest Act nor the Forest Decree include any regulation on public participation in forestry in general. Specifically regarding state-owned forests, the only form of participation stipulated in the law is through Advisory Committees for the

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<sup>72</sup> For critique on e.g. Land Use and Building Act see Suvantola (2003, 230), on EIA Act see Pölönen (2007).

Provinces of Lapland, Kainuu and North Karelia, which MAF nominates for a period of three years. The task of the Committees is to give statements to Metsähallitus in significant issues related to the use of state land, as well as to make motions to Metsähallitus to take the position of the local population into account. The Committees are chaired by a MAF representative and the other nine members shall represent the local population, forestry, economic life, environmental protection and NGOs in a diversified way. The Committees are, as the name implies, advisory and their statements do not bind Metsähallitus to any consequent measures. (Government Decree on Metsähallitus (1380/2004) 8 §.) In practice, their role as a forum for managing the conflict in Kainuu, for instance, has been marginal.

As was mentioned earlier, the Government has defined participatory Natural Resource Planning as the key tool for reconciling the different objectives regarding state forests and for ensuring that different groups get their voices heard (HE 154/2004 vp). Despite this, NRP, or the role of public participation therein, is not mentioned in the proposed or passed Act on Metsähallitus. In other words, the allegedly most significant conflict management tool for state forests does not exist in the legal sense. When Metsähallitus voluntarily developed participatory planning for state forests in mid-1990s, it was a forerunner in the issue in Finland, and there existed little detailed legislation on public participation in any field of land use planning or environmental decision-making<sup>73</sup>. However, forestry planning is now one of the few environmental planning processes that does not include any legally secured rights for public participation.

The lack of legal regulation on NRP and public participation has a number of implications. First, the role of stakeholders in the NRP process remains undefined and depends on the policies adopted within Metsähallitus. As was concluded by the external evaluation group on LEP, the objectives Metsähallitus has defined for public participation have been numerous, varying from information gathering to collaboration and conflict resolution. Because of the varying roles given to stakeholders, it has also been unclear at times as to how the collected input has been used in the final decision-making (Niemi et al. 2001).

Lack of regulation also means that should citizens or organised interest groups participating in the NRP process disagree with the legality of the process or the final outcome, they have no possibility of appealing the plan. This is because, in order for a citizen to be able to file an administrative appeal, there needs to be an appealable decision. A right to appeal against decisions by the authorities exists only for final administrative actions that have been taken by public authorities. Preparatory decisions, or decisions by other actors, are not appealable, because they are not final actions or not taken by a public authority. (5 §, Administrative Judicial Procedure Act (586/1996), Mäenpää 2003, 332.)

Metsähallitus' Natural Resource Plans are plans only. Although they are the closest one comes to formal decisions in forestry planning, they are not formal decisions in the legal sense, Metsähallitus' Forestry Division is a state business, not a public authority, and therefore, even if the NRPs were formally adopted as decisions by the Forestry Division, they would not count for appeal, because the decision is not made by a public authority. Yet, in practice, the NRPs affect the forest management strategies on state land more than any other formal land-use planning process lead by public authorities. Different types of

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<sup>73</sup> However the Act on Environmental Permits (735/1991) and the EIA Act (468/1994) had already been passed during the first half on the 1990s, and both included provisions on public participation. In 1995, a new provision was also added to the Constitution that defined environment as one of the constitutional rights (14a §, 969/1995).

land use plans defined in the Land Use and Building Act, for instance, do not, as a rule, regulate the content of different forestry operations.

Furthermore, as NRP and its objectives are not mentioned in legislation, it is impossible for participants to assess whether the plan and planning process have fulfilled its statutory goals. The legislator describes NRP as the most important planning tool for reconciling the different goals and interests regarding state forests, but how is it possible to assess whether this has been achieved, when the goal is not concretely defined in the Act? Without substantive regulation on the planning, any procedural regulations would remain meaningless, because an appellant must refer to substantive legal grounds on which the decision is appealed.

As a consequence, Metsähallitus' Forestry Division has, in practice, powers similar to a public authority, but without the corresponding responsibilities. Legally, this is correct because a state enterprise is not subjected to administrative law. But in practice it results in a lack of accountability and lack of access to justice regarding state forest planning. An interesting contrast is with the management plans for National Parks or Wilderness Areas on state land, which *are* appealable, because they are ratified by the Ministry of the Environment, and hence become final administrative actions (this issue will be discussed in more detail in the context of the Inari case study in Chapter 9.3.3).

The lack of regulation regarding public participation in the Act on Metsähallitus is particularly striking because the Act has been reformed very recently. The opening of the Act for revision was not used as an opportunity to bring it up to date with the constitutional environmental right and with the general trend to increase procedural rights in environmental law. It is noteworthy that the Government proposal for reforming the Act on Metsähallitus did not in any way address the impacts of the reform on fulfilling the constitutional environmental rights of the citizens in state forestry planning (HE 154/2004 vp). According to a representative of MAF who drafted the Government Bill, this was a conscious choice. When asked whether Metsähallitus participatory planning should be regulated in the same way as zoning or for instance Wilderness Area management, he replied:

“Participatory planning is one thing and zoning procedure is another. As processes they are very different. This participatory planning, it is a co-operation procedure where...one looks for joint, joint interests, listens to everyone, but it is in the end the **landowner** who decides what is done[...] Whereas zoning is, it includes decisions by public authorities[...] And it includes permanent land use decisions...[...] In Wilderness Areas we are not dealing directly with economic activities, so it is easier there [...] to make administrative decisions. **If the question is about economic activities then bringing in a apparatus like zoning easily makes it so difficult that the economy may get stuck**” (MAF28, emphasis added)

In other words, the MAF representative feels that administrative processes that may cause hindrances to the economy should not be created when it comes to forestry on state land. Secondly, he perceives Metsähallitus as a landowner, or as a representative of one, instead of as a party exercising de facto public authority, albeit in the capacity of a state enterprise.

The Forest Act was also amended around the same time as the Act on Metsähallitus was renewed. Instead of strengthening the role of citizens, the amendment (552/2004) – proposed by MPs primarily from the conservative Coalition Party and the Central Party (whose primary constituents are farmers and other rural populations) – included a new

section 18 a on “Preventing forest felling”<sup>74</sup>. It aimed at decreasing direct actions by forest activists in logging sites:

“A person who, with the intent of disturbing forest felling carried out in accordance with this Act, is unlawfully present within the immediate surroundings of a felling site when the felling is underway, so that the felling is prevented, shall be sentenced to a fine for *preventing forest felling*, unless a more severe punishment is provided in other law.” (Emphasis in the original.)

It is unusual to have such provisions elsewhere in the legislation than in the penal code. The amendment was a clear political statement against civil disobedience specifically in forest activism. However, without provisions improving direct public participation and right of appeal in forestry-related processes, dissatisfied ENGOs did not believe they were given an alternative way to bring a disputed matter to the consideration of an independent party.

In summarising the formal legal framework described so far, forestry legislation was reformed in the 1990s to reflect the changes in forest policy whereby ecological sustainability and economic productivity were to form the two, equally important goals for forest management. The EU Habitat Directive and Bird Directive meant changes to the nature conservation legislation where also other reforms were carried out. The legislation regarding the reconciliation of commercial forestry and biodiversity conservation in state-owned forests was reformed in 1994, and again in 2004. It is ambitious in terms of the general objectives of reconciling ecological, social and economic sustainability. It describes a hierarchy whereby the ecological and social preconditions defined in the Metsähallitus Act define the latitude for the business operations.

However, the legally stipulated structure of Metsähallitus – whereby commercial forests and public property areas are separated into two distinct units, two different balance sheets and their supervision to two different ministries in the Council of State – significantly limits the possibilities of MOE or NHS to set any preconditions for, or even formally participate in, the decision-making over commercial forests. The separation of business and public authority is necessary for the sake of integrity and neutrality of the different tasks, but it also means that the claimed benefits of having the two units in the same organisation become less clear, at least from the perspective of mainstreaming ecological and social prerequisites into the business activities. This is because NHS has not been granted any formal supervisory role in the legislation over the Forestry Division. Due to the organisational structure, NHS’s role has been reduced to that of a stakeholder that participates in processes led by the Forestry Division, rather than as a decision-making body itself regarding the disputed issues and areas.

Although both the legislator and Metsähallitus put much emphasis on Natural Resource Planning as a tool for reconciling different expectations related to state forests, NRP lacks any legal regulation, both regarding the minimum requirements of the planning process or the plans, and the rights of participants involved. This significantly weakens the legal role of public participation in state forestry planning and puts it in stark contrast to most other environmental legislation in Finland.

Having now outlined the regulatory situation within which the major reconciliation is to take place in state forests, I will now address how Metsähallitus has in practice carried out the reconciliation in the two Natural Resource Planning processes that have taken place in Kainuu in 1996 and 2003.

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<sup>74</sup> Metsänhakkuun estäminen, in Finnish

### *8.3.4 Implementation of the regulation in Natural Resource Planning*

The Protection Programme for Old-Growth Forests in Northern Finland in 1996 meant that the first round of Natural Resource Planning was more or less overrun by a political decision made at the national level. Nonetheless, the NRP process was documented in the final plan report (Hiltunen 1998) and it allows an analysis of the process and choices that were taken in Metsähallitus at the regional level at the same time as the Protection Programme was being prepared nationally. The forest inventories and much of the preparatory work for the Protection Programme were also carried out at the local/regional level and hence the national process was not entirely disconnected from Kainuu.

As was mentioned earlier, the first NRP process began by formulating alternative scenarios for forest management (Business as usual, Economy, Recreation and Conservation). These were compared against four goals for the use of state forests: economic, nature conservation, recreation, and socio-economic goals (Table 6. in Chapter 8.1.2). The preferences and needs of the people in Kainuu were given much emphasis in the NRP report. However, Metsähallitus management also set its own goals for the plan, based on its understanding of the tasks and goals of the State. These prerequisites, as stated in the plan, included conservation of biodiversity, provision of recreation services free of charge to citizens, promotion of employment and the procurement of wood to the forest industry in Northern Finland (Hiltunen 1998, 33).

Although it is mentioned in NHS that the people in Kainuu are split on the issue of old-growth forests (Hiltunen 1998, 68), one of the central arguments Metsähallitus has presented in the public throughout the Kainuu old-growth forest disputes has been that the local people are against increased nature conservation and want to emphasise the socio-economic benefits gained from forestry. In other words, Metsähallitus has depicted Kainuu people as critical towards conservation and as supportive of an increased emphasis on socio-economic benefits. The same frame has identified Metsähallitus as supportive of the needs of the local people. As is concluded in the Plan:

“Citizens emphasise in particular the recreational goals related to forest use and organised stakeholder groups emphasise economic goals and socio-economic benefits. Also nature conservation goals are important, but not as important as the other goals [...] The statements by Metsähallitus and by the stakeholders indicate that more emphasis should be put on the economic and social goals in Metsähallitus’ activities in Kainuu in the future.” (Hiltunen 1998, 34,50, author’s translation)

However, as the summary table of the preferences of the different actors indicates (Table 11), there was in fact considerable variation in the goal setting between the different types of participants (organised stakeholder groups /citizens), and more importantly, between Metsähallitus and all of the stakeholder input. The most striking difference is that, looking at the input by the different participants together, economy ranked not even among the top preferences. On the contrary, with the preferences of the working groups and the citizens put together, economy (0.22) ranked only slightly better than nature conservation (0.21), and clearly lower than socio-economic goals (0.27) with lower again than recreation (0.30).

As was noted earlier, the results of the combined preferences of the stakeholders and Metsähallitus (so-called total utility function) depended to a significant extent on the preferences of Metsähallitus itself, because its preferences alone had been given



**Table 11.** Preferences of the different participants and Metsähallitus during the first NRP process (Hiltunen 1998, 35, 52)

	Economic goals	Nature Conservation goals	Recreation goals	Socio-economic goals
<b>Regional working group</b>	0.24	0.23	0.23	0.30
<b>Working groups in municipalities</b>	0.29	0.27	0.19	0.26
<b>Citizens</b>	0.13	0.13	0.50	0.25
<b>Metsähallitus management</b>	0.40	0.20	0.20	0.20

50 % weight and hence played a major role for the outcome of the total utility function (Hiltunen 1998, 51–52.). Metsähallitus put double the emphasis on economic goals than on any of the other goals (Table 11). It also emphasised the economic goals more than any of the different stakeholder groups did. This – not the preferences of the stakeholders – is the factor explaining why the Business scenario received the highest total utility function with Business as usual ranking second, Recreation as third and Conservation as the last one.

In fact, one of the interviewed NHS staff members maintained that Recreation, not Business, would have been the most preferred scenario by Kainuu people in the first Natural Resource Planning process. This is supported by the figures above. Another NHS representative pointed out that the problem in the voting system in the first NRP was that a vote for recreation was a vote against the other alternatives, which, according to the interviewee, created unnecessary and artificial divisions particularly between conservation and recreation, and was likely to give a skewed impression of the preferences of the involved groups.

A Forestry Division staff member explained the end result of the decision analysis and the role of the participants in the process vis-à-vis Metsähallitus in the following way:

“...this participatory planning, it just gave, in my understanding, these stakeholders outside the house a channel to affect things, but the final decision-making power is always with Metsähallitus and if something does not go right for Metsähallitus, then it is decided so that it goes right. But the idea is that somebody gets to influence. And I guess it needs to be understood that when it’s about human interaction talk, and whatnot, always has an impact.” (FDK12)

The fact that Metsähallitus’ leadership gave the economic targets double the weight over the other goals, and nature conservation, was not highlighted in any way, indicates that whoever formulated the official preferences of Metsähallitus and wrote the Plan, either did not consider it likely or desirable to have an increase in the amount of nature conservation, despite the on-going old-growth forest inventories. Once the political decision about the Protection Programme had been made, it was referred to in the plan as a “national level



political decision by the owner” (Hiltunen 1998, 54). It was pointed out in the plan that the Protection Program meant a significant emphasis on nature conservation in the use of Kainuu’s forests, in comparison to the alternatives that had ranked highest in the NRP process (Hiltunen 1998, 54). In other words, the Protection Programme was indirectly described as being against the will of both Metsähallitus and the local people.

The second round of Natural Resource Planning took place in a rather different situation. With the Old-growth Forest Protection Programs adopted and the Landscape Ecological Plans ready, the allocation of forests to conservation vis-à-vis commercial forestry had changed considerably. This time around, there were more alternative scenarios which again were assessed from four different perspectives, this time called conservation, recreation, economy and regional economy. Again, ‘economy’ was understood as Metsähallitus’ business economy, and ‘regional economy’ as the amount of jobs and turnover Metsähallitus produced in Kainuu, despite the fact that (nature-based) tourism was recognised in the plan as a rapidly going branch in economy. While tourism in many parts of Kainuu is heavily dependent on using state forests, the income or jobs it generates are only minimally visible within Metsähallitus’ balance sheet or list of employees. Restricting the attention to Metsähallitus staff meant that majority of the benefits produced by forest-dependent tourism were ignored.

In contrast to the first round of NRP, during the second round Metsähallitus chose the alternative scenario that gained the widest support amongst the stakeholders in the Stakeholder Working Group, namely Increased Recreation, despite the fact that it was not supported by the Advisory Board in Oulu Province, or by the Municipal Councils in Kainuu. (Hiltunen & Väisänen 2004, 32–33, 41.) The reviewed plan did not outline the preferences of Metsähallitus or the State the same way as the first plan did, so it is difficult to assess to what extent the choice was due to the fact that the preferences of the stakeholders matched best those of Metsähallitus’ management. The differences between the alternatives were not very significant. For example, the total amount of protected areas and ecologically valuable commercial forests varied in the first plan between 10 to 30 % of the productive forestland, where in the second plan the variation was between 17 and 22 %. The harvest levels varied in 1996 between 500 000 and 1 000 000 m<sup>3</sup> a year, whereas in 2004 the variation was considerably smaller, between 866 000 and 1 000 000 cubic meters. (Hiltunen 1998, 38,43; Hiltunen & Väisänen 2004, 41.) Even with a scenario with increased emphasis on recreation, the harvest levels and the turnover in Kainuu would in fact increase during the coming 10 years. This is in part due to the age structure of the forests, where the areas clear-cut in the 1950s and 1960s are now ready for thinning and provide large amounts of timber for pulp.

The analysis shows that the role given to the stakeholder input was different in the two NRP processes, and its weight depended on the views Metsähallitus itself had on the future of the state forests in Kainuu. Due to the 50 % weight given to Metsähallitus’ own preferences during the first NRP process, the views of both individual citizens and organised stakeholder groups would have had limited impact on the final result, even if the Protection Program had not been adopted. The preferences of Metsähallitus’ leadership, on the other hand, clearly demonstrated an almost opposite order of preferences than the ones expressed in the objectives of Metsähallitus Act, since business economic goals were given double the weight of any of the social obligations (although all social and ecological goals together did account for 60 % of the weights). During the second round, on the other hand, the alternative preferred by the Stakeholder Working group was selected but it remains unclear how it related to the goals of Metsähallitus’ leadership.

What the both NRP processes have in common is an informal institution that has guided the decision-making but which cannot be found in the legislation regarding state forestry. This is discussed further in the following section.

### *8.3.5 The full harvest principle in timber production*

Forestry in Finland, as in many other Nordic countries, has been based on stand-level management since the early 1900s. The basic unit of forestry is not an individual tree, but a forest stand with relatively even-aged trees. The aim in the stand-based forestry model – developed originally in Germany in the 18<sup>th</sup> century – is to create a network of uniform stands representing different age classes. The uniformity of the stands is maintained through clearing and thinning from below<sup>75</sup>. Once a stand is “mature” it can be harvested and regenerated, and a new cycle of the stand begins. In an ideal stand-based forest landscape, timber is sourced both from “middle-aged” stands (thinning) and from mature stands (final cutting and regeneration). Stand-based forestry is based on the notion that in knowing the amount and quality of stands and the length of the rotation period, it is possible to calculate the maximum amount of timber harvestable at each time without the risk of over-harvesting, thus securing economically sustainable wood procurement in the long term.

The emergence of environmental considerations in forestry has not challenged this basic model. Forest Act habitats, for instance, are delineated and thus separated from regular stands, whereby the uniformity of the stands remains. In fact, Jokinen (2004, 158) maintains that the need to keep the stands “clean” is one of the factors that has led to the strong separation of commercial forests and protected areas.

The Finnish forestry sector has repeatedly required that the timber production possibilities should not only be steadily increased (as has been done through the series of economic incentives), but also that the increased resources are fully utilised. According to this full harvest principle<sup>76</sup> it is equally important to avoid under-harvesting as it is to avoid over-harvesting. (Jokinen & Holma 2001; Jokinen 2004). In the Finnish forest debate, terms such as “over-mature” or “underproductive” forest or “harvest deficit” are still commonly used.

Transforming an uneven-aged natural forest into a network of even-aged forest stands representing different age classes takes several decades. Because stand-based forestry has been practiced in the state forests in Kainuu only since the 1950s, the age distribution between the stands is not yet even (Figure 8 in Chapter 6.1). There is abundance of both relatively old forests and of young stands (under 41 years). For example, stands with a main tree generation between 41 and 100 years of age constituted only 17 % of the total forest area in 1998. (Hiltunen 1998, 15–16.) This meant that timber could almost exclusively be harvested from old forests. Such a situation is not a major problem for forestry as long as harvesting from the old forests – and transforming them into even-aged stands – can take place as planned. Eventually the young forests will grow into “middle-aged” stands that can be thinned, and the age distribution between the stands will even out.

However, stand based forest management is a model that restricts the available choices long into the future. Final felling and thinning from below trigger a course of events where it takes considerable time to change the structure of the forest and to choose a different management strategy, for instance one that maintains continuous tree cover.

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<sup>75</sup> Alaharvennus, in Finnish

<sup>76</sup> Täyden sadonkorjuun periaate, in Finnish

This path dependence is a problem when the circumstances for forestry change rapidly, in particular if competing land use forms or conservation demands exclude areas from the stand system.

From this perspective, forest conservation has been a particularly difficult challenge to deal with, because by targeting the oldest age classes it has caused immediate problems for timber harvesting. The demands have hit particularly hard in areas with uneven age distribution between the stands, such as in Kainuu, because reductions in the amount of available old forests could not be compensated by increased thinning in “middle-aged” forests. Therefore the Old-Growth Forest Protection Programmes, for instance, caused a sudden temporary decrease in the state harvest levels in Kainuu (Pohjois-Suomen...1996, 24; Hiltunen & Väisänen 2004, 29).

The full-harvest principle is a typical informal norm that cannot be traced back to any codified, formal regulation. Yet it is, according to Jokinen (2001; 2004), one of the most persistent norms guiding the behaviour of forestry professionals in Finland. In the case of old-growth forests, the implementation of the full harvest principle, and the path dependence created by it, are important factors explaining why it has been so difficult for forestry to adapt to the changes caused by conservation, and why the opposition to conservation has been so fierce. In a forest management system guided by the full harvest principle, any unexpected changes mean serious difficulties to maintain the adopted level of timber harvesting.

Despite the fact that the reformed forest legislation (e.g. Forest Act habitats), Metsähallitus' Environmental Guidelines, and the interests of various stakeholder groups, have meant significant changes to how state forests are used, the full harvest principle has not disappeared. On the contrary, the more unexpected ‘restrictions’ there are to timber harvesting, the more important it is to implement full harvest principle in the remaining area, in order to compensate for the losses taken in areas previously available for timber production. Thus, when the Old-Growth Forest Protection Programme for Northern Finland was adopted, the other Government-nominated working group proposed that, as a compensation measure for the forestry sector in Kainuu, harvest levels in the remaining state-owned forests should be increased by 10 % for the coming 20 years (Pohjois-Suomen...1996, 25). In other words, the increase in forest protection levels reinforced the full harvest principle and practice, rather than challenging it.

The full harvest principle is also applied in Natural Resource Planning. The projected annual timber harvest levels are defined for the alternative Scenarios based on the restrictions caused by nature conservation, recreation, and others. The planning tool regularly used for this is the so-called MELA-forest calculation system developed by the Finnish Forest Research Institute (Siitonen et al. 1996). Once the program is provided with the data on forest resources and the defined restrictions, it calculates the optimal (highest possible) timber harvest level for the area in question. The fact that an indefinite amount of restrictions can be fed into the system does not change the fact that within those constraints, the proposed harvest level is always as high as possible. As one of the forestry planner explained:

“The harvest level is always, although it’s said that it is increasing or decreasing, but it’s always adjusted according... to the timber capital, it is, how should I say, nonsense that it is increasing or decreasing, because it is always adjusted to the amount of timber, and it’s always on the heels, so to say, they try to take out as much as possible. The harder we have to work here, that’s the fact.” (FDK 12)

These calculations are a routine procedure. They do not appear as decision-making at all, let alone as significant policy choices. The full harvest principle is so strongly institutionalised in the practices of timber harvest calculations that it seems like a law of nature (Jokinen 2004, 164). Yet it has significant implications for future decision-making regarding forests. Should any new needs to exclude areas from forestry arise – and until now they always have – there is no flexibility in the forestry planning system to adjust to them. The persistence of this informal institution is well demonstrated by the fact that despite all the forest conflicts in the past decades, flexibility or room for negotiation between timber production and other interests has not been increased. To the contrary, the more restrictions have been made in the past, the more important the full harvest principle has become for timber production.

## 8.4 The interplay between frames, institutions and practices

### 8.4.1 *The challenge of convincing the sceptics*

Metsähallitus has previously had a reputation as “a-state-within-the-state” that acted as it pleased. Particularly from 1960s to 1980s, its primary occupation was to maximise timber production through intensive silvicultural methods. In the early 1990s the critique towards the old practices grew so fierce that changes become unavoidable. The major challenge for Metsähallitus during the past 15 years has been to convince its critics that the days of arbitrary decision-making and the dominance of timber production are now history. The ‘new’ Metsähallitus wants to be different; sensitive to ecological considerations, responsive to multiple needs and to stakeholder views. Some of the interviewees from the Forestry Division are frustrated that stakeholders still express critique and show scepticism that the staff finds outdated since long ago. The key question is, how to convince the public of the profoundness of the shift in the style and goals of planning and management? How to take into better account nature conservation and non-timber uses of the forest, while at the same time securing the economic and social benefits from timber production?

Collaborative consensus seeking with stakeholders means that the views of all parties need to be accommodated. In the case of Metsähallitus forestry planning, it is evident that the biggest challenge is to prove the inclusiveness of the planning processes to those parties whose interests are not related to timber production. They are the ones whose voice the old Metsähallitus paid least attention to. Of these, environmental NGOs are the most vocal and the group with the means to make things most difficult for Metsähallitus.

Looking at the past 15–20 years of forest conflict management in the case of old-growth forests in Kainuu, and at the conservation of forest biodiversity in Eastern and Northern Finland more generally, it is evident that a large number of processes and resources have been invested in resolving this highly controversial issue. Collaborative planning has been integrated into all Metsähallitus planning processes in order to improve the information base of the planning and to address the divergent views of the stakeholders in good time. This has meant a significant investment of labour and time, and the work profile of many forestry planners has changed thoroughly. The Protection Programmes for Old-Growth Forests in Southern and Northern Finland were followed by Landscape Ecological Planning and two rounds of Natural Resource Planning in Kainuu. In addition, the Dialogue Process was established to specifically address the conflict between ENGOs and state forest administration. Taken together, these processes have meant that 5.5 % of the productive forest land in Kainuu is protected (Kainuun metsäohjelma 2006–2010, 10).

All in all, the state forest administration has taken many steps to reconcile forestry and nature conservation. This perception is supported by the Success Story frames found in the state forest administration. According to them, the transformation from the old to the new Metsähallitus has been successful and the integration of conservation and production in one organisation is beyond comparison internationally.

On the other hand, the analysis also shows that many of the changes have taken place against open resistance from Metsähallitus' Forestry Division, particularly at the local and regional level. Significant changes have been made both in the process design of forestry planning and in forest use, but only after considerable pressure. It is evident both from the first NRP document, a number of Metsähallitus' press releases and other statements during the open confrontations, as well as from the conducted interviews, that had the Forestry Division in Kainuu had the choice, the increase in forest protection in Kainuu would have been much more modest, had it taken place at all. NHS staff members have told how essential the pressure from the ENGOS was, for instance, in exceeding the estimate/limit set for set aside areas in landscape Ecological Planning. The Dialogue Process, in turn, was initiated and carried out from the main office. It is obvious from the interviews that the Forestry Division in Kainuu would never have initiated such a process.

The perspectives of the Forestry Division are no secret to any of the stakeholders. Many of the key individuals representing the ENGOS and the Forestry Division in the disputes are the same today as they were over ten years ago. The representatives of the Forestry Division have publicly criticised the demands of the ENGOS and have defended the forestry operations, even to the extent of open confrontations in numerous direct actions in the disputed forests. It is obvious that this has affected the ability of Metsähallitus as a whole to convince the ENGOS – and among them possibly other stakeholders sceptical towards Metsähallitus – of its transformation into a communicative and environmentally oriented resource management agency.

Another challenge has been the lack of coordination between different processes taking place at the regional and national levels. Formally speaking, Natural Resource Planning has been the key process for defining the strategic priorities for state-owned lands and for bringing the diverse actors together. Despite this, NRP has played a minor role in the old-growth forest conflict in Kainuu, and it has been both times over-run by national-level processes. It is clear from the interviews that this was upsetting to the Forestry Division's staff in Kainuu, who felt that they – and the people in Kainuu – had been walked over. The process also failed to gain the support of the key ENGOS, due to the abrupt political decision at MAF to end it before the negotiating parties had reached a consensus. It is understandable that the Forestry Division's staff in Kainuu has been upset about the way the Dialogue Process was handled. ENGOS used an opportunity structure provided to them at the national level by the state forest administration itself. It seems that the top management of Metsähallitus' Forestry Division wanted to find a settlement with the ENGOS, but was not prepared to defend this approach and to win support for it from its own staff – let alone the forestry stakeholders – in Kainuu and Lapland.

#### *8.4.2 Mutually reinforcing frames and institutions*

The frame analysis provides one explanation to the behaviour of the Forestry Division's staff both in Kainuu and in the head office. The staff of the Forestry Division at the local, regional and national level continues to perceive forestry planning from a predominantly timber-oriented perspective. As the External Conflict frame shows, they continue to

associate Metsähallitus with the forest industry, and are strongly committed to timber production. Despite the official goal to integrate NHS and the Forestry Division into one Metsähallitus, the analysis reveals significant differences and even conflicts between the frames between these units. Those with the External Conflict frame have a clear “forestry identity” and speak of Metsähallitus as one organisation, while those with Internal Conflict frame show a “Park Service identity”. They too see the Forestry Division as a part of the forest sector and therefore make a clear distinction between NHS and the Forestry Division.

Considering the history of Metsähallitus, and the statutory task of the Forestry Division to make money from natural resources, the forestry-dominant frames of its staff are understandable, or at least not surprising. Since the short-term economic goals stipulated for Metsähallitus by the Parliament are dependent on timber sales, it is hardly surprising that this perspective also dominates the frames. The informal norm of full timber harvesting further contributes to the orientation towards timber production. All this would not be a problem were the only task of the Forestry Division to harvest and sell timber within the limits defined by an independent authority.

However, as the institutional design is today, the Forestry Division has the responsibility for leading and deciding over those planning processes that aim at building trust and mitigating conflicts with and between numerous stakeholders regarding the use and conservation of state-owned forests. The key to the success of such processes is that all the parties around the table consider the lead agency credible and trustworthy. In the case of Metsähallitus’ Forestry Division, this is clearly the Achilles’ heel of the organisation.

The Forestry Division remains strongly committed to timber production in its frames, in its statutory role and hence in its practices. The analysis of the decision-making during the Natural Resource Planning shows that (1) frames that reduce ‘economic goals’ to timber production goals, (2) the forestry-oriented preferences of Metsähallitus’ official representatives in the NRP process, and (3) the tendency to interpret the preferences of the stakeholders in a way that supports the economic (forestry) goals all resonate with the External Conflict frame and its forestry-dominated perspective. The conservation oriented frame of NHS regarding both the role of Metsähallitus, as well as the old-growth forest conflict, seem to not have played a visible role in the first NRP process at least. Furthermore, staff members of the Forestry Division from all different levels of the organisation show what can best be described as a bitterness towards ENGOs. This is unlikely to result in a more trustful response from the side of the ENGOs, although it is what the interviewees from the Forestry Division seem to be expecting. Against this background, it is difficult to perceive the Forestry Division as a credible conciliator and solution-seeker between diverse interests, be it inside or outside Metsähallitus.

One of the central arguments for having established NHS within Metsähallitus instead of integrating its functions within the overall environmental administration in Finland has been that it would reduce the confrontation between nature conservation and forestry on state land (HE 154/2004 VP, 16). This is claimed to be due to the increased co-operation between the people working with the different tasks. As the frame analysis has shown, however, there are such differences in the perceptions of the staff in the different units that it becomes difficult to speak of one Metsähallitus and its position or policy on issues. According to the most critical frame found in NHS, Structural Conflict frame, the combination of nature conservation and forestry has not lead to an integration of these goals, but rather has moved the conflict to inside Metsähallitus.

While many NHS staff members see benefits in “one Metsähallitus” and none of the interviewees propose it to be split into two organisations, a true integration of the goals



and the units would require much more developed and systemic communication between the units regarding the different ways of framing the issues. As Tjosvold (1991) maintains, conflict management must start within any organisation before it can succeed in dealing with external conflict. The reported lack of processes, whereby the staff of the different units in the state forest administration would learn about each other's perceptions and create new ways of perceiving the organisation, is regrettable in this respect.

#### *8.4.3 Structural challenges in changing frames and practices*

The combination of business activities and public authority in one organisation has been challenging not only in terms of integrating the different frames regarding state forests, but also legally. Internationally speaking, Metsähallitus' structure is unusual. In fact, in its country report on Finland in 1997, OECD remarked that Finland is unique among OECD countries in subsuming a nature conservation agency within a state-owned enterprise. The report recommended that

“The institutional arrangements should be reviewed with an eye towards assessing the relationship between conservation and commercial functions and arriving at more focused, independent and transparent arrangements for delivering public nature conservation services.” (Environmental performance reviews Finland 1997, 110).

The same issues were highlighted by the Government as the main reasons for why the Act on Metsähallitus needed to be reformed in 2004 (HE 154/2004 vp, 9). Transparency, as well as economic and organisational independence was increased by clearly separating the money flows between the units and by defining more precisely the social obligations and the public administrative duties.

However, when the two units, their tasks and even the land and water areas managed by them are clearly separated, what is left of their integration except the public statements of Metsähallitus that hide the organisational and conceptual separateness of the two units? The argumentation throughout the Government bill (HE 154/2004 vp), as well as the structural solutions, reflects the mixed motives of integration and separation in the division of tasks between NHS and the Forestry Division.

The whole idea of integrating short-term economic goals and long-term ecological goals by combining them into one organisation has also been questioned in other contexts. In his study on Finnish waste management, Hukkinen (1999) identified a special feature related to Finnish environmental management, which he calls environmental corporatism. Environmental corporatism has a systemic property of integrating conflicting environmental policy interests to the extent that their open political resolution becomes impossible. Such institutional mixing of conflicting interests, he argues, leads to a situation where short-term economic goals prevail whenever there is a contradiction with the long-term goals.

As the analysis of defining the profit targets shows, Metsähallitus' Forestry Division plays a major role in defining the very constraints within which it operates, and the extent to which the long-term social obligations are taken into account in commercial forestry. It is faced with inherently mixed motives in its decision-making. Its primary task is to be a profitable business, yet in the planning it needs to restrict this task by interpreting the limits, set by itself, in regards to social obligations. NHS, on the other hand, is the unit that has the statutory role to carry out nature conservation and many of the social tasks



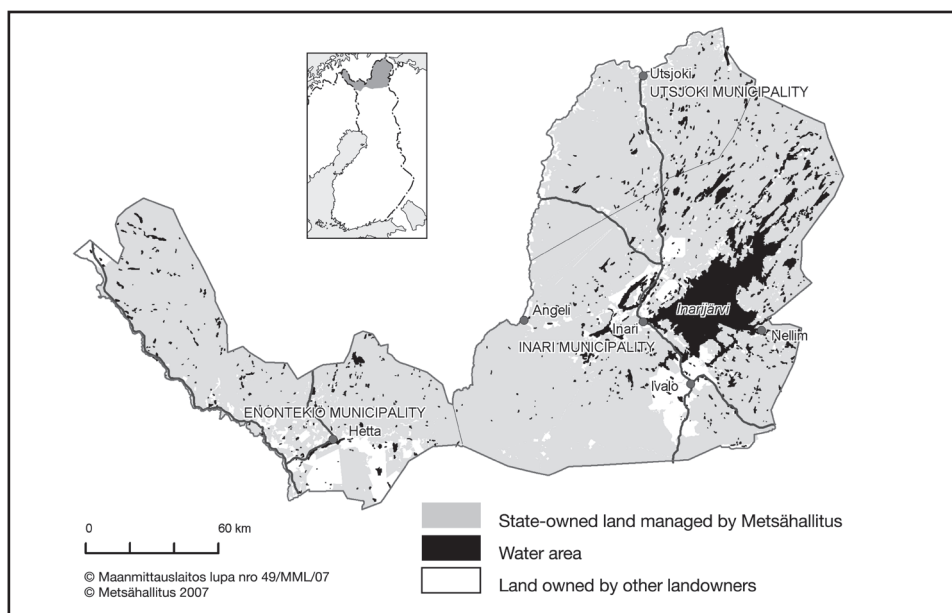
given to Metsähallitus. Although its negotiating capacity is constrained by the budget funds allocated to it by MOE, it need not make profit from timber production. It could therefore choose forest management scenarios that limit timber production in situations where the forests provide locally more employment and income from other sources, such as tourism, than from timber production. However, because NHS has no legal authority over the activities of the Forestry Division in reality, the order of priority between the social obligations and commercial tasks – as defined in the Act – is actually reversed in practice. The combination of NHS and the Forestry Division into one Metsähallitus gives an appearance of integration, without any real means to do so in its legal structure. The de facto organisational and legal separateness of the business and conservation tasks means that the institutional framework reinforces, rather than challenges, the internal frame differences.

The discrepancy between the legal (non)regulation of Metsähallitus' participatory planning and the overall development of environmental regulation in Finland is equally striking. If the purpose is to provide the public a real role in the decision-making regarding state forests through Natural Resource Planning, why are neither NRP nor public participation therein legally regulated? The official from MAF who was earlier quoted on why the Metsähallitus Act has not been reformed in this regard (Chapter 8.3.3) confirmed Hukkinen's (1999) argument about environmental corporatism: the economic interests of the State override its need to convince the public and to guarantee the citizens meaningful participation. The same explanation is supported by the recent definitions of policy prepared by Metsähallitus, MAF and MOE and endorsed by the Cabinet Committee on Economic Policy. The staff employed by the Forestry Division has decreased since the 1990s while the revenue paid to the State Budget has increased, and is now expected to increase even further. The efficiency of NHS operations is also expected to increase and even more so than in the state administration in average. In other words, the resources are decreasing while the need to convince and engage with the public and the different pressures on what to do with the state forests are, if anything, increasing. With decreasing resources and increasing demands for profit, how will Metsähallitus succeed in convincing the critics?

# 9 INDIGENOUS PEOPLES' RIGHTS CHALLENGE STATE FORESTRY IN INARI

## 9.1 Policy practices for collaboration and conflict management

The first public criticism of the impacts of forestry on the environment and on the traditional Sámi livelihoods in Inari has long roots. Oula Aikio's article "Metsähallitus destroys reindeer pastures" in the magazine *Finland's Nature*, was published in 1970 and was one of the first open accusations against forestry made in the name of reindeer herding (Aikio 1970; Nyssönen 1997, 113). However, as described in Chapter 2.4, it was not until late 1980s that the controversies regarding state forestry developed into an open conflict over the remaining wilderness areas. The Wilderness Movement was primarily an environmental movement (Heikkilä 2006), but it also highlighted the adverse impacts of forestry on traditional Sámi livelihoods (Lehtinen 1991). The Wilderness Act, presented by the Finnish State as a solution to forest conflicts in Inari, was passed in 1990. Reindeer herding and other traditional livelihoods were permitted in the areas, while forestry was restricted to limited parts, so the Act was beneficial for reindeer herding. As a part of the same process, Metsähallitus introduced its new administrative district division, whereby the majority of the Finnish part of Sápmi (traditional territories of the Sámi people) was combined under the same administrative unit, the District of Northern Lapland (Map 8). This organisational structure was unique in Finland, because Natural Heritage Services and the Forestry Division operated under one Regional Director.



**Map 8.** State-owned lands in the geographical area of Metsähallitus' District for Northern Lapland, which include the Municipalities of Inari, Utsjoki and Enontekiö.

Some may have hoped that the establishment of 12 Wilderness Areas in Lapland, of which six were to be in Inari, would resolve the forest conflicts. In retrospect, however, it can be seen that the wilderness dispute indicated more the beginning of an enduring conflict than its end. The purpose of this subchapter is to address research question 4 as it relates to the Inari case study.

*Research question 4:* What are the practices of the state forest administration in the case study disputes regarding (a) planning and decision-making processes (b) forest management practices in the disputed areas?

While keeping the long history and larger scope of the issue in mind, the analysis here is restricted to the years 1997–2006, beginning when Metsähallitus introduced its new planning system, consisting of Landscape Ecological Planning and Natural Resource Planning, to Inari<sup>77</sup>. I have divided this time period into four stages. The first stage covers the NRP and LEP planning processes in 1997–2000. Several reindeer herding co-operatives were dissatisfied with the results of these plans in terms of reconciling forestry and reindeer herding, and the second phase covers the period when the co-operatives brought the issue up to the national political agenda and international media attention with the help of environmental NGOs (from the year 2000 onwards). The Ministry of Agriculture and Forestry developed an Action Plan to tackle the conflict. As a result of the Plan, the responsibility for finding a solution to the situation was returned to the local level. The third stage covers the revision process of the Natural Resource Plan (2005–2006). Already while the planning was going on, the fourth phase with litigation against Metsähallitus began. At the time of writing this study, this phase was still on-going.

### *9.1.1 Consultations and new collaborative planning processes*

In the early 1990s, some of the Sámi reindeer herding co-operatives began a project together with the Finnish League for Human Rights (FLHR)<sup>78</sup>, whereby people with legal training from FLHR represented the co-operatives in disputes where Sámi cultural rights were being threatened. These disputes primarily concerned mining and state forestry. (Ojala 2001; see also Torikka 2001.)

In 1993, four reindeer herders from the Muotkatunturi reindeer herding co-operative (RHC) were the first reindeer herders in Finland to file a lawsuit against Metsähallitus. The suit concerned a logging site in their winter pasture areas. The Court of Appeal stated that the logging did harm reindeer herding, but not to the extent that the harm would be unreasonable. The Supreme Court did not change the verdict and hence the herders lost the case. (Torikka 2001, 32.) In 1995, the herders appealed to the UN Human Rights Committee (UNHRC), which in its communication in 1996 in the case *Jouni E Länsman v Finland* (671/1995) concluded that the logging in its current scope did not violate against Sámi cultural rights.<sup>79</sup>

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<sup>77</sup> The Management Plans for Wilderness Areas, National Parks and other statutory protected areas are excluded from the analysis because they do not concern forestry for the most part. For a recent analysis of Wilderness Area Planning, see Heikkilä (2006).

<sup>78</sup> FLHR (Ihmisoikeusliitto) is a religiously and politically non-aligned general human rights organisation, whose principal objective is to monitor and improve the human rights situation in Finland.

<sup>79</sup> For an analysis of the decision, see Scheinin (2001, 68). For a translation of the communication into Finnish see Scheinin & Dahlgren (2001, 166–178).

In 1994, two herders from Sallivaara RHC also filed a suit against Metsähallitus regarding two logging areas (Mirhaminmaa and Kariselkä forests). The District Court of Lapland declared a logging moratorium on the disputed areas during the court proceedings. In its ruling in 1996 the Court allowed logging in the Mirhaminmaa area but prohibited it in Kariselkä. This was the first time, and at the time of writing of this study the only time, a Finnish court of law has prohibited planned forestry activities based on the cultural rights of the Sámi people. However, Metsähallitus appealed the decision and the Rovaniemi Court of Appeal ruled in its favour. (Scheinin 2001, 73-75.) Similarly to the Muotkatunturi case, the dispute proceeded all the way to the UN Human Rights Committee. (Ojala 2001, 145-147.) In its decision in 1997 (779/1997), the Committee came to the same conclusion as in the Muotkatunturi case.<sup>80</sup>

Inari Municipality strongly disapproved of the suit the herders from Sallivaara RHC had filed against Metsähallitus, although it was not a direct party to the matter. On the proposal of the municipal manager, the Municipal Executive Board demanded that the complainants withdraw their suit or else the municipality would demand that the building of a slaughterhouse in the Sallivaara reindeer herding co-operative would be stopped. The reindeer herders complained to the Parliamentary Ombudsman, who gave a caution to the Municipal Board. (Scheinin 2001, 76.)

Against this background, Metsähallitus was clearly in need of the new planning tools that it developed for commercial state forests in late 1990s. Altogether six Landscape Ecological Plans were made for the state-owned forests in Inari between 1997 and 2001. Metsähallitus carried out ecological inventories, inventories for fish and game, and the assessment of scenic requirements. Because reconciliation of forestry and reindeer herding was another central aim of the plans in Northern Lapland, it also initiated a joint project with the Finnish Fisheries and Game Research Institute (RKTL) in 1997 on the impacts of the forest management methods on reindeer herding. (Heikkuri et al. 2000; 2001a; 2001b; Seipäjärvi et al. 2001; Stolt et al. 2001a; 2001b.)

Since the late 1970s Metsähallitus had already held semi-annual meetings with the reindeer herding co-operatives of Inari to discuss the reconciliation of the two livelihoods. In addition, the harvest plans of individual forest sites were discussed with the representatives of the affected co-operative (Piiparinen & Kotisaari 2006, 37). Metsähallitus had also established voluntary Municipal Cooperation Groups in each municipality in Sápmi/Northern Lapland, which consisted of the representatives of the Municipality, Finnish Sámi Parliament and Metsähallitus. Some of the local stakeholders were also represented in the Provincial Advisory Committee in Lapland, the statutory committee nominated by the Ministry of Agriculture and Forestry as stipulated by the Decree on Metsähallitus (1525/1993, revised 1380/2004) to give statements and make motions to Metsähallitus related to significant land use issues and the positions of the local population in their current scope.

In addition to these on-going forms of communication, Metsähallitus established Stakeholder Working Groups to contribute specifically to the Landscape Ecological Planning. They included Inari Municipality, Sámi Parliament, the affected reindeer herding co-operatives, local nature conservation association, hunting organisations, representatives of tourism, and the regional forest authorities<sup>81</sup>. They convened a few

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<sup>80</sup> A third civil case against Metsähallitus was filed in 1998 by Lappi RHC, situated just south of Inari municipality, but the co-operative and Metsähallitus managed to find a temporary settlement of the dispute before the court ruled on the matter (Ojala 2001, 148-150). Final settlement regarding the disputed area in Lappi RHC, however, had not been reached at the time of writing this thesis.

<sup>81</sup> Regional Forest Centres supervise the implementation of the Forest Act in Finland.

times during the planning processes, both for field trips and around the table to discuss the perspectives and needs of the different groups. A public hearing for the people living in the planning area was also organised. (Heikkuri et al. 2000; 2001 a; 2001b; Seipjäärvi et al. 2001; Stolt et al. 2001a; 2001b.)

During the planning process, Muotkatunturi RHC, Hammastunturi RHC and Nellim herding group from the Ivalo RHC expressed their concern for the fate of important pasture areas, and proposed some areas to be excluded from forestry operations. Metsähallitus responded that permanent exclusion of areas for commercial forestry would not be possible under the current annual harvest level. However, some disputed areas would be placed temporarily outside forestry operations in Nellim and in Muotkatunturi. In the case of Hammastunturi RHC this was not considered possible, because the planned annual cut could not in that case be achieved. (Heikkuri et al. 2001a; Stolt et al 2001a.)

Many of the forests that the reindeer herders demanded to be protected were also of interest to environmental NGOs. This was no great co-incidence, as most of the important reindeer pasture forests essential to free reindeer grazing were old-growth forests. In 2000, Greenpeace and Nature League organised field trips for national and international media to Inari. Local environmentalists and reindeer herders from different co-operatives hosted the NGOs and the media representatives and expressed their concerns over the loggings. The primary problem for them was that the agenda of the consultations was set by Metsähallitus: the RHCs and ENGOs could affect the timing and order of the harvesting, but not the most important question to them, that is, whether certain forests would be harvested at all. The so-called negotiations were considered far from a real dialogue:

“Metsähallitus’ men spread out a finalised map in front of us. We can only choose where to start and which loggings to postpone. [...] It is like asking someone on death row whether he prefers gas chamber, hanging, or electric chair.” (Petri Mattus, Hammastunturi RHC, in newspaper Helsingin Sanomat Nov 2, 2000, author’s translation)

While the herders appreciated the international attention, other local groups were less enthusiastic about the appearance of the international environmental movement and media in Inari. The visitors were greeted by protesting lumberjacks and Metsähallitus forestry workers outside their hotel window<sup>82</sup>. This, and similar subsequent visits by the media and environmental movement, caused heated debate in the local and regional newspapers (Stolt 2001a, 35).

By the time of the media visits, Metsähallitus had already begun to draft the first Natural Resource Plan for Northern Lapland. In contrast to Landscape Ecological Plans, NRP process was, according to Metsähallitus’ planning principles, the appropriate process to decide on the disputed strategic levels issues, such as the volume and scope of timber harvesting. Metsähallitus’ primary goal for the plan was to reconcile and scale different activities, in particular forestry, so that the prerequisites of reindeer herding and Sámi culture could be secured. The plan would also need to be supported at both the local level, and more generally, in order to be feasible. (Sandström et al. 2000, 12–13.) As the State controls 90 % of the land area in Northern Lapland, the importance of the Plan for the area was more significant than elsewhere in the country. Metsähallitus recognised that

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<sup>82</sup> I participated in the fieldtrip in my capacity as a researcher and had the opportunity to witness this event myself from the hotel window.

it affects local livelihoods not only through its own activities, but also through giving licences to different resource users (such as off-road traffic or dog-sledge tourism) and by giving statements on issues outside its own realm of decision-making. (Sandström et al., 124-158.)

Again, working groups were established to provide local and regional stakeholder groups with the opportunity to participate in the process. Separate working groups were established for each municipality as well as one for the whole of the county of Lapland. Altogether 50 different stakeholder organisations participated in the working groups, representing forestry and forest industry, the Sámi Parliament, reindeer herding, nature conservation, tourism, hunting, fishing, different government authorities, municipalities, villagers, and the research community. During the process the working groups convened eight times, of which three were joint meetings for all working groups that also included field trips. In addition, the Sámi Parliament had a seat in Metsähallitus' internal project steering group.

In the beginning of the NRP process all households in Northern Lapland received a letter informing about the plan and requesting feedback. Six public hearings were organised in the region, and visits were made to all the secondary schools in the area. All the feedback, in total 2 428 comments, were filed and organised by theme. 87 % of the feedback was from the general public while 13 % was received from the working groups. In addition, studies on the socio-economic effects of forestry, tourism and traditional Sámi livelihoods were commissioned from researchers (Heikkilä 2000; Erkkilä & Kurkela 2002).

Metsähallitus considered the existing nature conservation network sufficient and decided that there would be no need for additional set aside areas, particularly as the Landscape Ecological Plans had for the most part been finalised prior to the NRP process (Sandström et al. 2000, 134). No other reasons to exclude areas from forestry were mentioned in the plan. Instead, it was concluded that the area designated for commercial forestry would remain the same as it was in 2000 also during the planning period 2001–2010. Metsähallitus formulated four different planned annual cut (PAC) scenarios or projections for the commercial forests (Sandström et al. 2000, 244.). These were

- 1: *Forest Act scenario* (220 000 m<sup>3</sup>), or the so-called maximum alternative, which was based on the maximum allowed annual cut within the limitations set by the forest legislation.
- 2: *Landscape Ecological scenario* (170 000 m<sup>3</sup>), in which valuable habitats would be given more consideration than what the minimum standards of the law require. According to Metsähallitus, this alternative was closest to the status quo.
- 3: *Traditional Livelihoods scenario* (160 000 m<sup>3</sup>), would, in addition to the restrictions applied in the projection 2, would restrict the management of each forest stand to 30-year intervals.
- 4: *Natural Management scenario* (90 000 m<sup>3</sup>), which would, in addition to the restrictions included in projections 2 and 3, exclude all regeneration cutting, and only allow thinning of already managed stands.

None of the alternative scenarios for forestry was directly chosen as the strategy. Metsähallitus chose a PAC that totalled 150 000 m<sup>3</sup>, of which the overriding majority (over 145 000 m<sup>3</sup>) would be procured in Inari municipality. The plan was based on a strategy whereby (1) forestry as a business activity should show a clearly positive economic



result, (2) securing employment and wood procurement to the local sawmill would be central goals for forestry, and (3) planning and implementation of forestry should comply with the principles of participatory planning. (Sandström et al. 2000, 152–154.)

In the plan, Metsähallitus also defined the means for safeguarding Sámi culture and traditional livelihoods in its own activities. These included general procedures in land use planning; management planning in Wilderness Areas and Protected Areas; and specific practices for e.g. hunting, fishing and off-road traffic according to detailed legislation regarding them. (Sandström et al. 2000, 13, 126–130.) Assessing the general procedures in its own planning, Metsähallitus defined them as “satisfactory” in Natural Resource Planning. The consultations with reindeer herding were described as: “Good. In need of further development, more influence for RHCs” (Sandström et al. 2000, 129).

The reactions of the stakeholders to the chosen strategy were mixed. The municipality of Inari, as well as the Wood and Allied Workers’ Union, regarded the chosen PAC as the lowest acceptable alternative, given the employment in forestry and the wood procurement to the local sawmill and to the local heating plant. The local nature conservation association (Inarin luonnonystävät) and the representative of the reindeer herding co-operatives of Inari, in contrast, considered the PAC too high and the adverse impacts on reindeer herding unacceptable, despite the reductions. (Sandström et al. 2000, 172.) While Metsähallitus argued that all the plans had been developed through democratic, transparent and consensual forms of dialogue, dissenting reindeer herding co-operatives protested not only against the actual loggings, but against the Metsähallitus framework of so-called negotiation. In a similar vein, the Sámi Parliament criticised the plan for ignoring land rights issues and for using the views of the majority to override the legal rights of the Sámi. As a minority indigenous people within their traditional territories the Sámi could, according to the Sámi Parliament, never win a majority for securing their rights in a local majority-based decision-making process. (Piiparinen & Kotisaari 2006, 40; Sandström et al. 2000, 172, 178.)

Metsähallitus defended the decision by referring to the needs of the forestry- and timber-dependent groups in the community. It also maintained that the adopted harvest level had the support of the Municipality and the forest-based interest groups, and was considered by the forestry authorities as very modest in comparison to annual growth of the commercial forests. (Sandström et al. 2000, 172.) Metsähallitus also pointed out that were forestry to be significantly reduced in state forests it would have negative consequences even for private forestry in Inari.<sup>83</sup>

Since the disagreement remained unresolved between Metsähallitus and most of the reindeer-herding co-operatives in Inari, Greenpeace and Nature League began to document loggings in controversial areas. They released a report criticising the Finnish Forest Certification Scheme<sup>84</sup> applied in state forests for ignoring biodiversity conservation and important reindeer pastures (Anything goes? 2001), and opened a website for documenting loggings that were carried out under the scheme in controversial areas.<sup>85</sup>

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<sup>83</sup> What the mechanism for this to happen would be is not clear. One interviewee referred to the need of the local VAPO sawmill to receive enough wood, or else it would have to be shut down. The interviewee assumed that the sawmill was also sourcing from private forests, when in fact the sawmill had no wood procurement personnel because it only uses wood from the state-owned forests. Others maintained that reductions in state forestry operations would mean that it would no longer be profitable for the pulp and paper industry situated further south to procure wood from the private forests in Inari.

<sup>84</sup> Finnish Forest Certification Scheme (FFSC) is part of the Pan-European “Programme for the Endorsement of Forest Certification schemes (PEFC)”.

<sup>85</sup> [www.pefcwatch.org](http://www.pefcwatch.org)



One problem with both LEPs and the new Natural Resource Plan in terms of accommodating the needs of reindeer herding was that they did not match the geographical scale of reindeer herding, in which the basic unit is one co-operative. Landscape Ecological Plans covered only parts of the grazing areas of each co-operative, while the Natural Resource Plan encompassed the geographical areas of a dozen co-operatives. The problem of scale made it difficult to assess the impacts of forestry on reindeer herding in a meaningful way. Metsähallitus was positive towards the proposal of Hammastunturi RHC to find a long-term solution to the reconciliation between forestry and reindeer herding. Metsähallitus was concerned about the fact that

“[R]ecently the disputes between reindeer herding and forestry have been given wide and heated attention in the media. It is time to call for a break and to look for ways to re-establish the mutual trust. New tools for developing the co-operation between reindeer herding and forestry need to be found since the old one [planning tool] does not seem to be enough.” (Stolt et al. 2001a, 35, author’s translation)

To address the problem, Metsähallitus developed a new planning tool specifically for collaboration with reindeer herding. The purpose of the Cooperative-specific Operational Forest Management Plans<sup>86</sup> was to plan and assess forestry within the geographical borders of each reindeer herding co-operative. Pilot plans were drafted for the area of two reindeer-herding co-operatives out of the eight co-operatives in Inari (Muotkatunturi RHC and Hammastunturi RHC). In addition to improving the reconciliation between forestry and reindeer herding, the purpose of the plans was also, as stated in the draft for Muotkatunturi RHC,

“to show to the external interested parties that Metsähallitus’ forestry operations within Muotkatunturi reindeer herding co-operative are in accordance with the principles of sustainable forestry and fulfil the requirements of the Finnish forest certification both in terms of past practices as well as future plans” (Paliskunta-kohtainen...2003–2012, 5, author’s translation).

However, the plans were never finalised, because the parties failed, again, to agree on the scope of forestry. According to the Ministry of Agriculture and Forestry this was due to the fact that “some of the co-operatives” declared that they do not accept any logging in state-owned forests in their area (Piiparinen & Kotisaari 2006, 42).

### *9.1.2 The issue is raised to the national political agenda*

Throughout the fore mentioned processes, the actual area of state forests designated for commercial use remained more or less the same. With a few exceptions of temporary postponing of logging as part of the LEPs or other negotiated agreements, forestry operations proceeded in controversial areas, defined by Metsähallitus as commercial forests but defined by the reindeer herding co-operatives as valuable winter pastures. The RHCs felt that local level meetings with Metsähallitus would not resolve the problem, and decided to take the issue up with the Finnish Government. In spring 2002, four out of the six reindeer herding co-operatives in Inari with commercial state forests in

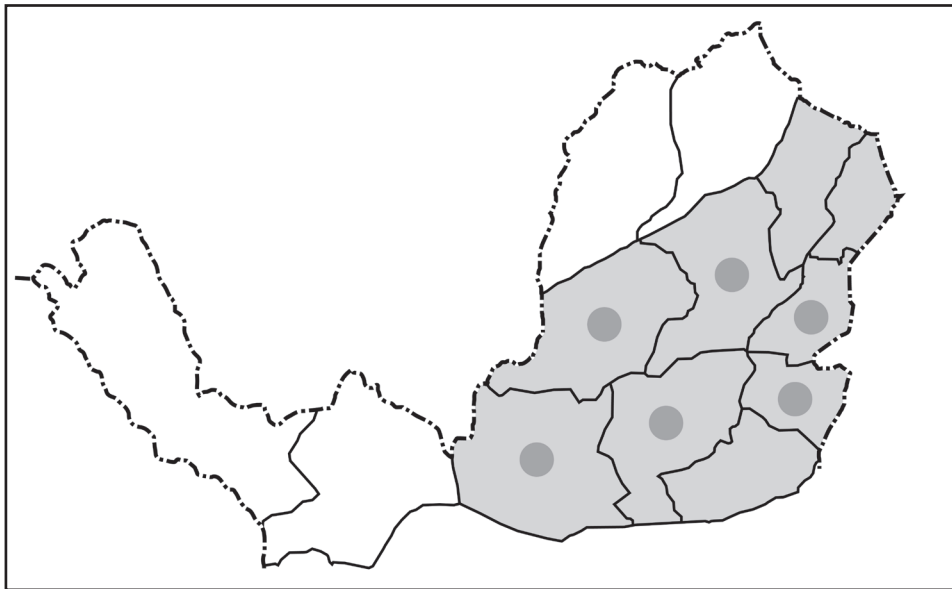
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<sup>86</sup> in Finnish, paliskuntakohtainen metsätalouden toimintasuunnitelma

their area (Hammastunturi, Muotkatunturi, Muddusjärvi and Paatsjoki RHC ), as well as Nellim herding group from Ivalo RHC<sup>87</sup>, drafted a joint appeal to the Ministry of Justice, MAF and MOE, in which they stated their concerns regarding the continued logging of their winter pasture areas (see Map 9 for the involved co-operatives).

A delegation representing all the signatory RHCs of the appeal visited the ministries and expressed their urgent request that the logging of remaining old-growth forests in winter pasture areas be stopped immediately. The signatories chose to address the ministries responsible for issues related to forestry, reindeer herding and Sámi issues, because, according to them, Metsähallitus representatives in Inari had said that the demands of the herding co-operatives were beyond the decision-making authority of Metsähallitus. The RHCs requested that the Government as the representative of the Finnish State bear its responsibility in regards to the Sámi culture and reindeer herding as stipulated by the law. (Reindeer-herding co-operative of Hammastunturi et al. 2002.)

In practice, this would, according to the signatories, require that the most important winter pasture areas be permanently set aside from forestry operations, the forest management methods be developed so that they give greater consideration to the needs of reindeer (e.g. removal of logging residue<sup>88</sup>), and the planned annual cut be reduced according to the above measures. In addition, the signatories called for the improvement of the consultation between RHCs and Metsähallitus. They considered the current system inadequate for securing the needs of reindeer herding. In the letter it was recognised



**Map 9.** The reindeer herding co-operatives included in the joint appeal are indicated in the map with a dot.

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<sup>87</sup> The co-operative of Ivalo was internally split on the issue and the chair of the co-operative did not support the demands of the Nellim village group, which forms the northern half of the co-operative. Hence the winter group took action on its own.

<sup>88</sup> Logging residue covers the ground lichen and therefore prolongs the adverse impacts of logging on reindeer grazing.

that employment provided locally in Inari by forestry was also important, but that its promotion should not threaten reindeer herding. The signatories referred to the number of legal documents that recognise the special rights of Sámi culture and reindeer herding in Inari (see Chapter 9.3.1). (Reindeer-herding co-operative of Hammastunturi et al. 2002.) Later in the year the signatory RHCs and Nellim winter group also formed an informal Alliance of Inari RHCs and opened a website in Finnish and English to communicate their views<sup>89</sup>.

*Arbitrator's report and the Northern Lapland Action Programme*

Since both reindeer herding and forestry are under the jurisdiction of Ministry of Agriculture and Forestry, MAF assigned the Director of the Employment and Economic Development Centre in Lapland<sup>90</sup>, Ms. Pirkko Saarela, as arbitrator to study the issue, and to give proposals for the resolution of the dispute. The arbitrator asked all interested parties to provide her with written material on their views. Her report was published a year later, in the summer of 2003 (Selvitys...2003). She made seven recommendations:

- 1) Forestry will continue in the commercial forests with the exception of areas proposed to be excluded from forestry in point 2.
- 2) Areas identified in a map attached to the plan will no longer be available for commercial forestry operations. Altogether these areas were estimated to include 12 880 m<sup>3</sup> harvestable timber. (See Map 10)
- 3) Forest management will be adjusted to the needs of reindeer herding by taking into account the grazing cycles of the reindeer and by using methods that are more favourable to reindeer herding.
- 4) The PAC as well as the annual profit target for Northern Lapland need to be reduced based on the reduced timber harvest possibilities caused by the recommendations 2 and 3.
- 5) Metsähallitus will be obliged to collect logging residue from areas that have been jointly defined as ground lichen pastures with the reindeer herding co-operatives. The costs caused by this will need to be taken into account in reducing the annual profit target for Northern Lapland.
- 6) Participatory planning and the negotiations with the reindeer herding co-operatives need to be further improved. The goal should be overlapping use of the same areas. Forest management plans will be made for the area of each co-operative, and the RHCs will be obliged to participate in the process. Only then can forestry operations in critical areas be temporarily stopped during the making of the plan. Pastures with ground lichen and tree-hanging lichen are inventoried. Agreements will bind both parties and they can only be changed by joint agreement.

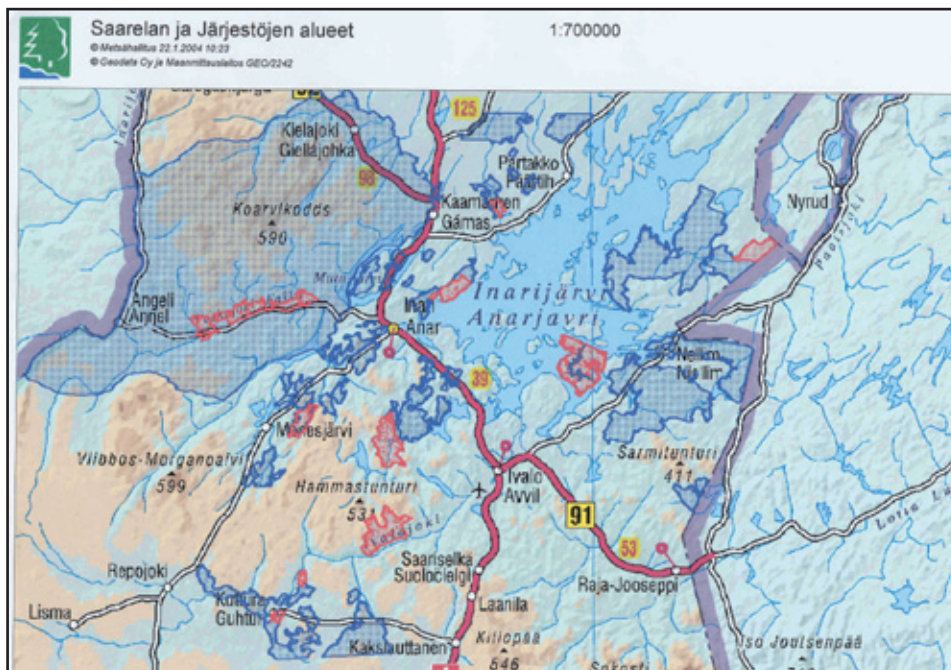
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<sup>89</sup> [www.inarinpaliskunnat.org](http://www.inarinpaliskunnat.org)

<sup>90</sup> TE-keskus, in Finnish

7) Metsähallitus and the Ministry of Agriculture and Forestry will provide financial resources for developing models for assessing the employment and regional economic impacts of the livelihoods. The comparison of the interests (reindeer herding and forestry) will be based on economic principles: what is the most beneficial alternative for the national economy when taking into account the different impacts.

Altogether 32 organisations gave their written comments to the report, including Metsähallitus.<sup>91</sup> The majority of the critical reindeer herding co-operatives and Sámi organisations<sup>92</sup> considered the report a step – albeit an insufficient one – in the right direction. As a part of their input to the arbitration process the co-operatives had compiled, with the help of Greenpeace, a map of the most important winter grazing grounds that should be permanently set aside from forestry. The areas proposed by the arbitrator covered a part of these forests, but also forests that had not been proposed by the co-operatives (Map 10). The co-operatives also pointed out that the distribution of the proposed set aside areas was unequal between different co-operatives. Environmental organisations (WWF Finland, Finnish Association for Nature Conservation nationally, regionally and locally) supported the demands of the RHCs and were positive to the arbitrator’s proposal. Ivalo RHC was internally split in the forest issue and this was also reflected in their statement to the report. (Raitio & Rytteri 2005, 123–125.)



**Map 10.** Areas proposed by the arbitrator to be excluded from forestry (red) and areas proposed by the Alliance of the reindeer herding co-operatives (blue).

<sup>91</sup> The original statements are available at request from the Ministry of Agriculture and Forestry. For an analysis of the process and the positions taken in the different statements, see Raitio & Rytteri (2005).

<sup>92</sup> Hammastunturi RHC, Muddusjärvi RHC, Muortkatunturi RHC, Paatsjoki RHC and their joint statement as the Alliance; The Reindeer Herders’ Association; Sámi Parliament

Representatives of forestry and the timber industry<sup>93</sup>, including the staff of Metsähallitus Forestry Division in Northern Lapland, opposed the plan. They emphasised Metsähallitus' responsibility regarding forestry-based employment in Inari and opposed any further designation of set aside areas or reductions in the timber harvest levels. They argued that these would inevitably lead to less employment and to severe difficulties in the wood procurement of the local sawmill. While the groups did not object to the goal of securing the needs of reindeer herding, they considered this to have been well taken care of. (Raitio & Rytteri 2005, 124.) The Regional Council of Lapland (which represents the municipalities of Lapland), the County Administrative Board (State's office in the County of Lapland) and the Municipality of Inari shared the concerns voiced by the forestry-related stakeholders. They emphasised the need to respect the existing policies and valid land use plans, which were the result of reconciliation and balancing between all the affected local interests.

The two research institutions, Finnish Fisheries and Game Research Institute and Finnish Forest Research Institute, in contrast, considered the proposals by the arbitrator as a fruitful way forward in reconciling forestry and reindeer herding in Inari. This view was shared by the Ministry of the Environment and the various departments within Ministry of Agriculture and Forestry other than the Forestry Department that had ordered the report. They all considered the plan feasible. (Raitio & Rytteri 2005, 125–126.)

Due to the “mixed response”, the Forestry Department of MAF did not implement the plan. Instead, it published an Action Programme for Northern Lapland in which it identified four interlinked causes to the conflict that each required its own solution: (1) land ownership of the Sámi people, (2) nature conservation, (3) the economic viability of reindeer herding, and (4) the reconciliation of forestry and reindeer husbandry. (Ylä-Lapin...2003, 4.) The issue of land ownership would be addressed by the Ministry of Justice, which had already commissioned an academic study on the land rights in Northern Lapland. The Ministry of Environment, responsible for nature conservation issues, considered the nature conservation status in Inari sufficient, and hence no further action would be taken on restricting forestry on the basis of nature conservation. On the issue of economic viability of reindeer herding, MAF stated in the programme that the reindeer herds had been very large until mid-1990s, and the state of the pastures still reflected the previous herd sizes that had caused over-grazing. In addition, the viability of the livelihood was threatened by the fallen meat prices, which was due to the suddenly reduced export possibilities to Norway. The abrupt price reductions would be compensated by temporarily increasing the state subsidies. (Ylä-Lapin...2003, 6–7, 13.)

On the reconciliation of reindeer husbandry and state forestry, the Ministry of Agriculture and Forestry did not consider the arbitrator's recommendations viable as such. The Ministry did not exclude any forest areas permanently from commercial forestry or make any reductions on PAC. Instead, Metsähallitus was given the task to update the Natural Resource Plan and to take decisions on these issues in the plan. While the process was going on, the areas defined in the maps in the arbitrator's report would remain temporarily outside forestry operations. To assist in the updating of the plan, additional research on the reconciliation between reindeer herding and forestry would be commissioned from the Finnish Forest Research Institute and Finnish Fisheries and Game Research Institute. In addition, a new recreation area would be established in Inari and the Act on Metsähallitus would be renewed so as to include reference to the already

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<sup>93</sup> Local sawmill of Vapo Timber; Wood and Allied Workers' Union, Forestry Experts' Association METO, Forestry Transportation Union, The Trade Association of Finnish Forestry and Earth Moving Contractors, and Regional Forestry Centre



existing stipulations in the Reindeer Husbandry Act<sup>94</sup>. The possibilities of subsidising the collection of the logging residue would be looked into. (Ylä-Lapin...2003, 13–15.)

Since the resolution of the conflict was, for the most part, again delegated to Metsähallitus, it invited the reindeer herding co-operatives to negotiations at the end of year 2003. The co-operatives repeated their demand that the areas they had marked on maps – altogether some 700 km<sup>2</sup> – needed to be set aside from forestry operations. Metsähallitus would not commit to changes of such scale, and the negotiations ended without resolution in February 2004.

### *Greenpeace Forest Rescue Station in Inari*

Since no agreement was reached in the negotiations between the reindeer herding co-operatives and Metsähallitus, the campaigns by the environmental NGOs continued. They targeted both Metsähallitus and the Finnish Government as well as the Central European customers of the Finnish paper industry, especially those of Stora Enso, the primary buyer of Metsähallitus timber from Inari. The situation in Inari was highlighted as a part of an international Greenpeace campaign on ‘ancient forests’<sup>95</sup>. The NGOs released a joint report criticising the revised standards of the Finnish Forest Certification System (Certifying extinction? 2004). The Alliance of Inari RHCs also issued a statement regarding the Finnish Forest Certification Scheme applied in state-owned forests. They maintained that the criteria of this forest certification scheme had been developed without the consent of RHCs. According to the criteria of this forest certification scheme, consultations between the forest owner (State) and RHCs would not need to end in agreement. As such, the alliance of the RHCs felt the criteria did not safeguard the prerequisites of reindeer herding. (Saamelainen poronhoito... 2005.)

The NGOs took more journalists to Inari to meet the herders, and hosted meetings in Central Europe where the herders were invited (Suomen Kuvalehti 7.11.2003, Lapin Kansa 8.11.2003). Over a hundred authors from different parts of the world announced that they support the Greenpeace campaign to end the destruction of the world’s ancient forests, among them Günter Grass, Isabelle Allende, and J.K. Rowling, and some of the supporters of the campaigns were also taken for a visit in Inari (Greenpeace press release 31.3.2004). Again, the visits caused huge attention and fierce opposition locally and in the regional media.

In March 2005 Greenpeace established a Forest Rescue Station in Inari, thereby taking a significant step to increase the pressure on Metsähallitus, Stora Enso and the Finnish Government. The purpose of the camp was to bear witness and to gain attention to the state forestry operations in the disputed forests (Greenpeace press release 2.3.2005). As a part of the campaign, Greenpeace opened a website to document the events<sup>96</sup>. A briefing in English (State of Conflict 2005) and a joint report with Finnish Association for Nature Conservation in Finnish (Ahtaalle ajetus 2005) were released. In contrast to usual Greenpeace campaigns with flashy direct actions, the only action taken locally was the demarcation of the winter pasture forests with signs saying “No Logging – Reindeer Forest Area” in North Sámi language, Finnish and English. This action was carried out jointly with some of the reindeer herders.

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<sup>94</sup> The revised Act came into force in 2005.

<sup>95</sup> [www.saveordelete.com](http://www.saveordelete.com)

<sup>96</sup> [www.weblog.greenpeace.org/forestrescue](http://www.weblog.greenpeace.org/forestrescue)

The camp attracted huge media attention and debate. The Municipality of Inari opened a website in which it collected several thousands of names from people opposing to the Greenpeace campaign. The local forestry-dependent workers, in turn, established what was called the Anti Terror Info Center, next to the Greenpeace camp. The purpose of the camp was to raise awareness of the perspectives of the forestry-dependent people in Inari and to oppose to the Greenpeace campaign. Counter-demonstrations against Greenpeace were also organised. (Indigenous World 2006; Linjakumpu & Valkonen 2006.) A local forest activist and carpenter, who was working for the Greenpeace forest campaign, received a phone call threatening his life (Greenpeace press release 7.4.2005). The core activists in the anti-Greenpeace campaign – amongst them staff from Metsähallitus Forestry Division – sent over a thousand letters to the sponsors of Finnish Association for Nature Conservation, Nature League and WWF Finland, informing them of the consequences of the Greenpeace campaign and expressing a wish that the receivers would not in the future support work that had “such frightening impacts on the society” (Metsä. fi. 3/2005, 14).

The Anti Terror Info Center had permission for the camp from Metsähallitus. In contrast, Metsähallitus considered the Greenpeace camp illegal, requested a police investigation and asked the District Court of Lapland to have the campers evicted (Korhonen 2005). Greenpeace refused to remove the camp, which resulted in a written question addressed to the Government from seven members of the Parliament from diverse political parties enquiring what steps the government was planning to take to stop the illegal activities of Greenpeace in Inari (Kirjallinen kysymys 291/2005). The Minister of Agriculture and Forestry replied by stating that eviction of the camp was possible only once there was a court order in place from the District Court. The logging operations would not be disturbed by the illegal camp, so local livelihoods were not being threatened. In April 2005, Greenpeace took down the camp before the District Court had reached a decision in the matter.

Despite the strong local opposition to the Greenpeace campaign and the failure to reach a final solution, the campaign was successful in keeping the disputed forests from being logged. On March 7, Metsähallitus announced a temporary logging moratorium for the areas identified in the maps of the RHCs. The reason for the decision was, according to Metsähallitus, the pressure from the customers of the forest industry in Central Europe (Korhonen 2005).

### *9.1.3 Revision of the Natural Resource Plan*

Around the same time as Greenpeace built up the Forest Rescue Station and the forestry workers the Anti Terror Info Center, Metsähallitus began the process of revising the Natural Resource Plan for Northern Lapland, as decided in the MAF Action Programme. Metsähallitus announced that a review was necessary because “forestry operations could no longer be carried out according to the existing plan due to the escalated conflicts between forestry and reindeer herding”. The most important goal of the review process would be the reconciliation of forestry and reindeer herding (Metsähallitus press releases 24.3.2005 and 30.3.2005).

A round table chaired by the County Governor of Lapland, Ms. Hannele Pokka, was organised in March 2005 in order to look for new ways forward. Most of the parties directly or indirectly involved in the dispute were present, including Greenpeace, the Sámi Parliament and the Municipality of Inari. In the meeting it was agreed that RHCs and Metsähallitus would re-negotiate in order to develop a 5-year timber harvest plans



for each co-operative's area. The results of the negotiations would be presented to the different ministries and to the Sámi Parliament, after which the process would continue as part of the Natural Resource Plan review. Metsähallitus would refrain from logging on the disputed areas during the negotiations. (Reconciling the needs...2005.)

When the new round of negotiations started in April, Metsähallitus' representatives proposed a solution whereby the planned annual cut would be reduced from 150 000 m<sup>3</sup> to 130 000 m<sup>3</sup> (Reconciling the needs... 22.4.2005). According to the proposal, the surface area of forests used for commercial forestry would not be reduced whereby the needs of reindeer herding could be given better consideration across the whole commercial forestry area. (Korhonen 2005.) The co-operatives and the herding group that had formed the Alliance were interested in continuing the negotiations, but could not accept proposed logging in the areas they had marked on the maps. In June, the negotiations ended without resolution. Metsähallitus and the RHCs jointly concluded that long-term solutions regarding forest use in Inari would not be reached in local-level negotiations (Sihvo et al. 2006, 71). The co-operatives sent out a joint press release expressing their frustration that Metsähallitus continued to lack the mandate to make permanent decisions on forest use in Inari, because Metsähallitus claimed they could only negotiate a slight decrease in the timber harvest volumes. The co-operatives considered it unfeasible to continue the negotiations as long as Metsähallitus could not decide to exclude forest areas from logging. Since the negotiations had failed, the co-operatives of the Alliance repeated their earlier requests to negotiate directly with the Ministry of Agriculture and Forestry in accordance with the Reindeer Husbandry Act. (Hammastunturi reindeer herding co-operative et al. press release 10.6.2005; Inarin paliskuntien yhteistyöryhmä 2005.)

Metsähallitus announced it would present the alternative scenarios of harvest volumes to the Stakeholder Working Group established for the review process of the Natural Resource Plan, based on which it would make the decision on the PAC. It also announced that in August it would resume forestry operations in the disputed forests that had been under moratorium since March. The operations would not, however, restart in the areas proposed by the arbitrator or in forests within designated Wilderness Areas<sup>97</sup>. The interim PAC for 2005 would be 135 000 m<sup>3</sup>, that is 15 000 m<sup>3</sup> less than defined in the valid Natural Resource Plan. (Metsähallitus press release 10.6.2005.)

The discussions regarding the PAC to be adopted in the renewed Natural Resource Plan continued with the local stakeholders during the fall of 2005 and the beginning of the year 2006. The alternative scenarios varied between 70 000 m<sup>3</sup> annually to 150 000 m<sup>3</sup>. In a meeting in November, the Reindeer Herders' Association<sup>98</sup> proposed a PAC of 110 000 m<sup>3</sup>. According to Metsähallitus, the majority of the 14 stakeholders present in the meeting were against the proposal and in favour of a higher PAC. Inari Municipality and VAPO sawmill repeated their demand that the harvest level remain at 150 000 m<sup>3</sup> (Sihvo et al. 2006, 72). Despite this, the proposal was taken as the starting point for discussions. According to Metsähallitus, the purpose of this decision was to "calm down the tense situation and to achieve a truce in the region until ongoing research projects provide new information for the reconciliation of the key sources of livelihood" (Metsähallitus press release 24.11.2005). The actual decision would be taken in February 2006. Eventually it took until November 2006 before the revised Natural Resource Plan for 2006–2010

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<sup>97</sup> According to the Wilderness Act (62/1991) timber harvesting is allowed in some parts of the Wilderness Areas, and some of these areas were among the disputed forests.

<sup>98</sup> Reindeer Herders' Association (Paliskuntainyhdistys) is a state-funded organisation operating under MAF. All Finnish RHCs are members of the association. It works as a link between the RHCs, helps to develop reindeer herding and promotes reindeer related research.

was released. The Planned Annual Cut was defined at 115 000 m<sup>3</sup> and 200 km<sup>2</sup> of forests within the Wilderness Areas were permanently excluded from forestry (Metsähallitus press release 1.11.2006; Sihvo et al. 2006).

#### *9.1.4 New law suits against Metsähallitus*

Despite reduced harvest levels and new set aside areas, the process to revise the Natural Resource Plan did not succeed in providing a way forward in the conflict. This was due to two reasons. First, many of the RHCs did not participate in the process once the negotiations had failed in June 2005, and hence did not commit to the outcome of the process. Second, Metsähallitus had announced that it would resume timber harvesting in some of the disputed forests while the Natural Resource Plan was being drafted (Metsähallitus press release 24.8.2005). This led to the escalation of the conflict while the planning process was still on-going. In October 2005, Muotkatunturi RHC and Paatsjoki RHC sent out a press release that logging was now taking place in controversial areas without their consent. They repeated their proposal to start negotiations directly with MAF and to reintroduce the logging moratorium until the new research results from the projects initiated by MAF would be published in 2007. (Muotkatunturi RHC & Paatsjoki RHC joint press release 17.10.2005.)

At the end of the same month, Metsähallitus also began logging in the disputed areas within the winter grazing ground of the Nellim herding group in Ivalo RHC. The following day, three herders from the group, the Paadar brothers, delivered an urgent petition for temporal procedural remedy to the District Court of Lapland. The herders announced their attention to file a civil lawsuit against Metsähallitus and asked the court to order Metsähallitus to refrain from logging while the court considered their case. Without such an order, there would be little point to file a suit against Metsähallitus: if the logging continued during the process, the disputed forests would be logged by the time the court would rule on the matter. The following day the court issued a temporary decision and ordered Metsähallitus to refrain from logging in the areas in question. Would Metsähallitus not follow the order, it would be fined (so-called conditional imposition of a fine<sup>99</sup>). The implementation of the decision required, however, that the applicants place a due security<sup>100</sup>, the amount of which would be decided by the execution authority. The court informed Metsähallitus of its decision, but while the security had not been placed, the Court's decision was not formally valid, and the logging continued. After having heard Metsähallitus' proposal, the execution authority defined the security at one million (€ 1 000 000) euros. (Metsähallitus press release 2.11.2005 in Finnish and 10.11.2005 in English.)

The herders were unable to place such a security, which meant that the temporary procedural remedy by the court would become void. The herders therefore appealed to the United Nations Human Rights Committee and asked the Committee to request Finland, as an interim measure of protection, to refrain from any further logging in the Nellim area while the process was on-going. On November 14, the Committee made a decision in accordance with the appeal and recommended that Finland refrain from logging in the disputed areas in Nellim. Finland was given six months to deliver its reply, after which the Committee would re-assess the matter. (HRC communication no 1433/2005, see also

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<sup>99</sup> Uhkasakko, in Finnish

<sup>100</sup> The purpose of defining a security is to discourage people from filing civil lawsuits against other parties unless they have serious grounds to do so.

Johanna Ojala press release 16.11.2005; Metsähallitus press release 16.11.2005; Ministry of Foreign Affairs press release 16.11.2005.)

The UNHRC's intervention did not, however, result in the immediate cessation of logging activities in Nellim. Logging continued for several days before it was finally called off by the Finnish Ministry of Foreign Affairs (Ministry of Foreign Affairs press release 16.11.2005).

“From Monday November 14 to Wednesday November 16, at 3 pm, the Forestry Service had all its logging staff, around 40 people, logging in the area. At 3 pm, Helsinki finally made a phone call to Nellim and told its Forestry Service [Metsähallitus] to stop logging. During the almost three days when the Finnish Forestry Service knew about the Committee's decision but before Finland had actually called a halt to the logging, large areas of important grazing land were destroyed for the foreseeable future, perhaps forever.” (The Indigenous World 2006, 48)

The decision by the UNHRC was opposed by seventeen of Metsähallitus' forestry workers and forestry machine workers from Inari, who were ethnic Sámi. They sent a complaint to the Committee, in which they argued that the interim logging moratorium was an infringement of *their* constitutional and human rights, since their right to earn their living by legal means, in the way they choose, was made impossible. The appellants argued that the Committee “does not have the authority to determine of behalf of the Saami what values the Saami must approve”. They further claimed that since majority of the Sámi in Nellim village were not opposed to logging, the Committee had made its decision “using false and inadequate information and exceeding the Committee's authority”. (Saami forest workers.... Press release 30.11.2005.) UNHRC had not replied to this appeal at the time of writing this study.

Simultaneously with the appeals to UNHRC, Greenpeace took direct action against the loggings by embargoing a cargo ship shipping paper from Stora Enso mill to its customers in central Europe. Once the ship approached its destination in Lübeck, Germany, on November 7 2005, it was stopped by Greenpeace activists and was forced to return to sea. The Greenpeace campaign caused several actors from the forestry sector to express their outrage. The Trade Association of Finnish Forestry and Earth Moving Contractors required that “society must intervene in Greenpeace's unscrupulous operations aimed at stopping forestry in Northern Lapland” (Press release 7.11.2005). Forestry Experts' Association METO in Lapland and The Wood and Allied Workers' Unions' district in Lapland went as far as to conclude that

“Such irresponsible disregard of the society's democratic decisions making system and the continuous disturbance of economic activities as well as trampling on the rights of local people show that the international environmental movement has become terrorism.” (Press release 7.11.2005, author's translation.)

The Municipality of Inari repeated the point made by the labour unions that the activities of Metsähallitus in Northern Lapland were in full compliance with Finnish law and sustainable development and were based on a valid Natural Resource Plan. The Municipality condemned Greenpeace actions as an extremely harmful agitation. The Municipal Executive Board required that Metsähallitus continued the timber harvest according to the PAC of 150 000 m<sup>3</sup>, and that Greenpeace immediately stop the actions



**Picture 4.** Unprotected disputed old-growth forest in Kessi, Inari (© Greenpeace/  
Liimatainen)



**Picture 5.** Aerial photo over the disputed forest loggings in Nellim (© Greenpeace/  
Snellman 2007)





Picture 6. Kalevi Paadar (one of the Paadar brothers who have filed a civil case against Metsähallitus) on a logging site in Nellim, Inari (© Greenpeace/Pyykkö)



Picture 7. Anti Terror Information Center's counter-demonstration against Greenpeace in Inari, April 2005 (© Greenpeace/Snellman)

that were jeopardising the livelihood of the people living in Inari. The Municipality also gave its full support to Stora Enso and other companies purchasing timber from the area. (Inari Municipality press release 8.11.2005.)

Metsähallitus and the Ministry of Agriculture and Forestry likewise came out with a joint press release titled “Metsähallitus obeys and respects Finnish laws and international agreements”. Minister Juha Korkeaoja gave his full support to Metsähallitus:

“Metsähallitus is not guilty of any judicial violations, but the issues concerning felling, forest conservation and position of the Sami People have been dealt with in a proper manner. The Ministry of Agriculture and Forestry does not hesitate to support the actions of Metsähallitus in Northern Lapland.” (Metsähallitus press release 8.11.2005.)

Saami Council, a non-governmental organisation with Sámi member organisations in Finland, Russia, Sweden and Norway, in contrast, was not satisfied with the activities of Metsähallitus and welcomed the decision by the UNHRC on a logging moratorium. The Council directed its attention to Stora Enso who continued to purchase timber despite the repeated requests of the Council not to do so (Saami Council press release 8.11.2005). Already in August 2005 the Council had contacted Stora Enso and highlighted what it observed as discrepancy between the purchasing policy of the company and the requirements of a number of ethical index listings the company was on. The correspondence had not lead to changes in Stora Enso wood procurement policy, which caused the Council to demand that Stora Enso be removed from all ethical index listings such as Dow Jones Sustainability Index and the Nordic Sustainability Index. ( Saami Council press release 8.11.2005)<sup>101</sup>

The independent, but inter-linked, campaigns driven by Greenpeace and the Saami Council against Stora Enso were successful. In November 2007, Stora Enso asked Metsähallitus not to deliver wood from the disputed sites in Northern Lapland. This decision was, according to Metsähallitus, due to the pressure from the customers (Metsähallitus press release 10.11.2005.) At the same time Metsähallitus pointed out that logging in the disputed areas would not stop, because deliveries to the local sawmill would continue.

In January 2006, Finland commented on the admissibility of the complaint by the herders to UNHRC by stating that the applicants had not exhausted national means of judicial protections available in the case and therefore the complaint was considered premature. Finland was of the opinion that UNHRC should cancel the required interim measure. (Ministry of Foreign Affairs press release 17.1.2006.) The Committee did not lift the interim measure. Instead, it granted renewed interim measures in August 2006, when the three Paadar brothers filed the lawsuit against Metsähallitus to the District Court. As of time of writing this study, the decision of the District Court of Lapland was still pending.

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<sup>101</sup> For more detailed analysis of the activities of Stora Enso and Saami Council in the dispute see Lawrence (2007) and Lawrence & Raitio (2006)

### *9.1.5 Summary of the practices and events*

As the description of the events shows, the conflict in Inari is complex and involves a multitude of actors at international, national, regional and local levels from business, civil society and the Finnish State (Table 12). The peak in the escalation of the conflict was reached in 2005, when both Greenpeace and forestry-dependent workers took direct action, court proceedings were initiated regarding the forests in Nellim, and new international actors, such as UNHCR and the Saami Council, became involved in the conflict. At the time of writing of this study, the conflict was without settlement. The revision of the Natural Resource Plan had not lead to a joint agreement between Metsähallitus and the allied reindeer herding co-operatives, and the court process regarding Nellim was pending. Stora Enso had announced that is not sourcing from any of the controversial areas (700 km<sup>2</sup>) for the time being (Greenpeace press release 29.3.2007). Logging, however, had been resumed in one of the controversial areas, Kessi forest, in April 2007. Because there was no buyer for the pulp wood, it was delivered to the local heating plant in Inari (Greenpeace press release 28.6.2007).

As Linjakumpu & Valkonen (2006) argue, the conflict is on one hand about concrete, mapped forest areas in Inari and as such, strongly “placed” locally. On the other hand, it is also about Finnish forest policy at large, and therefore clearly transcends the local boundaries. According to Linjakumpu & Valkonen (2006), the conflict has taken place between two distinct coalitions. By building networks with both the environmental movement and with the indigenous peoples’ rights movement, the dissatisfied RHCs have aimed at changing and widening the traditional opportunity structures and positions provided to them in the national forest policy. The international markets campaign driven by Greenpeace, the dialogue between the Saami Council and the ethical investors, and the appeals of the reindeer herders to the UN Human Rights Committee, all show that the conflict has not only local and national, but even international dimensions (Linjakumpu & Valkonen 2006; Lawrence & Raitio 2006). The national and international networks have considerably increased the leverage of the reindeer herding co-operatives in the issue.

“It’s a good thing if someone helps us, he says. According to Mr. Lukkari [the chairman of the Hammastunturi RHC], reindeer herders have in vain tried alone to make their voice heard in Metsähallitus, but now with Greenpeace they at least have some chance.” (Newspaper Lapin Kansa Oct.21, 2003, cited in Linjakumpu & Valkonen 2006, author’s translation)

Opposed to this coalition has been the coalition supporting forestry. It has consisted of the forest and wood workers and their labour unions, Inari Municipality, Regional Forestry Centre in Lapland, and the Regional Council of Lapland. (Linjakumpu & Valkonen 2006.)

Looking at the practices the Finnish state forest administration has adopted during the past ten years for settling the conflict, it is obvious that considerable resources have been put into collaborative planning processes as part of Landscape Ecological Planning, Natural Resource Planning and in the form of more permanent Provincial and Municipal Advisory Committees and biannual meetings with the co-operatives. A new planning tool was developed specifically for taking the needs of reindeer herding into account, but it was not taken into use once it had become apparent that the pilot projects would not result in settling the dispute.



Table 12. Key actors involved in the Inari conflict

	STATE OR INTER-STATE ACTOR	CIVIL SOCIETY	MARKETS
INTERNATIONAL	United National Human Rights Committee	Greenpeace Saami Council	Ethical indexes (Dow Jones Sustainability Index, Nordic Sustainability Index, FTSE4Good)  European publishing houses and their associations  Stora Enso
NATIONAL	MOE MAF  Ministry of Foreign Affairs  Ministry of Justice  Metsähallitus	Nature League  FANC  Wood and Allied Workers' Union Forestry Experts' Association (METO)  The Trade Association of Finnish Forestry and Earth Moving Contractors  Forestry Transportation Union	
REGIONAL	Lapland Forestry Centre  The Regional Council of Lapland	FANC Lapland  METO Lapland  Finnish Sámi Parliament	Stora Enso pulp, paper and sawmill in Kemi  Stora Enso pulp mill in Kemijärvi  Botnia pulp mill in Kemi
LOCAL	Metsähallitus NHS  Metsähallitus FD	Inarin luonnonystävät Alliance of Inari RHCs	Metsähallitus FD  VAPO sawmill  Reindeer herding co-operatives

As with the Kainuu case, one way of analysing the practices of the state forest administration is to ask to what extent the various processes have fulfilled the key features required of consensus-seeking processes (Innes 2004; Chapter 3.5). The processes both at the national (Arbitrator), provincial (Advisory Committee), and local (LEP, NRP, consultations) levels have been inclusive of a full range of stakeholders. Not all the parties have chosen to participate in all the processes available to them, but that has been their own decision. One of the major disagreements between Metsähallitus and the allied reindeer herding co-operatives, on the other hand, has been the task or agenda of the different collaborative processes. Forest management practices for mitigating the dispute have included postponing controversial loggings, timing them so that reindeer can use the tree-hanging lichen from the logging residue, as well as changing the methods for logging and soil scarification. Thinning of mature stands has replaced a proportion of the clear-cuts. Since 2000, new forest management guidelines for forest close to forest line have been taken into use. (Piiparinen & Kotisaari 2006, 38; Sihvo et al. 2006, 32.) The co-operatives have, however, required that in order for the negotiations to be meaningful, they also need to address redefining the geographical scope of forestry, whereas Metsähallitus has repeatedly maintained that any major reductions to the area of commercial forestry are both outside its authority to decide upon as well as unacceptable from the forestry point of view. The forestry-dependent parties and the Municipality of Inari have strongly supported this view. Consequently, the process has not fulfilled the condition according to which it needs to be self-organising and unconstrained by conveners, permitting all assumptions to be questioned.

At the same time, the attempts of the co-operatives to negotiate with the Ministry of Agriculture and Forestry have not given any result. To the contrary, in its Action Programme, the Ministry re-delegated the task of reconciliation to Metsähallitus at the local level, although both Metsähallitus and the herding co-operatives had hoped for a political solution. Hence there has not been any process where all of the involved parties would have mutually perceived the planning task as meaningful and the ground rules of the process as acceptable. Both Metsähallitus and the reindeer-herding co-operatives have used positional language, that is, they have formulated their goals in terms of certain positions (“these areas must/not be logged”) instead of interests (“we need to make a living”). This has not helped to move the negotiations onwards, because positional strategies allow for little leeway in looking for win-win situations. Professional facilitators have not been available for the collaborative meetings. An arbitrator was used, but MAF chose not to implement the recommendations she made in her report (Selvitys...2003).

To conclude, the parties have entered the negotiations with very different expectations about what a possible settlement could entail. Disagreement about the agenda and the ground rules has plagued the processes and not surprisingly, the processes have not yielded results. Rather than being resolved, the conflict has persisted and even escalated to include direct actions and litigation at national and international fora. From the forestry-dependent stakeholders’ (loggers, forest industry) perspective it could be argued that the situation is even worse now that the timber harvest levels have been dropped, but the dispute remains. On the other hand, reindeer herding co-operatives do not consider themselves winners either, because majority of the disputed areas remain in commercial forestry and will, according to the current Natural Resource Plan, be logged sooner or later.

What is striking in the dispute is the almost total absence of the Ministry of Environment in the debate. The Ministry has communicated that the conflict is about the needs of two local livelihoods and as such, not a matter for MOE to deal with.

How can the obvious inconsistency be explained between the state forest administration's investment of time and resources to collaborative processes on one hand, and the reluctance to address the fundamental causes of the conflict, on the other? How does the state administration perceive the dynamics of the conflict and its own practices to manage it? What, in fact, is the conflict about? These are the questions to which I will now turn.

## 9.2 Framing the conflict

The purpose of this chapter is to analyse the way the state forest administration has constructed the Inari conflict by addressing the following research questions:

Research question 3: How does the state forest administration frame the two case study disputes, its own attempts to settle the disputes, and the other parties involved in them?

Research question 5: How are the frames of the state forest administration reflected in its practices? What is the role of the frames in the management of the conflict?

Building on the interviews, I have identified two main types of frames regarding the Inari conflict within the state forest administration. They are the Forestry frame and the Park Service frame. As the names imply, the primary dividing line between the frames goes between a forestry-dominated perspective on the one hand and a public administration perspective on the other. The Forestry frame is committed to a forestry perspective both in regards to Metsähallitus' identity frame, conflict management approaches, and to assessing the success in reconciling the livelihoods in Inari. The Park Service frame, in contrast, places the conflict in the context of Northern Lapland and its land use conflicts as a whole, where forestry is but one of many issues. It emphasises that NHS is not involved in, or responsible for, the forestry operations of the Forestry Division and that NHS has a strong identity as a part of the overall public environmental administration. There are different variations of these two main frames that I will describe in the text. Consequent characterisation and conflict management frames are also named according to the conflict frames they adhere to. After presenting the different frames I discuss their similarities and differences and their role in the practices. I then also discuss them in comparison to the frames of the other actors in the Inari dispute, insofar as they have been analysed in other studies.

### 9.2.1 Forestry frame

According to the Forestry frame, the conflict between reindeer herding and forestry is essentially about balancing two equally important local livelihoods. The conflict is defined as 'local' in the sense that it is about reconciling and balancing two forms of land use that are both important to the local economy and employment, but have little, if any, economic or political significance nationally or globally. The conflict is also perceived as local in the sense that the causes as well as the consequences are primarily to be found in the local community. The need for the balancing act comes from the fact that the conflicting local interests are directed at scarce local natural resources, namely timber and good pasture areas for the reindeer. One of the Forestry Division representatives in Inari formulates the point by saying:

“...we operate on the same areas to an extent, that is, reindeer herding and forestry operate on forest-, what we perceive as commercial forestry area. And when we, two such, in the end, different livelihoods operate on the same area... when we log forest and create logging residue and remove old trees, the tree hanging lichen disappears and the braches cover the ground lichen, it means that the pasture conditions of reindeer herding are weakened in that respect. But what the consequences are on long term and how long they endure is another issue, but in principle, that reindeer herding has [...] I mean, reindeer are short of food and we operate on the same areas, and reindeer herding perceives our operations as a significant harm, so that’s where the contradiction comes from.” (FDI08)

In addition to balancing local interests regarding land use, underlying national and international causes to the conflict are also identified. These include the Sámi struggle for land rights and the conservation interests of the international environmental movement, in particular Greenpeace. However, in framing the conflict these factors remain secondary, for two reasons. First, the key obstacle to settling the conflict is not perceived to be at national or international level, but in the disagreement among the local people. The challenge in finding the solution is, according to this frame, that the local people simply fiercely disagree. As long as they disagree, it is impossible to find an acceptable solution to whatever national and international issues there are to be dealt with.<sup>102</sup> As a MAF representative notes,

“And another thing is that there is no local unanimity there. The Municipality, the workers, are of the opinion that people must have work, and there may be other... I don’t know in how many directions the opinions go. But it has been looked at for a long time, there have been arbitrators and there have been working groups and at this very moment even there is research going on, so all the time there are attempts to find an acceptable compromise.” (MAF 27)

The second reason for downplaying the role of the national and international aspects of the conflict is that the reconciliation between land use interests falls within the tasks of the state forest administration, whereas the national or international issues, such as Sámi land claims for instance, are the responsibility of other authorities, for instance the Ministry of Justice. Likewise, a third factor perceived to underlie the conflict, the overall poor economic profitability of reindeer herding in the Nordic countries, is a problem to be dealt with by the Fisheries and Game Department at MAF, yet another actor within the state apparatus. The balancing of local land use interests dominates this conflict frame in Metsähallitus and the Forestry Department of MAF, because this is the aspect of the conflict the state forest administration has the responsibility to deal with. On the other hand, the national and international factors are at time used as an explanation as to why the conflict management efforts of Metsähallitus are not always working: problems such as Sámi land claims and profitability of reindeer herding cannot be resolved in forestry planning, no matter how well designed the planning process would be. However, even in those cases, the key point remains: what is perceived to be at stake is two local, equally important ways of using the land that provide welfare to the local community.

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<sup>102</sup> The interviews were made in 2003–2004, before Greenpeace established its Forest Rescue Station in Inari in 2005, which may explain why the role of international NGO campaigns gained relatively little attention in the interviews in proportion to the local disagreements.

This perception of the conflict defines the needs of both reindeer herding and forestry as legitimate and understandable, although the extent of damage from forestry to reindeer herding is considered a contested matter. According to the Forestry frame, the damage caused to reindeer herding by forestry operations is temporary and can be duly managed in forestry planning. It is considered both possible and desirable for logging activities and reindeer herding to co-exist in the same areas. One of the recurring expressions in the interviews is compromise: nobody can have it all, because land use planning is about making compromises. There is a limited amount of old forests left and they are important both as lumber and as pastures. The limited resources make the situation a zero sum or a fixed pie.

Thus, although significant reductions in forestry have been made because the rights of Sámi culture and reindeer herding are important and need to be recognised, the needs of other stakeholders (the majority) restrict the extent to which the views of reindeer herding can be taken into consideration. In particular, the demands of the reindeer herders have to be weighed against the employment of the forestry workers and the wood procurement of the local sawmill, which is considered important for the employment and regional economy in Inari. In the reviewed Natural Resource Plan it is stated that

“Alternative D [based on the proposal by RHCs and Greenpeace] where the planned harvest level would be around 70 000 m<sup>3</sup>/year would reduce jobs by the equivalent of 26 full-time jobs (from 87 to 61). Such a significant reduction in harvest levels will cause changes in the structure and practices of forestry that will further reduce the amount of jobs in forestry and timber sector in Inari. For instance, a steady and year round supply of timber would no longer be possible.” (Sihvo et al. 2006, 68, author’s translation)

In addition, this frame includes an economic argument as to why the demands of reindeer herders cannot be fully carried out. As a state enterprise, Metsähallitus needs to be profitable in its forestry operations. While the annual profit target for Inari/Northern Lapland is not high, the expenses of the Forestry Division nonetheless need to be covered with the income from timber production. On the other hand, the frame downplays the role of the State’s budgetary interests as a driving force in the conflict and emphasises that state forestry in Inari is primarily practiced because of the benefits it generates to the local community in terms of employment and welfare.

This identity frame implies that Metsähallitus is a ‘conciliator’ between different local interests. As such, Metsähallitus is portrayed as an organisation that ‘looks at the big picture’ and seeks an optimal solution to the conflict from everyone’s perspective, as a neutral party. As a Forestry Division employee at the head quarters defined it:

“In my view, Metsähallitus always aims to look at the whole, that there are this many different views and out of them we just have to create a joint view and a whole, so that the package still works, that we still can say, I mean, that we can live and operate and be a part of this.” (FDT20)

On the other hand, Metsähallitus – and particularly the Forestry Division – is also perceived to have a vested interest in the conflict as one of the users of the contested forests. However, it is an interested party to the conflict not because it would want benefits for the organisation, but because it generates them to the local community.

It is not surprising to the interviewees adhering to the Forestry frame that reindeer herders are not satisfied with the extent of reconciliation between reindeer herding and forestry. The people working on a daily basis with the reconciliation are themselves aware of the problems and shortcomings of collaboration and conflict settlement so far, and wonder what could be done to improve the situation. While the representatives of reindeer herding are, according to this frame, capable of assessing the consequences of forestry on herding, their assessment is considered but one side of the story. Herders look at issue from their narrow, albeit legitimate, perspective.

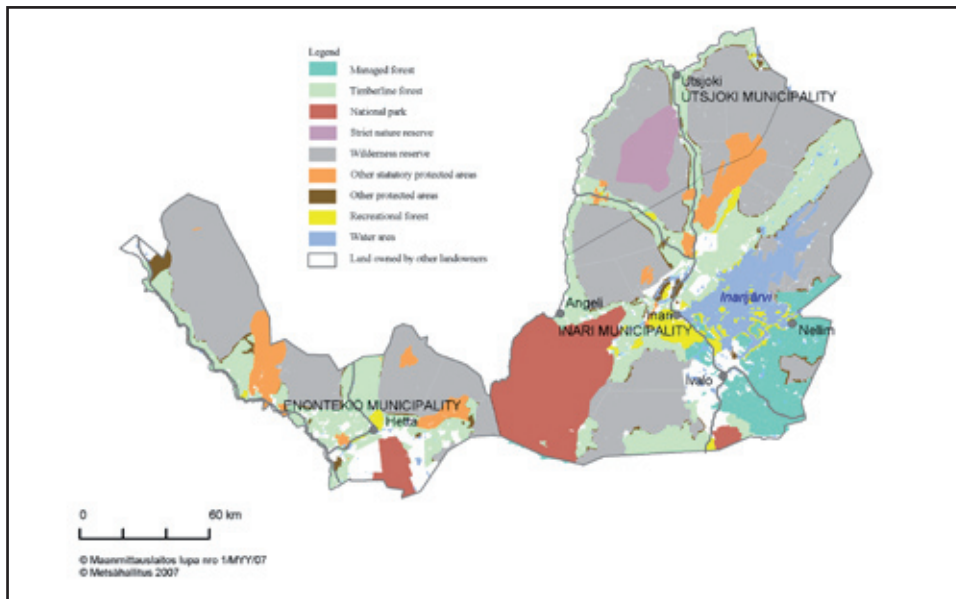
The characterisation frame for the herders, then, is that of a typical interest group. Some of the interviewees who frame the conflict as balancing of local interests were understanding of the demands of the herders and regretted the tragic situation with scarce resources, whereas others labelled the demands as selfish and short-sighted. In general, the interviewees recognised that there was no mutual trust between reindeer herders and Metsähallitus Forestry Division, although some maintained that the majority was content and that the conflict was about a few loud “individual herders” making a noise. The expression “some of the herders” is also used in the Report MAF has produced regarding collaborative processes in state forest use, implying that only a minority of herders are dissatisfied (Piiparinen & Kotisaari 2006, 35). This view ignores the fact that the concerns have in fact been raised by at least four RHCs in Inari as their formal position, and that these positions have been adopted in the annual meetings or in board meetings of the RHCs.

In consistency with the conflict frame, local and regional collaborative planning is perceived as the key procedural tool for the prevention and mitigation of conflicts. Natural Resource Planning is the process where all the interested stakeholders can meet, provide their input, and learn about each other’s interests. The Regional Advisory Committees as well as Municipal Co-operation Groups are also part of the participatory toolkit at the local (Inari) and regional (Lapland) levels. The needs of reindeer herding and Sámi culture in general are, according to this frame, a high priority in Metsähallitus decision-making, although Metsähallitus does not use an ethnic criteria for prioritising the needs of the stakeholders. Instead, the status of different stakeholders is based on their dependence on the resources: the needs and interests of tourists and visitors are subordinate to those of the local population. Within the local population, those who are directly dependent on the natural resources, such as RHCs and the representatives of other traditional livelihoods<sup>103</sup>, are given priority over others. Consequently, the consultations with reindeer herding co-operatives (and the Sámi Parliament) are perceived as higher status than the input of “regular” local interest groups, let alone of non-local actors.

The way to assess whether the balancing act between the livelihoods has been carried out fairly and successfully is, according to the Forestry frame, to compare the current geographical scope and harvest levels of commercial forestry on state land to what they have been in the past or what they could theoretically be if defined purely on the basis of sustained wood procurement. The extent to which forestry operations have been reduced from the potential maximum either in terms of area or of harvest levels illustrates the reconciliation between forestry and herding. The most commonly used geographical scope in doing such an assessment is Northern Lapland region, which is the operative unit for the Forestry Division. Commercial forestry is practiced on 9 – 10 % of the total land area in Northern Lapland, and on 48 % of the productive forestland (see Map 11).

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<sup>103</sup> In Finnish, luontaiselinkeinot



Map 11. The relevant geographical scale for assessing reconciliation between reindeer herding and forestry according to the Forestry frame.

The annual regeneration loggings (final felling) cover only 0.2 % of the total productive forest area. State harvest levels reached their record high in 1980 when the annual harvest was 270 000 m<sup>3</sup> (Luhta 1999, 75). Since then, the harvest levels have decreased more than by half.

Alternatively, the extent of forestry vis-à-vis reindeer herding is assessed as the percentage of the total land area of each co-operative that is used for commercial forests. These percentages vary between 4 and 50 (Table 13). Such a geographical scope is most often presented simultaneously with the Northern Lapland perspective in formal documents such as the Natural Resource Plans. It is clearly less common in the press/website material in Finnish and non-existent in the material in English.

The conclusion from this assessment is essentially the same as that of looking at the situation on the regional scale: the compromises made by forestry have been substantial and hence reindeer herding has been given adequate consideration. According to the Forestry frame, this has been proved by the numerous national and international court rulings (Metsähallitus press releases 19.5.2005; 07.11.2005; 10.11.2005; Korhonen 2005). It is questionable whether further reductions to forestry would be reasonable or fair, or lead to any noteworthy improvements for reindeer herding:

“What is significant harm then? If 90 percent of the land area of a co-operative is already excluded from commercial forestry, should forestry be restricted on the remaining 10 percent as well? [...] How well have we succeeded in it, if you compare that the harvest -- or the harvest calculations in Natural Resource Plan, without the agreed upon restrictions based on the input from reindeer herding through public participation. So there would be 30 to 40 percent more logging. So this is for multiple use, whether it has been taken into consideration. And conservation in addition to that.” (FDT04)



**Table 13.** The amount of commercial forests per RHC in those RHCs in Inari in which commercial state forestry is practiced (Northern Lapland Natural Resource Plan 2000, 81).

Reindeer herding co-operative	Total land area, km <sup>2</sup>	Commercial forests, km <sup>2</sup>	Forests in restricted commercial use, km <sup>2</sup>	% of all commercial forests
Hammastunturi	2160	300	210	23
Ivalo	2530	1120	150	50
Muddusjärvi	2020	200	130	16
Muotkatunturi	2480	120	40	6
Sallivaara	2860	70	40	4
Paatsjoki	650	110	10	19
<b>Total</b>	<b>12700</b>	<b>1970</b>	<b>580</b>	<b>20</b>

According to this frame, the profitability of the forestry operations is a key source of legitimacy for forestry in Inari. It would make no sense to harvest logs with taxpayers' money. To be able to operate profitably, it is maintained that forestry requires sufficient forest areas. This is why, according to this frame, it is impossible to reduce further the area of forests available for timber production.

There are some aspects where it is possible to distinguish different variations of the Forestry frame. I have identified three variations and call them 'Profitable Forestry for Local Benefits', 'Marginal Dispute', and 'Over-grazing is to Blame'. Each will be described below, and summarised in Table 14.

Profitable Forestry for Local Benefits is the frame that is apparent, particularly in the way the local staff of the Forestry Division in Inari describe the conflict. This frame highlights commitment towards the local community as a motivation for all the choices made in order to mitigate the conflict between reindeer herding and forestry. Some of the local Metsähallitus' representatives even explicitly say that they work for the local people more than they work for Metsähallitus. For them, the whole meaning of forestry operations in Inari is to provide the local people with employment and hence the community with a future. Profitability of forestry is not interpreted as a threat to the local needs. On the contrary, profitability brings continuity to the operations and hence prosperity to the local community, either directly or by providing income to the state budget that funds the welfare state. This frame also underlines the duty of Metsähallitus locally or regionally to take responsibility for resolving the conflicts, in so far as it has the formal authority to make decisions. Interviewees adhering to this frame describe in detail the different attempts to mitigate the adverse impacts of forestry on reindeer herding, which have been developed in Northern Lapland. These include new forest management methods, timing of logging, and dividing the harvest quota among the RHC areas so that possible delays or reductions in timber harvesting on one RHCs area do not cause increase in another's area.

**Table 14.** Three variations of the Forestry frame: ‘Profitable Forestry for Local Benefits’, ‘Marginal Dispute’, and ‘Over-grazing is to Blame’

Name of frame	PROFITABLE FORESTRY FOR LOCAL BENEFITS	MARGINAL DISPUTE	OVER-GRAZING IS TO BLAME
<b>Conflict frame</b>	The conflict is about balancing two locally important livelihoods. In the background there are national and international-level issues related to Sámi land rights and international ENGO conservation interests. Poor profitability of reindeer herding is also blamed on forestry.		
	This is an issue of utmost importance (for the local community).	The issue is marginal (from the national perspective).	Over-sized reindeer herds are the real problem in the conflict.
<b>Identity frame</b>	Metsähallitus FD aims at reconciling multiple, conflicting local interests. State forestry operations provide local people with benefits and welfare and the state with a profitable enterprise.		
	Metsähallitus at local level is a decision-maker (within limits).		
<b>Characterisation frames/ reindeer herding</b>	Herders think of their own interests, but state forest administration needs to look at everyone’s interests. Herders’ demands are selfish, and would lead to everyone’s ruin, including reindeer herding. There is no mutual trust between the representatives of reindeer herding and Metsähallitus. There are some individuals who are making trouble, majority is satisfied.		
<b>Characterisation frames/Sámi Parliament</b>	It is almost impossible to get Sámi Parliament’s acceptance to the forest management plans.		
<b>CM frame process</b>	Collaborative planning, regular consultations.		
<b>CM frame substance</b>	Overlapping use of the same areas		
	New forestry methods, timing of logging, harvest quota per RHC.		
<b>CM frame relevant scale</b>	Northern Lapland/Inari		
	Total land area of a RHC		
<b>CM frame measure of success</b>	Amount of area/harvest potential excluded from forestry		

The Marginal Dispute frame is in most aspects similar to the Profitable Forestry for Local Benefits frame, but there are some important differences in defining the conflict and in identifying those responsible for dealing with it. In the case of the Marginal Dispute frame, 'local' conflict means the same as 'remote' or 'marginal'. In part this is explained by the simple fact that the interviewees with this frame are either from Metsähallitus headquarters or from the Ministry of Agriculture and Forestry, and hence Inari is far away from where they sit. But remoteness is not only a physical attribute in the frame, it also describes the level of priority of the issue. Inari with its northern conditions, fells, lumberjacks, reindeers and Sámi people is an unusual case, an anomaly in the average forestry professional's mental and physical landscape in Finland. It is at the same time as being difficult and marginal, it is something that people with the Marginal Dispute frame clearly do not want to have on their table.

Consequently, while the state forest administration is the decision-maker in the dispute, it is Metsähallitus "up there" who must deal with the issue, not people "here" (identity frame). This way of framing the dispute is reflected in how the interviewees from the Forestry Division in the headquarters and in MAF emphasise that the regional/local offices in Metsähallitus play in fact a key decision-making role in state forest administration and have much more power than people often think. For instance, when asked about whether anyone at the head office of Metsähallitus is working on the issues related to reindeer herding, one of the Forestry Division managers replied that the responsibility is solely at the regional level:

FDI02: It [reindeer herding] is just one issue among many within the normal operations, but regional chiefs are surely the ones who lead these collaborative negotiations [...]

KR: So it is seen as an issue where the scope is such that it can be dealt with there...?

FDI02: Or rather it is such a big issue that it must not be taken to Tikkurila [head office].

KR: Okay, can you clarify that logic?

FDI02: Well why the heck should we start addressing reindeer herding issues, it is a northern issue. There is no such wisdom here, it is purely a local issue up there." (FDI02)

Also in this frame, Sámi struggle for land rights, low profitability of reindeer herding and nature conservation interest are perceived as underlying causes for the dispute. But just like the balancing of the local livelihoods, these issues too are to be dealt with by "somebody else": by the Ministry of Justice (land rights), Ministry of Environment (nature conservation), or by another department at MAF (subsidies to reindeer herding). Since the resolution of the conflict is not considered one's own problem, the conflict management frame remains on a rather general level: collaboration and negotiations are considered important, but concrete methods for reconciling the livelihoods on the ground are not specified, or they are quoted directly from Metsähallitus at the local level.

According to this frame, forestry needs to continue in Inari because it is important to the regional economy and employment. The special status of reindeer herding in legislation is recognised, but at the same time it is weighed up against other local interests. In the MAF Action Programme this argument is presented in the following way :

“Reindeer herding has, of course, special status in Northern Lapland through legislation, but to what extent can it dictate limits to other livelihoods/land use forms? A judicial interpretation should be made as to when forestry is considered to cause “significant harm”<sup>104</sup> to reindeer herding.” (Ylä-Lapin...2003, 11, author’s translation)

The third version of the Forestry frame only occurs in the English material Metsähallitus has placed on its website<sup>105</sup>. It cannot be found in any of the interviews that I conducted for this study, or in the written material available in Finnish. It includes basically the same conflict frame and conflict management frame as the other Forestry frames. In addition, however, it highlights the role of over-grazing as a primary cause to the problems that reindeer herding is facing. The number of reindeer and its impact on reindeer herding and on the environment is mentioned in the context of the other Forestry and Park Service frames, but not in such a straightforward and accusing manner. This frame also openly questions why forestry should be restricted for the benefit of reindeer herding in the first place. With these two distinct characteristics, this frame is the most confrontational of the different Forestry frames found in the state forest administration regarding the Inari conflict.

In a document discussing the Arbitrators report, titled “Comments to the working group memorandum 2003:15 (report of reconciliation of forestry and reindeer husbandry in Northern Lapland)”, Metsähallitus argues that commercial forestry has not caused depletion of pastures in those Inari co-operatives that have demanded new set aside areas. Instead, the pastures are depleted due to past and present over-sized reindeer herds. It is argued that the maximum allowed number of reindeer has been exceeded in these co-operatives by tens of thousands of reindeer and that these herds have been artificially maintained through continuous supplementary feeding, hence aggravating the pasture depletion. It is pointed out that in Ivalo RHC, where commercial forestry has been practiced most intensively since the Second World War, reindeer herding is most successful when measured by shortest period of supplementary feeding, highest calving percentage, and so on. The leadership of this co-operative is dominated by its southern winter group which has not been part of the Alliance that has criticised forestry, despite the fact that it has more commercial forest land in its area than any other co-operative. This is taken as an indication that forestry and reindeer herding can co-exist if the will is there also from reindeer herding’s side.

In the document the present reindeer herding practices of the Sámi are considered “a factor endangering the biodiversity of the boreal forest and subarctic regions, and sustainable development in general”. They are also considered to be “in violation of treaties signed and ratified by Finland on the protection of the environment and biodiversity.” In addition to denying the adverse impacts of forestry on reindeer herding, this frame also questions the status of reindeer herding as a livelihood that should be given special rights:

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<sup>104</sup> This refers to the 2.2 § of the Reindeer Husbandry Act, which stipulates that state land in the area including Inari may not be used in a way that “may significantly hinder” reindeer herding. A more detailed account will be given in Chapter 9.3.

<sup>105</sup> [www.metsa.fi](http://www.metsa.fi)

“Reindeer husbandry is a means of livelihood that is carried on for the benefit of the reindeer owners. Thus reindeer herding is by nature a private activity, not one that is carried out for the public good. The fact that the reindeer herding cooperative carries [sic] out certain tasks for the owners does not change the nature of reindeer husbandry to that of a public service, **to an extent that would justify restricting commercial forestry in order to protect the interests of reindeer husbandry.**[...] **The practice of reindeer husbandry, which is an integral part of the Sámi culture, should not have such a protected status that it prevents economic activity based on sustainable forestry.**”(emphasis added)

Since it has only been published in English, this way of framing the dispute is directed exclusively to the international audience and it differs markedly from the other frames that are found in the official documents produced by Metsähallitus (such as the Natural Resource Plans and formal statement to the Arbitrator’s report) and MAF, as well as from the press material they have published in Finnish. Neither can such open questioning of the basic starting points of the debate – i.e. the impacts of forestry and the special status of reindeer herding – be found in the interviews.

Overall, there would seem to be some differences in the way the state forest administration frames the dispute in Finnish and in English. In addition to different material on its website in English and additional press releases exclusively in English, Metsähallitus has included the press releases of forestry contractors and other forest and wood based interest groups on its English website on Northern Lapland. These press releases use a kind of loaded language against Greenpeace in particular, which Metsähallitus has itself not used. The communication directed towards the international audience is rather less politically correct than the Finnish material. This is unusual, because usually the Finnish forest sector and the Finnish State have been careful to formulate themselves diplomatically in the international arena in issues regarding e.g. indigenous peoples’ rights and forestry. In this case, Metsähallitus has adopted a contrary strategy.

### *9.2.2 Park Service frame*

Those who frame the situation in Inari through the Park Service frame underline that Northern Lapland is a vast area where forestry is only practiced on a small proportion of land. Most of Northern Lapland is fell and mires, not forest. Whatever the conflicts related to timber production, they are but one issue among many important challenges in the management of natural resources in the area where the rights of the Sámi people need to be taken into account. In the fell areas, off-road traffic, building of cottages in roadless areas and hunting of small game are major issues and sources of conflict. Also tourism and its impact on reindeer herding cause continuous debate. These are all issues that Metsähallitus Natural Heritage Services needs to deal with.

Just like in the Forestry frame, collaborative planning and close contacts with the local people are considered essential for decision-making and conflict management in the Park Service frame. The special role of reindeer herding co-operatives and the Sámi Parliament in decision-making are emphasised. Again, it is mentioned that Metsähallitus does not use ethnic criteria in prioritising over different demands. But even when judged based on legislation and dependence on the land, reindeer herding and other traditional Sámi nature-based livelihoods are high on the priority list. Overall, collaboration with different local stakeholders and NHS is judged to work well, although disagreement is also considered understandable.

Although this frame emphasises the legitimacy of the views of RHCs and the Sámi Parliament, the overall characterisation frame for different stakeholders portrays them as proponents of their own – narrow – perspective and agenda, whereas the role of NHS is to look at the big picture and legality aspects in balancing the demands of the different parties (identity frame). NHS is clearly described as the representative of the State, as a neutral public authority:

“... to me it is self evident that all the parties look at the issue from their own perspective and when they do not get everything they demand then it has failed from their perspective.” (NHSI27)

In contrast to the Forestry frame, legal proceedings are an essential part of the conflict management frame. This is logical, because the regulatory environment of NHS’ planning differs from that of forestry planning. If agreement is not reached, the unsatisfied party has the opportunity to appeal the Management Plans of the National Parks, Wilderness Areas or Natura 2000 areas that NHS has produced to the administrative court (closer analysis of this will be presented in Chapter 9.3). Because the land rights are unsettled between the Finnish State and the Sámi people, it is most often the Sámi Parliament that appeals the plans.

Regarding the conflict between forestry and reindeer herding, the connections of the local conflict to national and international commitments of the Finnish State to indigenous peoples’ rights are more present in this frame than in the Forestry frame. Consequently, the Finnish State is perceived also as a key party to the conflict. Yet the focus in terms of consequences of the settlement of the conflict remains at the local community level. However, the primary perspective to the dispute is less focused on forestry than in the Forestry frame and more on the needs of the local community in general. Securing the employment of the local people is the major concern. How to resolve the dispute in a way that all the local people can stay in Inari and find a source of living? This is perceived as a challenge for Metsähallitus Forestry Division and MAF. Natural Heritage Services, in contrast, is not seen as an active party to the conflict, even though it is responsible for drafting the Management Plans for Wilderness Areas where limited forestry has been practiced. This is probably because NHS has no formal authority over most of the disputed areas. Because NHS does not perceive itself as a decision-maker, or even party to the conflict, it has little views on what should be a reasonable solution to the conflict, or how to measure success.

Overall, there is little variation within the Park Service frame (Table 15). The only clearer difference is how the interviewees perceive the role of NHS. In the Good Administration for Local Benefits frame, NHS in Inari is framed as the public authority whose task is to secure legality and promote benefits for the local people in the management of the vast protected areas. This frame was typical in the interviews of the local NHS staff. In it, the identity frame of NHS was a combination of local commitment on one hand, and of public authority on the other.

In the Park Service for Biodiversity and Public Benefits frame, Natural Heritage Services is likewise perceived as a public authority for managing protected areas, but the emphasis in the tasks is more specifically focussed on enhancing biodiversity and providing benefits for the public in general – not primarily to the local people – in the form of recreation and tourism. NHS is defined as an outsider to local communities in the positive sense that it can mitigate local conflicts from a neutral perspective:

**Table 15.** Two variations of the Park Service frame: ‘Good Administration for Local Benefits’ and ‘Park Service for Biodiversity and Public Interests’.

Name of frame	GOOD ADMINISTRATION FOR LOCAL BENEFITS	PARK SERVICE FOR BIODIVERSITY AND PUBLIC BENEFITS
<b>Conflict frame</b>	The conflict between forestry and reindeer herding is about balancing local livelihoods. Sami land rights are an important part of the conflict. In the background there are also issues related to poor profitability of reindeer herding and international ENGO conservation interests.	
<b>Identity frame</b>	Do not perceive themselves as the primary responsible decision-makers in the dispute.	
	NHS is a public authority whose task is to secure legality and equal rights of local people in regulation of the use of protected areas and Wilderness Areas.	NHS is a public authority whose task is to enhance biodiversity and to secure legality and equal rights of the public in regulation of the use of protected areas and Wilderness Areas.
<b>Characterisation frame/ reindeer herding</b>	Herders think of their own interests which is natural, but state forest administration needs to look at everyone’s interests.	
<b>Characterisation frame/Sámi Parliament</b>	It is almost impossible to get the acceptance of the Sámi Parliament for the management plans, as long as the land rights remain unsettled.	
<b>CM frame process</b>	Collaborative planning, regular consultations. Legal processes if needed.	
<b>CM frame substance</b>	Zoning of Wilderness Areas (and protected areas)	Not specified
<b>CM frame relevant scale</b>	Northern Lapland/Inari	

“A good example of this is the issues in Northern Lapland, where it is entirely impossible to achieve any kind of solution on a single issue that everyone could be satisfied with. If you take Wilderness Area Planning or something, a major part of the parties always disagrees. And I feel that particularly in Northern Lapland people are quite content with the role of Metsähallitus [NHS], because it can balance these local conflicting interests. And maybe it is a familiar and safe party to blame for all the so called stupid decisions that are made, but...”  
(NHST03)



### *9.2.3 Role of the frames in understanding the practices*

As in the Kainuu case, in Inari the frames of the state forest administration are divided according to the organisational units. The Park Service frame was found exclusively in the interviews made in NHS and MOE, whereas the Forestry frame was restricted to the representatives of the Forestry Division and MAF. On the other hand, it again needs to be noted that the dividing lines were not clear-cut. There are a number of shared elements in the frames. These include the emphasis on the local perspective. The user rights of the indigenous Sámi culture and reindeer herding are considered important, but the needs of other local people and the impacts on the local economy are highlighted in both frames as factors that these rights need to be balanced against (although this emphasis is more dominant in the Forestry frame). The commitment to the local community is an issue that particularly unites the Profitable Forestry for Local Benefits frame and the Good Administration for Local Benefits frame. The task of Metsähallitus is to provide the local community with benefits and fair rules of the game for dealing with the conflicts. Because these frames were mostly found among the local staff in the Forestry Division and NHS, it is natural that both frames emphasise that the local community is “here”, not “up there”. The commitment to the community by the staff members on an individual level seems strong.

In all of the variations of both the Forestry frame and the Park Service frame, the geographical scale in which the conflict is perceived and assessed is that of Northern Lapland. Northern Lapland was until 2006 the joint administrative unit for the Forestry Division and NHS. Common to both the frames is that the identity frames underline the role of one’s own unit – be it FD or NHS – as a neutral conciliator between conflicting local interests.

Looking at the role of the different frames during the conflict process in Inari it is clear that the Park Service frame has played a minor role in how the state forest administration has approached the conflict. The Park Service frame is largely absent from the written documents or public statements related to the case. In the Northern Lapland NRPs the Park Service frame can be found in those parts where the focus is on the general resource use and conservation, but not in conjunction with the strategies outlining the strategies and scale for forestry. The marginal role of the Park Service perspective is not surprising considering that the frame defines Natural Heritage Services as an outsider in the conflict. As the staff of NHS or MOE does not perceive the conflict as its problem, it has not taken initiative in addressing it, and hence the role of the Park Service frame in the conflict has remained marginal.

Instead, Metsähallitus FD and MAF have had the role to address the conflict and have done so in a way consequent with the different variations of the Forestry frame presented in this study. Local Metsähallitus FD has acted in accordance with the Profitable Forestry for Local Benefits frame. Because forestry and reindeer herding are according to this frame equally important local livelihoods, the reconciliation has been based on seeking a balance between them through compromise. The tendency of MAF and the headquarters of the Forestry Division, on the other hand, to delegate the decision-making in this complex and intractable conflict to the local level is consistent with their Marginal Dispute frame. Because the conflict is defined as locally important, but nationally marginal, the causes and solutions are expected to be found at the local level.

To what extent the Overgrazing is to Blame frame has affected the practices is not easy to say. It is not visible in the interviews or the policy documents or press material produced in Finnish, but its appearance in the English web material reveals that such a

frame exists and is considered legitimate within Metsähallitus, given that it is presented in the public material in Metsähallitus. It could be one of the explanations as to why the conflict has been so difficult to resolve: apparently there are people in the Forestry Division who do not consider the rights or needs of reindeer herding legitimate in the first place. As was noted, some of the staff members from the local Metsähallitus' Forestry Division have been involved in open opposition to reindeer herding, and involved in the Anti Terror Information Camp. Some have even been documented wearing Metsähallitus overalls in the protests, and they have signed petitions opposing the demands of reindeer herders.

#### *9.2.4 Other actors' frames*

It is outside the scope of this study to carry out an in-depth comparative analysis of the frames of all of the stakeholders involved in the Inari conflict. However, a number of other studies have looked at the perspectives of the different actors and coalitions built around the Inari conflict (Kyllönen & Raitio 2004; Linjakumpu & Valkonen 2006; Valkonen 2007; Raitio & Ryteri 2005; Raitio 2008). As was mentioned earlier, the different actors in the conflict have formed two primary coalitions: one around forestry and one around reindeer herding. Analysing their frames<sup>106</sup> in relation to the Forestry frame, which has dominated the conflict management practices of the state forest administration, reveals important aspects that can help to understand the intractability of the conflict.

In particular, the forest and wood dependent stakeholders that have formed the forestry coalition have, in the media debate, argued for local collaborative planning as the tool for settling the conflict and have opposed “outsider intervention” by Greenpeace. Overall, their framing has many similar elements to those of the Forestry frames of the state forest administration regarding the relevant scale, criteria for assessing reconciliation and justifications for why further reductions in timber harvest levels are not possible (Table 16). The Municipality of Inari has also framed the dispute in very similar ways to the forestry interest groups. (Lehtinen 1991; Raitio & Rytteri 2005; Linjakumpu & Valkonen 2006; Valkonen 2007.)

On the other hand, the reindeer herding co-operatives involved in the dispute frame the conflict fundamentally differently from the forestry dominated frames. According to the Rights of Reindeer Herding frame, the conflict is a question of the Finnish State's failure to follow its own legislative commitments to the rights of Sámi reindeer herding (Table 16). The primary parties to the conflict are the Finnish State and the RHCs, not the local stakeholders, although the local community is directly affected by the outcome of the conflict between the State and the RHCs. According to this frame, the question of whether the State has respected these rights cannot be answered by looking at how much forestry has been cut back. Instead, it needs to be assessed with indicators and spatial scales that are relevant for reindeer herding. (Reindeer-herding co-operative of Hammastunturi et al. 2002; Raitio 2008.) These are to an extent stipulated in the Reindeer Husbandry Act and otherwise dependent on the interaction between the environment, the reindeer and the herders.

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<sup>106</sup> Kyllönen & Raitio (2004) and Raitio (2008) use the concept of frames, whereas Linjakumpu & Valkonen (2006) and Valkonen (2007) speak of discourses. However, the elements they look at are largely the same as in the frame analysis of this study i.e. definition of the conflict, views on how it should be resolved, perceptions of relevant scale etc.

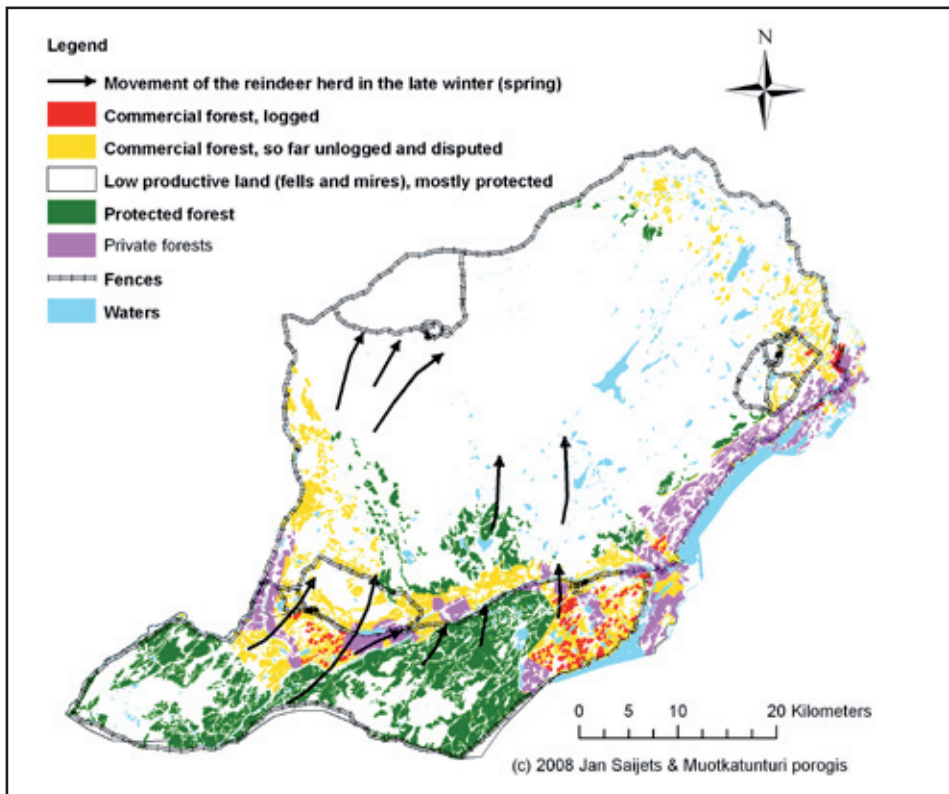
**Table 16.** Forestry Coalition frame and Reindeer Herding coalition frame in the Inari dispute (based on Kyllönen & Raitio 2004; Raitio & Rytteri 2005; Linjakumpu & Valkonen 2006; Valkonen 2007; Raitio 2008)

	Forestry coalition frame	Reindeer herding coalition frame
<b>Conflict frame</b>	Balancing local interests	Sámi user rights
<b>Conflict management frame</b>	Equality through collaboration	Respecting legal rights and minimising damage to other land uses
<b>Parties to the conflict</b>	Conflicting local groups (reindeer herding and forestry and wood dependent workers)	Finnish State and the reindeer herding co-operatives (as representatives of Sámi people)
<b>Role of Metsähallitus</b>	Mediator between different interests	Competing land user vis-à-vis reindeer herding; party to the conflict.
<b>Metaphor of the conflict</b>	The battle of the selfish	David and Goliath
<b>Slogan</b>	Everyone's equal in a majority democracy	Unique rights of Indigenous people

Reindeer herding co-operatives have legally defined borders that limit the available pastures for each RHC. In Inari there are eight co-operatives that are separated from each other by fences, and each RHC must keep its reindeer within its legally defined borders. 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 (Map 12). From the perspective of reindeer herding, the relevant scale and scarce resource for reindeer herding is the amount and availability of winter pastures that have not been affected by forestry operations. They thus need to be assessed for each co-operative or winter group separately.

The dissatisfied RHCs essentially argue that the needs of reindeer herding cannot be taken into consideration in all cases in the management practices of commercial forests. Although commercially managed forests can be used for reindeer grazing and some adverse impacts can be mitigated, a forest will never regain its original status and value as a winter grazing ground once it is taken into timber production. (Reindeer herding...2002; Raitio 2008.) The impacts of forestry also vary between co-operatives or even winter groups, because the natural conditions (precipitation, elevation) and dependence on tree-hanging lichen, which is particularly sensitive to forest management, vary. (Kumpula 2003; Kumpula et al 2003; Raitio 2008.)

When assessed through this frame, co-operatives have argued that the pastures have not, in all cases, been adequately protected from forestry. Despite the declining harvest levels, previously unmanaged areas continue to be taken into commercial use through final



**Map 12.** The relevant scale in assessing reconciliation between reindeer herding and forestry according to the Rights of Reindeer Herding frame. The map represents the area of Muotkatunturi co-operative. Summer pastures (north) and winter pastures (south) are separated by an east-west fence.

falling. The area of pastures under commercial timber production is therefore increasing instead of decreasing. (Reindeer-herding co-operative of Hammastunturi et al. 2002.) According to the management plans by Metsähallitus, the amount of forests over 140 years of age will decrease in Northern Lapland from close to 60% to 40% between 2000 and 2040 (Sandström et al. 2000, 154). Thus the amount of winter pastures excluded from forestry is in many co-operatives still decreasing, in the case of some winter groups at an accelerating rate. This frame also directs attention to the fact that protected forests are unevenly distributed between RHCs and they have not been chosen based on the needs of reindeer herding. In some RHCs, such as Muddusjärvi RHC, practically none of the forests in winter pasture usage are excluded from forestry operations. In others, such as Muotkatunturi RHC, only small parts of the co-operatives total land areas are in commercial forestry use, but they are situated in the most crucial late winter grazing areas (Map 12). Logging them would, according to the co-operative, mean dramatic changes in its herding practices.

According to the Rights of Reindeer Herding frame, local collaborative planning is not a realistic tool for securing the rights of reindeer herding. This is because the key issues, such as the scope of forestry or the profit target for forestry are not open for

negotiation at the local level (Reindeer-herding co-operative of Hammastunturi et al. 2002). The frame portrays Metsähallitus Forestry Division not as a neutral mediator, but as a party to the conflict, because it represents the competing land use form vis-à-vis reindeer herding. The conflict management frame is therefore to have negotiations directly with the representatives of the Finnish State in the Government. (Reindeer-herding co-operative of Hammastunturi et al. 2002.) To this end, the herders have worked jointly with Greenpeace, which has been considered provocative by the Forestry coalition.

As this brief comparison of the frames shows, the parties to the Inari dispute perceive the situation very differently. According to Valkonen's (2007) analysis of the media debate around the Inari dispute in the regional and local newspapers in 2003, the forestry perspective has dominated the public debate over the frames of the reindeer herding co-operatives. Comparing the competing perspectives he notes:

“When the assessment of forest use is based on timber production, [...] the forest history of Northern Lapland appears as an unproblematic course of history. From this perspective the justification for why the history of forestry in Northern Lapland is unproblematic is the growth of the timber stock. From the timber growth perspective forestry has not significantly affected the forests in Inari, because forestry has only lead to an increase in the forest growth (Sandström et al 2000:23, appendices 6 and 9). In the Northern Lapland forest dispute another discourse emerges, however, where both nature and its history as well as the relationship between time and space are perceived differently. For instance Inarin luonnonysävät ry [local ENGO identified by Valkonen as a part of the reindeer herding coalition] emphasises in its statements the historical and accumulative effect of forestry's environmental impacts. According to them, the current problems of forest use in Northern Lapland are caused by the fact that forest management has significantly changed the structure of the forest environments as time has passed.” (Valkonen 2007, author's translation)

In this sense the difference in the perceptions of the different coalitions reminds of the frame differences in the Kainuu case (Figure 11 in Chapter 8.2.4). The reindeer herding coalition sees the declining curve of undisturbed winter pastures (Curve A in Figure 11), whereas the forestry coalition sees the increasing curve of areas excluded from timber production (Curve B in Figure 11).

The differences in the frames of the different coalitions indicate that there is clearly a frame conflict that contributes to the intractability of the situation. Elliot et al. (2003, 419) have identified framing effects that promote intractability. The Inari case includes several of them. There is lack of common identity frames, ambiguity about decision-forum and differences in conflict management frames between the coalitions. One could also argue that there are unacknowledged threats to key identities. The RHCs question the identity of Metsähallitus' Forestry Division as the promoter of public interest. They claim both that forestry is not (anymore, if it ever was in the North) a public interest and that the Forestry Division is incapable of becoming a conciliator sensitive to multiple needs. The identities of the reindeer herders are likewise threatened alongside with the existence of their livelihood.

The short elaboration of the different ways of perceiving the dispute also shows that there is more overlap between the frames of the forestry coalition and the frames of Metsähallitus Forestry Division than those of the reindeer herding coalition and the Forestry Division. As was noted in the Kainuu case, it is hardly surprising that a state enterprise with the task of producing timber has a strong forestry perspective. What

is more relevant to reflect over is what such a framing means when the enterprise also represents the State and simultaneously is de facto a conciliator between forestry and reindeer herding. I will discuss these questions at the end of the analysis on the Inari case. Now, it is time to look at the institutional framework that the conflict is embedded in, and to see how it relates to the frames and justifications that the state forest administration has used regarding its practices in the Inari dispute.

### 9.3 Formal institutions

The task of the two following sub-chapters is two-fold. Firstly, to identify the formal-legal rules and informal norms that exist for state forestry and, secondly, to analyse how the state forest administration has used them in its justifications for the adopted practices for managing the conflict. The research questions to be addressed are:

Research question 1: What formal institutions regulate the goals and procedures in state forestry?

Research question 2: What informal institutions can be identified regarding the goals and procedures in state forestry?

Research question 6: How do the formal and informal institutions affect the practices of the state forest administration?

#### 9.3.1 *The rights of Sámi culture and reindeer herding*

Since the early 1990s, the Sámi have received recognition as the indigenous people of Finland in several pieces of legislation. The legislation gives reindeer herding in general and Sámi reindeer herding in particular a rather strong position 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”, of which the traditional livelihoods are an integral part, as stated in the government bill (HE 309/1993 vp, 65/II). The provision of the Constitution is as such applicable material legislation, which authorities are obliged to follow in all their activities. In addition, the Sámi cultural rights and reindeer herding are addressed specifically in special legislation in the context of state land use.

The Reindeer Husbandry Act (1990/848, 3 §) guarantees free access and user right of the pastures within northern Finland, irrespective of land ownership or possession rights<sup>107</sup>. 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 (RHC) when planning activities on state land that will “substantially impact” on reindeer herding practices. Likewise, the Act on the Sami Parliament (974/1995) requires authorities to negotiate with the Sámi Parliament on far-reaching and important measures regarding for instance the management, use, leasing and assignment of state lands (9 §). The state lands in the northern half of the Finnish

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<sup>107</sup> In the Act the Reindeer Herding Area where free-grazing reindeer herding is allowed is defined on a map. This is an important aspect of the reindeer herding right. In Sweden, in contrast, the outer limits of the reindeer herding area are still contested. Private forest owners have filed civil law suits against reindeer herding Sámi and in some cases the Sámi have lost right to her reindeer in an area. (e.g. Borchert 1999).



reindeer herding area, of which Inari is a part, have been designated in the Reindeer Husbandry Act as an area specifically intended for reindeer husbandry<sup>108</sup> In this area, any activities that might “significantly hinder”<sup>109</sup> reindeer herding are not allowed (2.2 §).

These Sámi cultural rights and the role of reindeer herding have been included in the Government Decree on Metsähallitus since 1993 (1525/1993). When the Act on Metsähallitus was revised in 2004 (1378/2004), these stipulations were moved from the Decree to the Act to underline their importance in state forest use. The utilisation, use and conservation of natural resources administered by Metsähallitus in Northern Lapland shall be adjusted to “ensuring the conditions of the Sámi people to practice their culture”(4 §). The law now also explicitly mentions reindeer herding and the regulations of Reindeer Husbandry Act as a social obligation that limits the extent to which Metsähallitus business activities can be practised (2.2 § and 4.2 §).

In addition to the national legislation, there are a number of pieces international law that are relevant to Sámi reindeer herding. It is beyond the scope of this study to make a full analysis of international law regarding the rights of indigenous people (for an overview see for instance Anaya 2004; Gilbert 2006). One of the most often cited provisions of international law in the Sámi context has been the article 27 of the International Covenant on Civil and Political Rights, which Finland ratified in 1976. It has formed the basis of the appeals reindeer herders from the different RHCS have filed to the UN Human Rights Committee. It states that:

“In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Together, these pieces of international and national law are one of the primary reasons for the state forest administration’s (and RHCs’) arguments as to why the role of Sámi culture and reindeer herding is so central in state forest management in Northern Lapland. The legislation was reflected in the Natural Resource Plan in 2000, when Metsähallitus for the first time formally formulated its position towards the Sámi cultural rights. The primary goal of the plan was “to safeguard the preconditions of the traditional occupations and Sámi culture”. Metsähallitus recognised the traditional livelihoods – reindeer herding, fishing, hunting, berry-picking, mushroom picking and other activities that are practiced along with these, such as small-scale agriculture, tourism or forestry – as the material basis of Sámi culture. Metsähallitus noted that traditional livelihoods are an important part of local people’s identity, be they Finns or Sámi (Sandström et al 2000, 126).

### *9.3.2 Profitability as the ultimate precondition*

As was noted earlier in the Kainuu case, the Act on Metsähallitus stipulates that Metsähallitus practices business within the framework of the ecological and social obligations defined in the Act. These obligations also include ensuring the conditions for Sámi culture and reindeer herding. As was quoted in the Kainuu case, an interviewed MAF representative maintained that profitability is not an acceptable justification for breaching the social obligations.

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<sup>108</sup> ”muodostavat erityisesti poronhoitoa varten tarkoitettun alueen”

<sup>109</sup> ”Tällä alueella olevaa maata ei saa käyttää siten, että sitä aiheutuu huomattavaa haittaa poronhoidolle.”



During the Inari dispute, however, the ways in which Metsähallitus and MAF have interpreted the Act have been unclear and muddled by internal conflicts (Raitio & Rytteri 2005, 128–129). On the one hand, representatives of MAF have emphasised that economic profitability is not an acceptable justification for breaching the social obligations stipulated by the law. On the other hand, they have referred to the State Enterprise Act by saying that the activities of a state enterprise must be profitable. Therefore, economic concerns set limits to the social obligations in cases where profitability is threatened (Kyllönen & Raitio 2004, 16). In their strategic documents, both MAF and Metsähallitus have set profitability as the prerequisite for all state forestry operations not only nationally – as required by the law – but also locally in Inari (Sandström et al. 2000, 154, 173; Ylä-Lapin... 2003, 1, 6). The practical interpretation of the Act is that if profitability is threatened, even within just one region, the hierarchy between social obligations and profitability is reversed. Profitability becomes the ultimate condition.

The timber harvest level Metsähallitus chose in the first Natural Resource Plan in 2000 was at the time considered as more or less the minimum. (Sandström et al. 2000, 172–173.) When the plan was revised, Metsähallitus repeated its argument that the annual harvest level of 150 000 m<sup>3</sup> would be the best alternative for wood procurement, employment and profitability. The annual harvest level was eventually reduced by 35 000 m<sup>3</sup>, but not as much as the exclusion of the important pasture areas would have required. Profitability was one of the central arguments as to why the demands of RHCs could not be fully followed:

“With the 70 000 m<sup>3</sup> annual harvest level the result of forestry in Northern Lapland would be clearly negative, which is due to the large proportion of fixed expenses” (Sihvo et al. 2006, 71, author’s translation).

This interpretation of the Act has been applied, even though the profitability of Metsähallitus operations as a whole, with the annual net profit around € 60 million, would not have been threatened even if the operations in Inari were unprofitable for a number of years. However, such an alternative is not considered acceptable in the Ministry of Agriculture and Forestry. Its representative maintains that even if the conflicting local parties managed to find an agreement to the dispute but it meant breaching the profitability requirement, the Ministry would decline to accept such a proposal or to forward it to the Parliament. To be clear, this position seems in line Metsähallitus’ own, because there is a strong commitment to economic profitability throughout the Forestry Division at various levels of the organisation.

One of the structural problems in the institutional design regarding the different tasks of Metsähallitus is that the economic goals are defined, in accordance with the Section 8 of the State Enterprise Act, in concrete, measurable terms (euros), both as a part of the Finnish national budget by the Parliament and by the Ministry of Agriculture and Forestry as a part of the annual performance targets for Metsähallitus. In contrast, similar concrete goals for fulfilling the social obligations regarding the Sámi culture or reindeer herding, against which to compare the performance of Metsähallitus, are not required by the law or in practice defined by the Parliament or MAF. The State Enterprise Act (1185/2002) stipulates vaguely that “A State Enterprise shall operate in compliance with business principles as well as with the service targets and other operating targets approved thereto by Parliament” (2 §). But neither the Parliament nor the Ministry have formulated them in concrete terms. From the establishment of Metsähallitus as a state enterprise in 1994 all the way to 2004, Sámi cultural rights or reindeer herding were not even mentioned in

the official documents in which MAF defined the annual performance and profit targets for Metsähallitus. Neither were they discussed in the strategic policy choices the Cabinet Committee on Economic Policy formulated for Metsähallitus for the years 2005–2010. Nor did the document mention the potential impact of the social obligations on the economic performance by Metsähallitus, let alone the potential implications of settling the land claims between the Sámi and the Finnish State. Overall, social obligations were largely absent from the document. In 2000, MAF asked Metsähallitus to develop indicators for economically, ecologically and socially sustainable development. These indicators, still in use, did not include anything related to reindeer herding or the Sámi culture (Table 17).

In 2006–2007, Metsähallitus carried out a project which assessed the benefits and costs to business activities caused by the ecological and social “constraints” (as they were referred to in the report) (Ylesten...2007). In the report Metsähallitus estimated that altogether, the consideration given to the ecological and social obligations had meant a reduction of € 38 million to its economic result. Mostly this was due to reductions in timber production in comparison to the potential maximum harvest levels. In accordance with the Forestry frame, the implicit conclusion from this was that because the reductions were significant, the benefits in fulfilling the social obligations were likely so. However, as the concrete content of the social obligations has never been explicitly defined in the legislation or in the consequent regulation by MAF, it is impossible to say whether the benefits fulfil the legal goals.

In its Action Programme, the Ministry of Agriculture and Forestry highlighted the need for a judicial interpretation of the “significant harm” that other land uses should not cause reindeer herding. This is a further example of the fact that the social obligations regarding reindeer herding and Sámi culture have so far lacked a specific definition and measurable goals. The demand to define the concept shows, indirectly, that the Ministry has not itself defined the content of the provision, although it should be one of the preconditions for the economic targets that the Ministry sets every year for Metsähallitus. Neither the Reindeer Husbandry Act, nor the bill it is based on, (HE 244/1989 vp) provide any guidelines or terms of reference for determining the issue in cases such as the Inari conflict. What is interesting, however, is that the bill specifically mentions state forestry operations as the type of activity that the paragraph is meant to regulate (HE 244/1989 vp, 6).

Metsähallitus does not deny that the paragraph applies to its activities, but maintains that none of the current forestry practices entail significant harm to reindeer herding. In contrast, it has highlighted the far-reaching compromises it has made in its forestry operations to mitigate the impacts on reindeer herding. Here again, however, the problem is that instead of defining goals, criteria and indicators that would be based on the needs of reindeer herding, the constraints on forestry are used as the measure for taking reindeer herding into account. The possibility that it might not be possible to combine economically profitable forestry and reindeer herding in a certain area is thus not included in the analysis. The process of evaluating the relationship between these land uses by definition excludes such an outcome.

While profitability is used to counter-argue conceding larger areas of forest for the sake of reindeer herding, timber harvesting has been carried out in Inari by loggers, although it is considered out of the question in state forests in other parts of the country due to the high costs. The loggers have been the flagships of Metsähallitus social responsibility in Inari. Promotion of local employment is, according to the MAF Action Programme, reflected in the fact that 90% of timber harvest in Inari is carried out by loggers, and only

**Table 17.** The economic, ecological and social indicators for assessing the sustainability of Metsähallitus' operations.

DIMENSION OF SUSTAINABILITY	CRITERIA AND INDICATORS
Economic	Turnover in forestry, €
	Capital return in forestry, %
	Profit (Metsähallitus and forestry), €
	The costs from forest management and forest improvement measures, €/forest land, €/harvested m <sup>3</sup>
Ecological	The total land area, the protected land area, the total productive forest land, the total poorly productive and non-productive forest land managed by Metsähallitus, hectares
	The annual total increment and total drain from commercial forests, m <sup>3</sup>
	The area of productive commercial forest land excluded from forestry on ecological grounds - totally excluded, hectares - in limited use, hectares
	Quality index of nature management, %
	Quality index for water protection, points on a scale 1–3
	Investments in nature conservation The value of harvestable timber in set aside areas and areas in restricted use, € The value of harvestable timber in retention tress, € Amount of retention trees, m <sup>3</sup> /€
	Social
The satisfaction of timber buyers (graded on a scale 4–10)	
The satisfaction of recreation customers (graded on a scale 1–5)	
The amount of man-years in Metsähallitus in each region	
The well-being of the staff, measured as satisfaction, as possibilities to affect the work conditions and as input.	
The amount of land excluded from forestry (or in restricted use), hectares and % of productive forest land in commercial forests.	

10 % by harvesters, whereas the figures are the opposite in state forestry operations in other parts of the country. According to the Ministry, this means, in practice, a subsidy of € 1 million annually to employment at the local level.

At the same time, Metsähallitus has not used a number of forest management methods that are both labour intensive and would benefit both timber production and reindeer herding in the long term. For instance, collecting logging residue or thinning young secondary stands are both necessary forest management methods in timber production. They also assist in the recovery of reindeer pastures. As labour intense methods, they provide the loggers with work. However, they have not been used extensively because they are not profitable in the short term. Metsähallitus determines the amount of thinning carried out each year based on the amount of final felling, which is the profitable phase of the forestry cycle. The less final felling there is, the less thinning is carried out, although there are plenty of secondary forests in need of thinning in Inari. Therefore reductions in final felling (as the result of set aside areas or logging moratoria) reduce the amount of thinning, although for the sake of employment the opposite would be necessary. Logging residue, on the other hand, has so far not been collected from state forests in Inari, because it would, according to MAF, only be possible if budget funds were allocated for it. (Ylä-Lapin...2003, 6.)

Even more interestingly, Metsähallitus headquarters has generally been opposed to the whole idea of promoting employment as a social obligation, even though it has been one of the fundamentals of the legitimacy of state forestry in Inari. In its statement to the Government Bill to reform Act on Metsähallitus (HE 154/2004 vp), Metsähallitus stated that the duty to promote employment does not fit well with a state enterprise that practices business in a competitive business environment. It highlighted that other state enterprises do not have such an obligation, and implicitly proposed that the obligation be removed (Lausunto luonnoksesta...2004). This did not happen, but the statement shows that the extent to which social obligations are seen to restrict the economic goals has already been questioned in the top management in Metsähallitus. This does not however preclude MAF or Metsähallitus from using this as a central counter-argument against the demands of the RHCs.

### *9.3.3 State enterprise and the use of public authority*

The trend in Finnish legislation to strengthen the Sámi cultural rights has coincided with the trend of emphasising the role of Metsähallitus as an economic business enterprise. In the Inari conflict, the collision between these two trends in the legislation has become evident not only in the substantial argument regarding profitability as the ultimate constraint to reconciliation between forestry and reindeer herding, but also in a number of procedural aspects.

While it is, according to the Section 53 of the Reindeer Husbandry Act, the duty of the state authorities to negotiate with affected RHCs when planning activities that will have a substantial effect on the practice of reindeer herding, Metsähallitus Forestry Division as a state business is not a state authority and hence the provision is not applicable to state forestry planning. This is interesting because the provision was originally created for the reason that state forestry has major consequences for reindeer herding (HE 244/1989 vp, 21). Metsähallitus has nonetheless carried out regular voluntary consultations with the herders regarding the timing and order of timber harvest already since the 1970s. However, because the consultations are voluntary they lack any regulation on the scope of the issues to be discussed, which has been one of the main points of criticism of the

herders. This is why the herders have required that the statutory consultations take place with MAF that is a public authority in the meaning of the law, but so far to no avail.<sup>110</sup>

Furthermore, as was explained in the Kainuu case, Metsähallitus' forestry plans are not administrative actions in the legal sense and hence, should a RHC or an individual reindeer herder not agree with Metsähallitus on the planned forestry operations, as has frequently been the case in Inari, they lack the right to appeal against the plans. Considering the fact that forestry has been recognised by the state as the most important competing land use with reindeer herding (Porotaloustyöryhmän muistio 1996), and that MAF has been asking for a judicial interpretation for the content of "significant hinder", it is noteworthy that the recent reform of the Act on Metsähallitus did not include any provisions that would have provided the herders, among other citizens, with the means to have the issue tried in an administrative court. As was pointed out in Chapter 8.3.3, the exclusion of such provisions from the government bill was a conscious choice of the Ministry of Agriculture and Forestry. Metsähallitus has not considered it necessary to propose such provisions either.

In addition to the legislation related specifically to the Sámi people and their culture, the procedural aspects of the legal framework regulating state forestry can be seen in the context of the general development of environmental law in Finland during the past decade. For instance, in the Land Use and Building Act and Nature Conservation Act, the right to appeal the land use plans has been broadened to NGOs that are proponents of environmental interests, but do not have a direct personal interest at stake. Simultaneously reindeer herders, who have direct economic stake in state forestry, lack rights to appeal for instance Natural Resource Plans. The herders, as members of the indigenous Sámi people, have rights that go beyond the regular participation of citizens in land use, yet in the case of state forestry they do not even have the most basic access to justice.

In the light of this policy the dissenting opinion of the representatives of MAF and Ministry of Finances to the report of the Sámi Committee from 2001 was striking. The proposal of the Committee was to establish a co-management board for state lands in Finnish part of Sápmi and thus resolve the land rights conflicts between the Sámi people and the Finnish State (Saamelaistoimikunnan mietintö 2001). The representatives of MAF and Ministry of Finances opposed the establishment of a co-management board because it was not clear by whom and how the decisions of such a board could be appealed. This is ironic given that, as the law stands today for Metsähallitus, decisions on many of the issues that the co-management board would have addressed cannot be appealed at all. During the Inari dispute one of the central arguments of Metsähallitus and MAF has been legality. By referring to the civil cases the herders have filed and lost against the state throughout the years, they have argued that both national and international courts have found the forestry operations fully legal. At the same time, legality in terms of the constitutional right to appeal administrative decisions has not been equally high on the agenda of the state forest administration or of the legislator.

What makes the regulation – of rather lack thereof – in forestry planning more striking is the contrast to the regulation of large protected areas in Inari that exist adjacent to the commercial forests. Natural Heritage Services is responsible for producing Management Plans for Wilderness areas, National Parks and for other protected areas in particular if they are included in the Natura 2000 Network. These plans are regulated by the Wilderness

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<sup>110</sup> In this sense even the provision of the Reindeer Husbandry Act is equally weak and would not provide the RHCs with much support, because nothing is said in the provision about the outcome of these consultations. As a result, consultations that end in disagreement fulfil the letter of the law.

Act (62/1991) or Nature Conservation Act (1096/1996). In both cases, the Ministry of the Environment ratifies the plans in order for them to come into force. The plans become final administrative actions that qualify for administrative appeal. According to 61 § of the Nature Conservation Act, those whose rights or interests may be affected by the matter in question may appeal a MOE decision to the Supreme Administrative Court, if the decision is contrary to the law. The Act on Wilderness Areas does not specify the right of appeal, whereby the Administrative Judicial Procedure Act (586/1996) is applied. Any person to whom the decision is addressed or whose right, obligation or interest is directly affected by a decision may appeal a MOE decision to the Supreme Administrative Court, if the decision is contrary to the law (6 § and 7 §). On these grounds, the Sámi Parliament appealed the Management Plan of Pöyrisjärvi Wilderness Area, when NHS had not consulted properly with the Sámi Parliament (KHO 2003:516). In addition to the right to appeal, the management plans differ also from forestry plans in that the plans are ratified by the responsible ministry, in this case MOE. The responsibility is taken at this highest level of the administrative hierarchy instead of leaving the local operational level to deal with the conflicts on its own.

The lack of administrative appeal process in the Inari case has had very concrete consequences for those herders who have nonetheless wanted to receive a court ruling on the impacts of logging on reindeer herding by filing a civil case. As has been mentioned, expensive and lengthy civil court cases have taken place between Metsähallitus and reindeer herders from three different co-operatives since 1990s (e.g. Ojala 2001, 144–150). In the most recent case of the Paadar brothers from Nellim, Metsähallitus demanded a security of € 1,000,000 before it would stop logging in the disputed areas in the Nellim village for the duration of a civil suit. Had there been an appeal process in place for the forestry plans, there would have been no need to place a security, because the very essence of an administrative appeal is that it aims to provide the citizens an affordable way of challenging the decisions of the authorities. When an administrative appeal is made, the planned activities cannot be carried out before the appeal has been tried, and no security is required. By simply filing an appeal, the Paadar brothers would have avoided both the security and the lengthy appeal process to UNHRC to lift it. Furthermore, in administrative proceeding it is the duty of the court to study the case and its legal merits (so-called principle of judicial investigation<sup>111</sup>) and hence the expensive legal costs of the appellant are significantly reduced. (Administrative Judicial Procedure Act (586/1996) 31 and 33 §; Mäenpää 2004, 190, 329–330.) Should the court rule against the appellant (s)he does not need to pay the costs of the other party.

#### *9.3.4 Disappearing chain of responsibility for securing the Sámi rights*

One of the reoccurring issues during the Inari conflict has been the question of who has the authority and the responsibility for addressing the problems the RHCs have highlighted (Raitio & Rytteri 2006). When the dissatisfied RHCs sent their letter to the ministries in 2002 and tried to engage them in the issue, MAF passed the issue back to Metsähallitus in the Action Programme for Northern Lapland (2003, 11) on the basis that

“The Ministry of Agriculture and Forestry does not make decisions on regional harvest levels, which are the consequence of the multiple-goal participatory planning process carried out for the Natural Resource Plan. The ministry does

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<sup>111</sup> Virallisperiaate, in Finnish



not decide on the national harvest level either. Instead it expects Metsähallitus to apply an approach of multiple goals that aims at the best possible result for the society as a whole.” (author’s translation)

As a consequence, the Action Programme did not include decisions on permanent set aside areas or a reduction in harvest levels despite the fact that they were recommended by the Arbitrator (proposals 2 and 4, see Chapter 9.1.2). They would be addressed in the review process of the Natural Resource Plan that the local Metsähallitus office was ordered to carry out, within the limits of economic profitability. Yet, in the spring 2005, when Metsähallitus and the reindeer herding co-operatives were engaged in negotiations at the local level and attempted to find a solution to the dispute, the then minister of Agriculture and Forestry Mr. Juha Korkeaoja himself took a clear position on the issue. When replying to some Members of the Parliament who had expressed their concern for the future employment of the forestry workers in Inari (Kirjallinen kysymys 341/2005; Kirjallinen kysymys 350/2005), he assured that logging would continue in the disputed forests in the autumn of 2005 regardless of the end result of the on-going negotiations between Metsähallitus and the RHCs. As previously discussed, the negotiations failed and logging was resumed in August. To add to the confusion, the Finnish Prime Minister Matti Vanhanen, in turn, denied the role of the Finnish Government in the dispute altogether while visiting Inari in November 2005. He maintained that the dispute was on one hand local in nature and on the other hand an issue driven by international paper buyers (Newspaper Lapin Kansa 29.11.2005).

In MAF, reindeer related matters actually fall under the jurisdiction of the Department of Fisheries and Game (DFAG), whereas forestry is under the Forestry Department. DFAG has, however, not taken any initiative in the conflict, presumably because the conflict concerns forests and hence is a matter for the Forestry Department to deal with. At the Forestry Department, on the other hand, there is nobody working specifically on reindeer herding issues, because it is a matter for DFAG. DFAG has been asked for its view on the Arbitrator’s report. However, the Forestry Department did not implement the proposals of the Arbitrator, despite the support DFAG and many other actors gave to them.<sup>112</sup>

As became evident in the frame analysis, there is nobody in the Metsähallitus head office working on reindeer herding issues, because they have been delegated to the local level. At the local level, Forestry Division is responsible for the day-to-day consultations, although it is NHS that is the public authority unit within Metsähallitus. Clarifying the distinction between business operation dependent on the outcome of the reconciliation and the use of public authority was one of the objectives for reforming the Act on Metsähallitus in 2004, but the reform was not extended to the land use planning regarding commercial forests (HE 154/2004 vp). While the Forestry Division employees are committed to the consultations, the problem is that it is not their primary task. They have been trained and employed to plan timber harvesting. Consulting stakeholders is something they do in order to be able to carry out this primary task. None of them have been employed to specialise in issues related to reindeer herding or Sámi culture.

What is more, the future employment possibilities of the forestry planners who carry out the day-to-day consultations is directly affected by the end result of the consultations. Increased set aside areas is likely to lead to reductions in harvest levels. This, under the

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<sup>112</sup> On the other hand, involving DFAG more closely in the process would be unlikely to improve the situation, because there are known conflicts between DFAG and Sámi and reindeer herding organisations in terms of Finnish reindeer herding policy in general (Hukkinen et al. 2002; 2006).



current profitability demands, is likely to affect the employment of the forestry planners. The same applies for all the local staff of the Forestry Division that has led the project groups preparing the Natural Resource Plans. It is directly against their own interests to find solutions whereby forestry is adversely affected. Therefore, it is not surprising that they have been openly opposed to such proposals. A number of the forestry planners carrying out the negotiations with the RHCs have even been involved in demonstrations against further reductions in timber harvest levels and in the activities of the Anti Terror Info Center. (Metsä.fi magazine 3/2005, 14.) Many of the planners also signed a letter sent to MAF in 2001 regarding demands from RHCs in Eastern Lapland to exclude areas from forestry. In the letter one hundred forestry-dependent workers from Northern Lapland stated that reductions in forestry have not lead to consensus between reindeer herding and forestry in Northern Lapland and therefore argued against any reduction in Eastern Lapland as futile (Kannanotto 2001b; Lapin Kansa 27.10.2001).

## 9.4 Informal institutions

### 9.4.1 *Overlapping use*

There are a number of norms that the state forest administration refers to in its justifications of the decisions that are not outlined in, or can not be traced back to, the formal institutions. The principle of ‘overlapping use’<sup>113</sup> is one of them.

The production of multiple services and products on state land can either take place in parallel on different pieces of land, at different times on the same piece of land, or simultaneously on the same piece of land as overlapping use (Sandström et al. 2000, 125). In the case of reindeer herding and forestry, the informal norm guiding the balancing act is that the two livelihoods should to a large extent co-exist in time and space as overlapping uses of the same forest areas (Sandström et al. 2000, 125; Selvitys...2003; Korhonen 2005; Veijola 2005; Metsähallitus’ statement to the Arbitrator’s report). In the revised Natural Resource Plan Metsähallitus maintained that the fact that overlapping use has not been recognised by all parties as the principle for reconciling reindeer herding and forestry is one of the explanations as to why the conflicts persist (Sihvo et al. 2006, 60).

Considering the high amount of protected areas in Inari it is obvious that the informal norm of overlapping use has not been implemented throughout the landscape. However, none of the larger protected areas have been excluded from forestry exclusively or even primarily because of reindeer herding.<sup>114</sup> Metsähallitus has opposed the demands of the reindeer herding co-operatives and also the more moderate proposal of the Arbitrator to set certain areas aside from forestry on the basis that it would open an entirely new mechanism for reconciliation. In its statement to the Arbitrator’s report, Metsähallitus stated that if areas were to be set aside on the grounds that they are “critical” for reindeer herding, such claims could be made on any mature forests in the future. Since such forests are scarce, accepting the demands would inevitably mean a change from the current model of overlapping use to parallel use of different areas. The result would be significant reductions in the scope of forestry operations and in harvest levels. As one of the interviewees explained:

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<sup>113</sup> In Finnish, päällekkäiskäyttö.

<sup>114</sup> Promotion of the traditional Sámi livelihoods was one of the reasons for the establishment of the Wilderness Areas, but within them, forestry is allowed in certain parts, which has reduced the benefits to reindeer herding. Some of the disputed forest areas are in fact within the Wilderness Areas.

“KR: So that you, you know that they [RHCs] would want to exclude areas from [forestry] use but that means does not work for you because then you feel that the harvest levels would go down so much that it would mean phasing out forestry?

FDI08: Yes, or it should be, reorganised...

KR: Shut down?

FDI08: Yes, exactly. Or reorganised. I think that that point in time is not very far ahead of us when we have to, if our harvest level and areas for operation decrease, then the whole Forestry [Division] has to be reorganised entirely, rethink from the beginning what this whole organisation is.

KR: Do you consider that a likely scenario in the future?

FDI08: Well, I consider it more likely than the current situation.”

Such a scenario, although considered likely by the interviewee, is not attractive to Metsähallitus, which has been reluctant to make any further reductions to harvest levels. When MAF delegated the issue of reconciliation to the review process of Natural Resource Planning instead of implementing the proposals by the Arbitrator, the Head of Northern Lapland Forestry Division announced that the approach to reconciliation between reindeer herding and forestry in the review process would be that of overlapping use:

“In Finland reindeer herding and forestry operate according to the principle of overlapping use to a large extent in the same areas. In Inari there is less overlap between the livelihoods. The proportion of commercial state forests out of the total land area of the co-operatives in Inari is the following: Hammastunturi 23 %, Ivalo 50 %, Muddusjärvi 16 %, Muotkatunturi 6 %, Sallivaara 4 %, Paatsjoki 19 %. Metsähallitus is of the opinion that the reconciliation of forestry and reindeer herding should also in the future proceed according to the principle of overlapping use.” (Veijola 2005, author’s translation)

As we know now, some areas planned for timber harvesting were eventually excluded from commercial forestry in the reviewed Natural Resource Plan. However, many of the pasture areas proposed by the Arbitrator to be excluded from forestry remained in timber production. The informal norm of overlapping use provides one answer as to why the forest administration has been so reluctant to follow the proposals by the RHCs. The proposals are not only believed to threaten the local employment and profitability of state forestry locally, but they also challenge the fundamental idea of Finnish (Scandinavian) forestry: that timber production and other forest uses can co-exist in the same forests. Exceptions to the principle of overlapping use have been made in establishing nature conservation areas, but admitting that such extensive land users as reindeer herding would need areas excluded from forestry would threaten the concept altogether. If significant areas of commercial forests were excluded from timber production because of forestry in Inari, what next? More areas have already been excluded from forestry in Inari than anywhere else in Finland. State forests in Inari are insignificant for the economic result of Metsähallitus and for the timber procurement of the Finnish forest industry, but if the principle of overlapping use was lifted in other parts of the country, it could have more substantial consequences.

#### *9.4.2 Regional economy and wood procurement to industry*

In addition to overlapping use, the argument related to the needs of other local people as a counter argument to RHCs includes two other goals for state forestry that reoccur in the material but cannot be traced back to the formal institutions regulating Metsähallitus. These are the promotion of local economy in Inari and providing timber to the local sawmill. These are often considered inter-related since the sawmill contributes to the local economy. Timber procurement to the sawmill is highlighted in both the Natural Resource Plan (Sandström et al. 2000, 154) and in Metsähallitus' statement to the Arbitrator's report as a central goal and reason for commercial forestry activities in Inari. Since 1989 the VAPO Timber sawmill in Inari has not had any procurement personnel of its own and does not purchase wood from local private forest owners. Instead, it relies purely on timber from Metsähallitus operations (Metsävaltio 1/2001, p.4.)

As became apparent from the Forestry frame, there is a strong commitment to the local community by Metsähallitus' staff in Inari. According to the local staff the primary purpose of Metsähallitus' activities is to promote the well-being and income of the local population. The headquarters in Tikkurila also highlight the role of Metsähallitus in promoting local economy. Likewise, in its Action Program for Northern Lapland MAF emphasises that

“The primary goal of forestry operations in Northern Lapland at the moment is not the economic profit of timber sales but support to the local economy.” (Ylä-Lapin....2003, 6, author's translation)

In similar fashion, one of the officials stated that,

“Northern Lapland, for the state business, it, it has nearly no significance in the big picture. The expenses and income are just about in balance. Even if that part were closed entirely it would have no significance for the result of the enterprise. What we are talking about is the jobs of the local people... the future of the sawmill, and these are local issues, and regional issues. It is not only about Metsähallitus business activities, it is also about regional policy, it can be that some other ministry will also have a say, whether there, in Inari, people should have jobs and how. And, and... so far, this issue has been on the political agenda and...our minister has, after all these studies stated that there, there should be work available there as well.” (MAF28)

However, the support to this goal is far from unambiguous. Another MAF official pointed out that the promotion of local/regional economy is not a formal task given to Metsähallitus. In fact, according to the legislation, Metsähallitus is a market-based organisation, not one promoting regional interests or needs. He considered it impossible for MAF or Metsähallitus to start setting goals related to regional economy. Yet the same official defended the forestry operations of Metsähallitus in Inari by appealing to the positive impacts they have on regional economy. The same ambiguous relationship to promoting local economy exists in Metsähallitus: the local staff of the Forestry Division seem genuinely committed to the community, whereas in its official statement to Act on Metsähallitus the organisation has proposed that the formal rule most closely linked to the local economy, promotion of employment, be removed.

As the conflict in Inari shows, the 'local community' and its needs can be understood in many different ways, both in terms of the formal rule of promoting employment,

as well as the informal norm regarding the promotion of the local economy. After all, reindeer herding and herders are a significant part of the local community, and reindeer herding provides the community with jobs, even more than state forestry does (Vatanen et al. 2006). In the state forest administration, however, the needs of the community and regional economy are often reduced to providing employment in forestry and wood processing. This is reflected for instance in how the employment effects of state forests are estimated and registered. In Metsähallitus' social responsibility reports, the employment figures cover those individuals employed or subcontracted directly by Metsähallitus, whereas people employed in livelihoods depending on state forests, but not directly contracted by Metsähallitus, are not accounted for. (Diverse use of state forests 2002; Yhteiskuntavastuun raportti 2003; Yhteiskuntavastuun katsaus 2004.) Although the contracts include, for example, tourism entrepreneurs, such a perspective on the role of state forests for local employment automatically emphasises forestry and completely excludes reindeer herding. Likewise, in the interviews, 'employment' almost exclusively refers to employment in forestry and the related industries.

## 9.5 The interplay between frames, institutions and practices

### 9.5.1 *Twenty years of conflict – what has changed?*

Despite many extensive and long-term collaborative planning efforts by Metsähallitus at the local level in Inari and an Action Programme by MAF in 2003, the dispute between reindeer herding and state forestry in Inari remains unsettled. The state forest administration has labelled the conflict as 'local', in the sense that no major national economic or industrial interests are at stake. As such, the major obstacle to reconciliation is local disagreement. While the dispute plays out at the local level, a number of contributing non-local factors have been identified in this study.

The conflict between reindeer herding and forestry is not unique to Inari. There are 14 co-operatives in Lapland where state forestry is practiced and which belong to the area defined in the Reindeer Husbandry Act been as an area specifically intended for reindeer husbandry. There have been conflicts with state forestry in at least 10<sup>115</sup> of the 14 RHCs, and they have all lead to either complaints to the MAF, enduring public debate in the media or to court proceedings. Not all of the cases have to do with Sámi issues, because three of these co-operatives lie south of the border of Sápmi<sup>116</sup>. In fact, the external evaluation group on Landscape Ecological Planning highlighted the conflicts between forestry and reindeer herding in particular in Western and Eastern Lapland (Niemelä et al. 2001, 70).

These conflicts are not new. The use and protection of the forests at the tree line have caused debate and conflicts since the 19<sup>th</sup> century (Lehtinen 1991; Veijola 1997, 35–57; Valkonen 2007). Lappi RHC just south of Inari expressed its dissent to forest logging on state land for the first time as early as in the late 1950s, and the conflicts have continued to date (Magga 2003). The dispute over Kessi forest in 1987–1988, and the following political process that lead to the establishment of 12 Wilderness Areas in Lapland in 1991, was the first open confrontation between forestry on one hand, and conservation and reindeer herding on the other (Lehtinen 1991; Nyysönen 1997; Roiko-Jokela 2003). Disputes

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<sup>115</sup> Muotkatunturi, Muddusjärvi, Paatsjoki, Ivalo, Hammastunturi, Sallivaara, Lappi, Kemin-Sompio, Pohjois-Salla, and Muonio RHCs.

<sup>116</sup> However the definition of who is Sámi is contested and many of the herders south of Sápmi are of mixed Finnish and Sámi ancestry.

between forestry and reindeer herding continued throughout the 1990s, although more sporadically, and emerged in the form of civil law suits against Metsähallitus and as debate in the media (Nyyssönen 1997, 109, 119; Ojala 2001; Torikka 2001). Since 2002, the resistance by the reindeer herding co-operatives in Inari has been more organised in one Alliance, and they have been supported by the international campaigns by Greenpeace and the Saami Council.

This study shows that Metsähallitus has moved from a denial of the problem (Nyyssönen 1997, 116) to recognising that reconciling livelihoods is both a priority and a major challenge. The rights of Sámi culture and reindeer herding have been included in the Finnish legislation throughout the 1990s, and since the turn of the millennium Metsähallitus has in its policy documents committed to safeguarding the preconditions of Sámi culture, and recognised reindeer herding as the material basis of that culture (Sandström et al. 2000, 2006). Since the late 1970s, Metsähallitus has used face-to-face consultations and field trips, and more recently also collaborative strategic planning, as tools for reconciling the interests of reindeer herding and forestry. New forestry methods and planning tools have been developed for Northern Finland, in part because of reindeer herding. Old methods have been phased out and the timing of the operations has been adjusted based on the input from the reindeer herding co-operatives. The harvest levels have been reduced from the record high of 1980s to less than half.

On the other hand, Metsähallitus' Forestry Division and its superior MAF have been as opposed to additional set aside areas from commercial forestry in the 2000s in Inari, as they were in the 1980s during the Kessi dispute. The review of the Natural Resource Plan in 2005–2006 did not lead to an agreement between Metsähallitus and RHCs, despite the fact that reconciliation between livelihoods was the primary goal of the process. At the time of writing this thesis, the legal proceedings between the Paadar brothers and Metsähallitus were still on-going, most of the disputed forests in Inari were again considered as commercial forests by Metsähallitus, despite the protests by the RHCs, and there was no political process in place to continue the reconciliation after the failure to reach an in the review of the Natural Resource Plan. Although the interviewed local Forestry Division staff in Inari felt that major steps had been taken to accommodate the demands of the RHCs, they concluded that Metsähallitus had not succeeded in resolving the conflict between reindeer herding and forestry in a way that would satisfy the RHCs.

There are striking similarities between the frames of Metsähallitus and MAF in the current conflict episode, and during the Kessi conflict a whole 20 years earlier, (Roiko-Jokela 2003; Lehtinen 1991; Nyyssönen 1997). The state forest administration's argumentation is the same today as it was 20 years ago. There is a continued focus on: the ecological sustainability and legality of the forestry operations; the threat to employment posed by any additional protection; the need to provide the local sawmill with timber; the fact that some of the forestry workers are Sámi and hence the logging is not a threat to Sámi culture; and the argument that the forest harvest cycle would collapse if large areas were suddenly excluded were. Even some of the individuals presenting these arguments are the same people who dealt with the Kessi issue 20 years ago. Likewise, forestry and wood-dependent workers expressed their protests in the 1980s with similar arguments that are used today.

The state forest administration is not alone in reusing old arguments. The Municipality of Inari was as opposed to harvest reductions in the 1980s as it is in the 2000s. When 570 signatures were collected in Inari in 1987 in protest against the planned loggings, the top local administrators threatened the signatories publicly with establishing a "black list"

(Lehtinen 1991, 121). A similar action took place in conjunction with the Greenpeace camp.

On the other side of the barricade were – and are – reindeer herding co-operatives or their winter groups, the Sámi Parliament, and some environmental NGOs. The involvement of “southern environmentalists” – the Wilderness Movement in the 1980s and Greenpeace in 2000s – has been controversial locally, but has both times provided the reindeer herders and the local environmentalists with the kind of resources and experience in markets campaigns and political pressure work that has kept the issue on the national agenda (Lehtinen 1991; Linjakumpu & Valkonen 2006).

One of the changes since the dispute in the 1980s has been the establishment of Natural Heritage Services and the special role it was given in Northern Lapland as the umbrella organisation under which all other Metsähallitus’ operations would function. This role was removed as a part of the revision of Metsähallitus Act in 2004, because the business operations and public administrative duties needed to be separated more clearly. According to representatives of NHS, NHS would be happy to take a bigger role as the manager of all lands in Finnish Sápmi, but so far its superiors have not raised this as a proposal on the political agenda. Lehtinen noted in 1991, in reference to the Kessi dispute, that the division of tasks and confusion between MAF and MOE was a central element in the dispute (Lehtinen 1991, 120). He maintained that because the narrow role of MOE was to look at the interests of the nature conservation, it was powerless in the debates concerning locally sustainable resource use that focused around questions of scale, and on whose conditions and for whose benefit the northern forests could be exploited (Lehtinen 1991, 120). A similar paralysis has plagued MOE during the Inari forest conflict.

The somewhat disheartening question raised by the similarities between the conflict episodes is: has nothing changed in 20 years? Considering the number of steps Metsähallitus has taken to reconcile the interests of forestry and reindeer herding in collaborative processes, why has not more progress been made? Why have Metsähallitus, the RHCs and the other parties not managed to find a solution they can agree upon, despite Metsähallitus’ stated aim to do so? One of the implicit answers from the state forest administration is that a lot *has* changed since the 1980s, both in terms of increased protected areas, reduced harvest levels and softer forest management methods. But, some note bitterly, nothing will satisfy the environmental movement, who will campaign as long as any “old-growth” forests remain unprotected. In regards to reindeer herders and the Sámi politicians, their demands for Sámi land rights and struggle with economic profitability problems cannot be resolved, Metsähallitus’ Forestry Division maintains, no matter how much forest is protected.

When framed this way, the lack of resolution or settlement is not really the fault of the state forest administration, but that of unreasonable stakeholders. While such an explanation may help the state forest administration to feel pride over the new planning tools and forest management methods, at the same time it disempowers the administration from finding new ways forward in settling the conflict.

### *9.5.2 Weak institutional support for reindeer herding in state forestry planning*

The paradox of the conflict is that the despite the recognition of the Sámi culture and traditional livelihoods as constitutional rights in the Finnish legislation, it is the representatives of these interests who have been most critical of the way state forests are being managed in Finnish Sápmi. The problem is that these constitutional level rules are



not adequately reflected in the specific legislation regarding the use of state forests. The regulation is inadequate in terms of providing the dissatisfied (Sámi) herders with real consultation with the State and possibilities to appeal the decisions regarding state land, should the consultations prove dissatisfactory. This significantly weakens the status of Metsähallitus' social obligations and the credibility of its collaborative planning.

The ambiguous formulations in the Metsähallitus Act concerning Metsähallitus' social obligations regarding Sámi culture and reindeer herding allow for a lot of leeway in how Metsähallitus chooses to reconcile the interests of forestry and reindeer herding. The way the state forest administration frames the way Inari state forests should be used becomes therefore crucial. The concrete, measurable goals for the business operations, the informal institutions, such as the wood procurement to the local sawmill, as well as the forestry-dominated frames of the Forestry Division and MAF, together create perverse incentives in terms of order of priority between the economic goals and the social obligations. They lead to solutions that aim at minimising any further restrictions on forestry. Overlapping use, as an informal norm, excludes by definition any such solutions that the RHCs have put forward and that would mean reductions in the commercial forestry area. From this perspective, Forestry Division gave in during the revision of the NRP, although not enough to make much difference for most of the RHCs.

The organisational structure of Metsähallitus supports the dominance of the informal institutions and frames that marginalise the perspectives and needs of reindeer herding. There is literally no place for reindeer herding in the state forest administration. While Metsähallitus Forestry Division has the task to reconcile forestry with reindeer herding, nobody has been hired specifically and exclusively to specialise in reindeer herding and to develop ways of collaboration that the RHCs would find meaningful (this point has also been addressed in Raitio & Heikkinen 2003, 19). NHS, on the other hand, keeps itself to the protected areas. During Landscape Ecological Planning and the Natural Resource Planning, major inventories of threatened plants were carried out. Important game areas have also been identified as part of the new planning processes. Although the conflicts between forestry and reindeer herding had been well known for decades, no mapping of important areas for reindeer herding was carried out. The only maps available that indicate the most important winter grazing grounds have been made by the RHCs, themselves with the help of Greenpeace. Reindeer herding falls, so to speak, between the frames of the Forestry Division and NHS, and between the institutional arrangements through which the units have been established and are maintained.

The same phenomenon of falling 'in-between' is reflected in how Metsähallitus and MAF have not been able to agree on which has the actual authority to make decisions on issues the co-operatives have raised. As a result, the RHCs have spent much of their time trying to find the right party to negotiate with in the first place. MAF keeps delegating the decision making to the local processes, although at the same time it reminds of the economic constraints that in practice make it impossible for Metsähallitus to agree to the demands of the reindeer herding. At the local level the problem is that even if the economic constraints were lifted, the toolkit for finding win-win solutions or for "increasing the pie" (and thus minimising the adverse impacts of reduced forestry operations at the local community level) are significantly poorer in Metsähallitus in Inari than what they are at the ministries, or at the parliamentary level. The reluctance of both MAF and the Parliament to intervene and to take full responsibility leaves the local community alone with the increasingly negative impacts of the enduring conflict on both forestry and reindeer herding.



The local Forestry Division staff is also reluctant to make decisions that would directly threaten their own employment. It is not unfair that the RHCs have to negotiate with people whose direct personal interest is not to exclude forests from timber harvesting. It is equally unjust to put the forestry planners in such a situation. They should not be the ones to formulate the Finnish forest policy vis-à-vis Sámi cultural rights.

What is more, even if the local parties managed to find a solution that worked at the local level – something that their superiors have defined as the main goal – it would not be supported by MAF unless it was also cost neutral. But can – and should – Finland’s obligations towards the Sámi people be fulfilled in an economically cost-neutral way?

### *9.5.3 Collaboration has not lead to re-framing*

It has not been possible, within the scope of this study, to carry out an in-depth comparative analysis of the frames of all of the stakeholders. However, based on the existing research on the discourses and coalitions in the dispute, it is fair to say that the Forestry frame of the Forestry Division and MAF is close to that of forest and wood-dependent stakeholders and Inari municipality, while the RHCs, and to some extent environmental organisations, oppose this dominant, hegemonic frame or discourse. While significant reductions to state forestry have been made by establishing nature conservation areas and hence reducing timber harvest levels, these processes have apparently not been informed by the Rights of Reindeer Herding frame, since the conservation areas are distributed unequally between RHCs and not always in the areas that would matter most to them. Here, the responsibility does not solely rest with Metsähallitus, but also in the broader political processes. Perceived through the Forestry frame, it is reasonable to argue that forestry has made enough sacrifices already whereas perceived through the Rights of Reindeer Herding frame, it can equally understandably be argued that the measures taken so far have not been relevant or adequate for reindeer herding. The challenge remains for conflict management as to how to deal with these differences in a way that allows for a way forward.

The considerable differences in how the parties perceive the conflict, and the persistence of these differences over 20 years, indicates that the years of consultation and collaborative planning processes have not succeeded in addressing the frame differences between the key parties through re-framing. Research in successful conflict management shows that all parties need to be able to widen their horizons and engage in frame reflection in order for frame conflicts to move forward (Schön & Rein 1994; Lewicki et al. 2003). This applies to reindeer herders and nature conservationists as much as it does for the sawmill workers, the representatives of the Municipality, and the state forest administration. The actors differ in one important respect, however. It is the state forest administration that has the task, resources and opportunity to design a process where such frame reflection can take place.

The success of conflict management efforts in cases like this depends on the ability of the administrator to convince the stakeholders of the inclusiveness and fairness of its own frame. From this perspective, it is a clear challenge that the staff of Metsähallitus’ Forestry Division – which is responsible for the integration of multiple goals into forest management strategies – is highly committed to timber production goals. This commitment is not surprising for a forestry organisation. To the contrary, it is fully consistent with the business goals of Metsähallitus. However, Metsähallitus’ Forestry Division is assumed not only to act as a forestry company, but to also fulfil a number of social and conservation obligations. The predominantly forestry-oriented framing weakens the credibility of the

Forestry Division as a conciliator in the dispute in the eyes of the reindeer herders, Sámi political organisations and environmental NGOs.

Considering the current legal requirement for Metsähallitus to safeguard the prerequisites of reindeer herding, it would be reasonable to expect that, as the conciliator, the state forest administration should assess the situation with indicators and scales that are relevant to reindeer herding. What matters to reindeer herding is not the amount of conservation areas or harvest levels in Northern Lapland as a whole, or even within one reindeer herding co-operative. Instead, each winter group in each reindeer-herding co-operative needs enough of their winter grazing forests to be excluded from harmful activities, such as commercial forestry. Dismissing the concerns of the RHCs by referring to indicators relevant to forestry is not likely to contribute to increased trust towards the collaborative process. The Ministry of Agriculture does not challenge the frames of the Forestry Division. To the contrary, the Forestry frame is equally dominant at the Forestry Department in MAF. The Ministry reinforces, rather than challenges, the way Metsähallitus' Forestry Division frames the conflict.

#### *9.5.4 Replacing rights with stakeholder collaboration*

The comparison between the Forestry frame of Metsähallitus' Forestry Division, and the Rights of Reindeer Herding frame of the dissatisfied RHCs, also shows that one major dividing line in the frame conflict is between the "everyone's equal perspective" of the administration and the "rights perspective" of the RHCs and the Sámi Parliament. MAF and Metsähallitus' Forestry Division recognise that Sámi have made claims regarding land ownership, but they are dismissed from the forestry debate because land rights are to be resolved elsewhere than in state forestry planning. However, the RHCs are not talking so much about the unresolved ownership rights as they are talking about *user rights* that are guaranteed to the Sámi and to reindeer herding in today's legislation. These rights are largely absent from the administration's ways of framing the conflict. They have been replaced with the discourse on equality and the democracy of the majority.

This discursive practice is not unique to forestry planning. According to Heikkilä (2006, 262–264), the same principle has been applied also in Wilderness planning by Natural Heritage Services. She notes:

“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 in decision-making is accomplished this way.[...] Through the argument of democracy of majority, the authorities apparently seek to establish a sense of commonness, or 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, but at the end are not dealt with explicitly.”

Tuulentie (2003, 289) even reports how the Judicial Court of Lapland appealed to the opinion of the majority of the people living in Lapland when opposing to a bill on Sámi rights. She quotes the court saying: “According to our understanding the majority of Lapps and the residents of Lapland oppose the proposed law”, although the opinions of the residents on the issue had not even been surveyed. In addition to the democracy

of the majority, Tuulentie (2003, 288) notes that the principle of “equal citizenship” has dominated the discussions in the Finnish Parliament regarding the Sámi rights as an indigenous people. A comprehensive Sámi Bill has been proposed three times, in 1952, 1973 and 1990, without being realised. Tuulentie maintains that the idea of individual rights of citizens is so deeply embedded into the politics of Western nation states that it is difficult to accept the idea of collective minority rights. She notes that one interpretation of the liberal concept of equality between citizens in fact denies all kinds of group-based collective rights or benefits. They are seen as morally arbitrary and inherently discriminatory. This perception has been true also for the Finnish parliamentary debate regarding the Sámi rights. (Tuulentie 2003, 288) I argue that in Finland this tendency is strengthened by the relatively speaking strong trust citizens have towards the welfare State and the equal treatment of all citizens. Such collective rights as public access to forest irrespective of land ownership underline the equality of individuals. Finland has also been strikingly ethnically homogenous in comparison to many other Western countries, and it is possible that collective ethnic claims such as those of the Sámi are considered a threat to what ‘Finland’ and ‘Finnish’ is about.

As Forester argues (1989, 8–9), and I have previously mentioned, planning strategies that treat all parties equally (the same way) in a world of severe inequalities, end up reproducing the very inequality with which they began. The Sámi Parliament has noted that the rights of the minority will always lose in a democracy, if they are weighed up against the majority. Indeed, the municipalities in Finnish Sápmi and the MPs elected from Lapland have been opposed to any special rights for the Sámi. Likewise, there has been a ‘resistance movement’ of the ethnic Finns living in Sápmi. (Leskinen 1991; Tuulentie 2003.) As Tuulentie (2003, 290) summarises the situation:

“The value of Sámi culture is not directly denied in any statement or parliamentary speech. However, after the positive attitude comes “but” which is often presented to separate principle from practice or to refer to the locus of quantity to overcome that of quality.”

This politics of “but” summarises also the position of the state forest administration, in particular as far as Metsähallitus Forestry Division and MAF are concerned. The rights of the Sámi as an indigenous people are considered important, yet they can only be taken into account within the frame of balancing equally important local land uses and perspectives. While it is important to look at the needs and rights of the local community as a whole, it would be equally important to show that in doing so, the State recognises the position of the Sámi not as a regular stakeholder, but as a people with specific rights. Only once this has been accepted can the discussion proceed in how these rights and the rights of the local population as a whole can be reconciled. Such discussions have taken place in the different governmental committees addressing Sámi rights, but this approach still remains largely excluded from the frames of the state forest administration.

# 10 CONFLICT MANAGEMENT IN FINNISH STATE FORESTS IN THE LIGHT OF THE CASE STUDIES

In this study I have analysed the way conflicts regarding state-owned forests in Finland have been managed by the state forest administration in the period 1992–2006. I have defined conflict management as a process with three dimensions: (1) concrete practices in both policy and planning as well as in forest conservation and management (2) framing and reframing that affects how the disputes and their settlement are perceived and (3) formal and informal institutions that reinforce or constrain certain practices and institutions. These dimensions can also be called the behavioural, institutional and discursive aspects of conflict management.

The three elements of conflict management have been analysed through two case studies related to old-growth forest conflicts in Finnish state-owned forests: the conflict between conservation and timber production in Kainuu, North-East Finland; and the conflict between timber production and reindeer herding in Inari, Northern Lapland/Sápmi. Rather than trying to cover state forest conflict management throughout the country with quantitative data (such as surveys) I have chosen the qualitative analysis of specific case studies with the purpose of gaining more in-depth understanding of the phenomena. This is because case studies are considered a more appropriate strategy in studies that focus on “how?” and “why” question, such as *how* conflict management is practiced and *why* it is practiced the way it is.

The names of the case studies refer to the location of the state forests at the focus of the analysis, not to the level of governance where the processes or decisions on the conflict management concerning these forests have taken place. In both cases it is in fact the relationship between the local (within the case study area) and national (Metsähallitus headquarters and/or the ministries) processes and decisions that central to understanding the dynamics of conflict management.

While both case studies concern old-growth forests, they are different in terms of the issue at hand and the local context. The conflict in Kainuu has been about conservation versus timber production, which throughout the years been a central livelihood in the region. In Inari, in contrast, the conflict has been primarily between different forms of using the forest, although conservation interests have also played an active role in the dispute. Indigenous peoples’ rights have been a central part of the conflict in Inari, whereas such aspects do not exist in the Kainuu case.

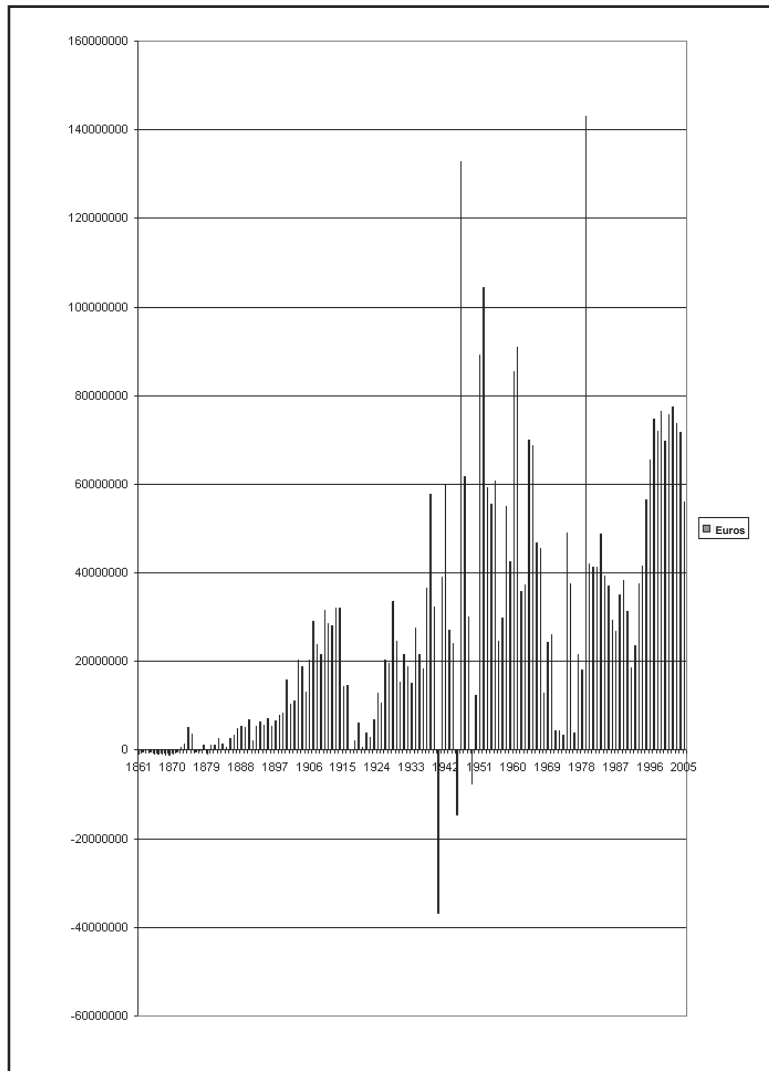
However, despite the many differences, the analysis of the case studies has shown that there are a number of shared features. It is my conclusion that these commonalities have much to do with the fact that in both areas the forests – and the conflicts – are managed by the same state forest administration. That administration is regulated by the same institutional framework in both cases and it also shares certain ways of framing state forests. In the following, some of the overarching features of the conflict management in the both cases studies are discussed.

## 10.1 Rapid and contradictory changes

Metsähallitus is a 150-year-old organisation that has had to deal with the burden of a historical reputation when seeking new ways to address forest conflicts. In this respect, major steps have been taken in the planning and use of state forests since early 1990s. The past 15 years has been a period characterised by continuous and rapid change in many different ways. The strong emergence of environmental issues has meant changes in Metsähallitus' tasks and organisational structure. In the case of Kainuu, the establishment of NHS and the tasks that it was assigned changed, in many ways, the entire character of the work of the forestry planners in the Forestry Division. In Northern Lapland/Sápmi, of which Inari is a part, a unique organisational unit – Northern Lapland District for Wilderness Management – was established in 1992, in order to mark the new way of balancing different goals. In both Kainuu and Inari, the whole period has also been marked by the on-going redistribution of state lands between the balance sheets of the Forestry Division and Natural Heritage Services. The Wilderness Act, Old-Growth Forest Protection Programme for Northern Finland, Natura 2000 Network, Landscape Ecological Planning, and Natural Resource Planning have all meant that areas previously planned for commercial forestry have been designated as protected areas or to restricted use. The changes in the amount of new protected areas have relatively speaking been bigger in Kainuu than in Inari. On the other hand, over 85 % of the state-owned forests in Kainuu (and over 90 % of the total forest area) remain in commercial forestry, whereas in Inari the amount of protected forests is highest in the country, with only around half of the state-owned productive forest land in forestry (Hiltunen & Väisänen 2004, 15; Sihvo et al. 2006, annex 6). In commercial forests, forest management methods have also changed, due both to changes in legislation (key habitats) as well as through Metsähallitus' voluntary measures to introduce ecological stepping stones and corridors, as well as different management styles to recreational areas.

At the same time, the ways of communicating with stakeholders have also changed though the collaborative turn in state forestry planning. Metsähallitus has considered this turn necessary in order to better serve the society in a changing situation and, ultimately, to justify its existence (Loikkanen & Wallenius 1997, 198). Collaborative planning in state forest management has played a key role in how Metsähallitus relates to the studied disputes. Public participation has become a central element of all Metsähallitus' planning, and Natural Resource Planning has been portrayed, in particular, as the central arena for collaboration and reconciliation. In both Inari and Kainuu, participatory planning nowadays takes up a significant part of the forestry planners' time. It also requires new type of expertise and skills from the planners.

The increased amount of protected areas, the new forestry methods, and collaborative planning, have not meant a decrease in the expectations the State in terms of profit. To the contrary, there has been a steady increase in the expected and received profit to the State budget (Figure 12), and the trend will continue for the period of 2005–2011. To an extent this increase is due to the forest areas that Metsähallitus has acquired when state-owned forests managed by the National Defence Forces and some other organisations have been transferred to Metsähallitus. However, this increase in the commercial forests does not compensate for the losses caused by protected areas, areas in restricted use, and the new forest management methods.



**Figure 13.** The profit made by Metsähallitus in 1961–2005 (in euros) (Rytteri 2006, Annex 4)

The demands for more collaborative planning and ecologically sustainable forestry have meant that the workload and challenges for forestry planners at the local level have increased and diversified. However, the resources at the Forestry Division have not increased. On the contrary, additional resources have been located in Natural Heritage Services, which has grown from the equivalent of 210 full-time jobs annually in 1992 to 587 in 2006 (Luontopalvelut toimintakertomus 1993, 2006). The Forestry Division’s human resources, in contrast, have decreased dramatically, from 4800 to 2161 in 1983–1992 (Komiteamietintö 1985:2, 13; Metsähallitus toimintakertomus 1992, 44). A slower but steady decrease has continued also in the 2000s. In 2006, the Forestry Division directly employed only 1021 people, in addition to which it provided jobs for around 800 people contracted in timber harvesting (Metsähallitus vuosikertomus 2006, 8).

Interviewees from both Kainuu and Inari identified these changes and trends as important factors that have affected the old-growth forest conflicts. Achieving the goals set for state forestry has become increasingly challenging in a situation with multiple stakeholder interests, increasing profit expectations and reduced area available for timber production. The local staff told of the distress this equation has caused at the local level in Metsähallitus. In both cases the local staff have hoped that major policy decisions would be made at Metsähallitus headquarters or in the ministries, but in many cases this has not happened. In Inari, the resolution of the dispute was returned from MAF to the local Natural Resource Planning process, although both Metsähallitus and RHCs had concluded that Metsähallitus had no capacity at the local level to deal with major decisions such as excluding pasture areas permanently from forestry. In Kainuu, the staff of both NHS and the Forestry Division expressed that too many times the reconciliation has been done by the logging planner and conservation biologist at the last minute. They have tried to involve the headquarters in the decision-making, but this has mostly been to no avail.

Conflict management theory argues that engaging the affected people in the decision-making process is important, so in this sense it is beneficial to involve the local level also in the state forest administration itself in the processes (Susskind et al. 1999; Wondolleck & Yaffee 2000). However, without clear linkages to decision-making at other levels of governance, local processes can run into serious problems. In the case of state forests in Finland, the first problem with the lack of embeddedness of the local consultations has been that the variety of alternative solutions available has been restricted to those where the local/regional office has had the authority to make decisions. The problems caused by this have been particularly evident in the Inari case, where the process has been paralysed because the demands of the RHCs exceed the decision-making authority of the Forestry Division at the local level. On the other hand, the focus on local consultations has meant that those at the Forestry Division, whose task it is to reconcile different forest uses or interests, are very likely to be personally affected by the outcome. There is a direct link between the outcome of the settlement efforts and the future employment of the staff of the local Forestry Division.

On the other hand, local distress has equally been created by decisions such as in the Dialogue Process, where the decisions made at the regional/local process (NHS) were simply ignored and walked over by national-level decisions. Similar incidents have occurred in the Inari case as well, where after MAF had returned the issue to local negotiations between Metsähallitus and the RHCs, the Minister of Agriculture and Forestry publicly stated which strategy for forestry would be adopted once the on-going negotiations were completed.

In other words, the conflict management practices in both the Kainuu and Inari cases have been characterised by a lack of coordination between processes at different levels of governance. Obviously, leaving the local managers to deal with the conflicts on their own, or overriding them with top-down decision-making that leaves the local consequences unresolved is not a constructive way of addressing the complex forest conflicts. Responsibility for the state policies should ultimately be taken at the highest level of administration and political decision-making, while remaining sensitive to the views and practical challenges at other levels of governance.

Both cases have highlighted one of the fundamental challenges for Natural Resource Planning. The paradox is that in order for NRP to work as a tool for reconciliation, major issues need to be first resolved elsewhere. Metsähallitus has not used the NRP process for excluding larger areas for commercial forestry. As this has been the key issue in the



Inari dispute, NRP as a planning tool has proven to be of little help in resolving the conflict. A similar situation occurred in Kainuu with the first NRP in 1996, when the Protection Programme for Old-Growth Forests fundamentally changed the premises of the plan. Decisions of that scale could not have been made in NRP. The communication with the most vocal critics of state forestry in both Kainuu (environmental NGOs) and in Inari (reindeer herding co-operatives, Sámi Parliament and ENGOS) has taken place primarily outside those participatory planning processes, which Metsähallitus has developed specifically for this very purpose. While Metsähallitus has attempted to include environmental NGOs and RHCs in these processes, they have, de facto, proven to be a sidetrack in resolving these disputes.

## 10.2 Conflict frames: You can't please everyone?

When asked how to measure success in conflict management, the most common answer by the interviewees of this study was “feedback”. The interviewees perceived the views of stakeholders as the most important indicator of success in collaboration and conflict management. Agreement between parties or ‘no news’ was considered a sign of success, whereas negative publicity, direct actions by ENGOS, or court cases filed against Metsähallitus were, according to the interviewees, indicators of failure in reconciling different interests.

Despite of this overall understanding of how to measure success, the interviewees, at the same time, almost unanimously agreed on the statement presented to them during the interviews: that it is impossible to please all, when looking for the optimal outcome. Many noted that the ability to compromise is a quality of an individual/group that cannot be affected by Metsähallitus or other decision-makers. Consequently, opposite to the measure of success, the fact that some groups remain dissatisfied was not necessarily interpreted as an indication that the planning process had not been a collaborative one. The state forest administration is aware of the fact that many environmental groups, the Sámi Parliament and many of the RHCs in Inari have not been satisfied with the efforts to reconcile nature conservation and/or reindeer herding with forestry. The interviewees from the Forestry Division maintained that the only way to please them would be to do exactly as they say. This, it was argued, is impossible because others stakeholders’ needs must be considered as well.

Thus, in both cases, the failure of the numerous processes so far to reach agreements with the primary critics of state forestry is seen by the interviewees from the Forestry Division to depend not on the qualities of the process, but on the qualities of the participants. Collaboration has worked well with everyone else except for the “narrow-minded, radical, uncompromising and selfish” ENGOS and “some individual” reindeer herders. To support his argument, the interviewees mentioned WWF and Ivalo RHC as examples of different, more constructive representatives of ENGOS and reindeer herding who can make compromises and remain committed to them. If they can, why cannot the others? It was argued to be a simple matter of will.

This argument has two points. On one hand, in both the Kainuu and Inari cases, informants from the Forestry Division want to emphasise that those dissatisfied with Metsähallitus’ planning belong to a very small minority. They are an exception to the rule. On the other hand, the characterisation frames for these long-term critics of state forestry are very negative. It is clear from the interviews that with ENGOS in particular, such as Greenpeace and Nature League, the relations are polarised. The lack of appreciation many ENGOS, the allied RHCs in Inari and other critics to state forestry have shown

towards Metsähallitus' efforts to reconcile multiple interests in commercial forests has been frustrating for many in the Forestry Division.

In both cases, the analysis indicates that frame conflicts remain persistent, despite some overlap between the conflicting frames and the potential for frame bending. The frame analysis in this study supports the conclusion Rytteri (2006, 6) makes in his study on the social responsibility of Metsähallitus throughout its history. Rytteri maintains that the identity frame of Metsähallitus (Forestry Division) and the characterisation of it by its critics have been, and remain, quite different:

“The representatives of Metsähallitus have most often perceived the actions of the forest administration [i.e. itself] as a responsible and progressive battle against backwardness and ignorance, while the critics have accused Metsähallitus of trampling on the rights of the citizens.”(author's translation)

### 10.3 Mixed motives of Metsähallitus' Forestry Division

The negative characterisations by the representatives of the Forestry Division regarding the critical ENGOs and RHCs illustrate the mixed motives the Forestry Division has in collaborative planning, both locally and at the Metsähallitus headquarters. They seek acceptance from and settlement with these parties, because environmental sustainability and the needs of reindeer herding and Sámi culture have been recognised as central goals for state forest use. Metsähallitus has in its communication with the national and international audience and the customers of the Finnish paper industry emphasised the role of its planning processes in resolving the conflicts related to state forests. Yet, despite the apparent willingness in principle to seek mutually acceptable solutions, the Forestry Division – at all levels of the organisations – has (throughout the period analysed in this study) not only portrayed critical ENGOs and RHCs as impossible negotiation partners, but also more or less openly opposed any increased conservation of state forests. Based on previous research (Roiko-Jokela 2003; Rytteri 2006), and the material used in this study, it is evident that had the Forestry Division of Metsähallitus had the power to make the final decision, there would have been less protected forest on state land than there is today.

Particularly in the case of the Dialogue Process, Metsähallitus sent mixed messages as to why such a process had been initiated. On one hand, the process was presented as an innovative way for making progress with ENGOs, and it was described as constructive and productive. On the other hand Metsähallitus communicated that it had been forced to enter such a process against its will under the market pressure caused by the campaigns of the ENGOs. The same mixed message was sent about the negotiations with the allied RHCs in 2005, which were the result of the Greenpeace markets campaign and presence in Inari during the spring. Likewise, the argumentation Metsähallitus has used during the court proceedings initiated by individual reindeer herders in Inari has basically denied any need for further reconciliation between state forestry and reindeer herding and questioned the adverse impacts of forestry on reindeer herding in the first place.

These two ways of communicating about the key parties to the conflicts, and about the processes to find joint solutions, send very different messages in terms of commitment and trust building. They have undermined the credibility of the alleged inclusive and communicative policy. This opposition of the Forestry Division towards increased conservation and the negative characterisation frames could be one of the factors explaining why the relations between the Forestry Division, many ENGOs and the allied RHCs in Inari remain tense and why Metsähallitus has not succeeded in assuring these actors of the

'new Metsähallitus', despite increased forest protection. The pro-conservationists know that forest protection has progressed *despite* the Forestry Division's views, not because of them.

The situation in the studied cases has also most likely been affected by events in other parts of the country. During the 2000s, conflicts where Metsähallitus has opposed to further protection of state-owned forests have been reoccurring also in Western Finland and in Western and Eastern Lapland (Yhteiskuntavastuun raportti 2004, 21; Metsä-Lapin suojelemattomat metsäerämaat 2006; Suomen Kuvalehti 14–15/2007).

The forestry-dominated frames of the Forestry Division that have questioned the legitimacy of the demands of the critical ENGOs and RHCs are reflected in how the Forestry Division also describes the NRP and collaborative planning in general. One of the purposes of bringing the diverse stakeholders around the same table has been to show ENGOs and RHCs the (limited) support other stakeholders give to them. In other words, rather than encouraging the stakeholders to look for solutions where the ecological and social obligations set to Metsähallitus can be best achieved, the interviews and the Plans show that the interests of the different parties have been put against one another in the search of what is defined as a compromise. Such an approach means leaving the room for the most powerful stakeholders to dominate. In Kainuu and Inari, the forestry stakeholders have typically been the most powerful ones. Rather than looking for new, innovative win-win solutions, the planners have, through such a framing and planning design allowed for the existing power structures outside the table to define the outcome of the processes.

Against this background both in the practices and frames of the Forestry Division, it is unlikely that the parties who have felt marginalised in Finnish state forest policies would experience the planning processes led by the Forestry Division as 'safe places' (Chapter 3.5). Safe places are needed in order for the parties to start building trust and cultivate the deliberative virtues of listening and reciprocity that can lead to frame reflection and better understanding for each other's frames (Innes & Booher 1999; Saarikoski 2006, 628; Chapter 3.5).

In her study on the forest conflict cultures in different countries, Hellström (2001) identified as the main challenge in conflict management that the same conflict culture that produces certain types of conflicts, also affects the choice of conflict management strategies. Thus, in those cultures where relationship building would have been needed the most – such as in Finland – she found the least emphasis on such factors. During the period of her analysis (1984-1995), Hellström characterised Finland – together with the Pacific Northwest in the U.S. – as the society with most intense forest conflicts. Conflict management focused on joint image campaigns by the whole forest sector (so called Plus Forest campaign), which was based on disseminating 'correct' information about Finnish forestry to the market areas in Central Europe. The emphasis was on legitimising the status quo. In contrast, there was little focus on managing the relations between the conflict actors through co-operation or voluntary arbitration. Finland differed clearly from the other Nordic countries, where Hellström described the relations between the parties as constructive. The conflict management methods in Sweden and Norway included open dialogue and multiple ways of managing the relations between the conflict actors. (Hellström 2001, 23–24, 57–58.)

In her study Hellström (2001) saw Metsähallitus' participatory planning as a promising, different approach in comparison to the typical conflict management responses in Finland at the time. According to Hellström, it had potential for changing the adversarial relations, because the different parties to a contentious issue convened several times around a concrete issue. Such a setting can encourage co-operation and conflict resolution,

if structured and facilitated appropriately. Based on the frames and practices presented in this study, however, many of the problematic aspects Hellström identified are still salient parts of the forest conflict culture today. To an extent, legitimisation of the current practices is still an on-going strategy in the state forest administration. For instance, in the Metsähallitus' website or in the staff magazine *Metsä.fi*, the only stakeholders who were given a voice in 2003–2007 were those supportive of Metsähallitus' prevailing forest policy. Representatives of ENGOs or the critical RHCs have not been given the same possibility to present their views. The media controlled by Metsähallitus was, in other words, used more as a tool for image building than as a forum for dialogue. Furthermore, while the negative characterisations by the staff of the Forestry Division regarding some of the ENGOs and RHCs may be understandable in certain respects, the problem is that they reinforce the current, problematic conflict culture rather than contribute to changing it.

#### 10.4 Informal institutions are powerful and forestry-centred

The informal institutions that have affected the practices of the state forest administration in Kainuu and Inari are equally similar to each other as the dominant frames in both cases. Overlapping use, the full harvest principle, and the commitment to wood procurement for the forest industry are common and dominating.

It is easy for the Forestry Division to accept changes in forest management practices, or postponing the logging of a stand for a period of time. But excluding larger areas from forestry challenges the principle of overlapping use and has therefore been much more difficult to accept. Exclusion of areas is also difficult because it has direct implications for the full harvest principle. The interviewees from both Kainuu and Inari refer to the burden of the past<sup>117</sup> in forestry that has made it more difficult to reconcile forestry and conservation (be it for biodiversity or for reindeer pasture). The harvest levels of the past have been based on calculations assuming that all of the forests will be available for commercial forestry also in the future. This assumption has become a burden when demands for conservation have emerged, because it has meant that any exclusion of mature forests from timber harvesting will lead to abrupt reductions in harvest levels, and – unless the economic targets are reduced – in employment.

The interviewed FD staff members from Kainuu and Inari emphasised that this has significantly complicated the task of reconciling the different interests (for similar analysis regarding the province of North Karelia see Simola & Luotonen 1997). The long harvest cycle of forestry makes it more vulnerable for changes in public preferences regarding forest management over time. The paradox is that this observation has not led to the re-assessment of the full harvest principle in the state forest policy. On the contrary, past burdens mean that it is even more important that the future timber harvest calculations are based on the full harvest principle. Otherwise the negative impact on timber harvest volumes would have been higher than has already been the case. However, this institution leads to a situation where the ability to adjust to any new challenges in the future decreases rather than increases.

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<sup>117</sup> Historian *painolasti*, in Finnish

## 10.5 Formal institutions do not challenge dominant frames or informal institutions

As has become clear, Natural Resource Planning and participatory planning are voluntary processes that Metsähallitus has initiated. The lack of regulation regarding forestry planning and the rights of participants therein has shown to have important consequences for conflict management in both of the studied cases. As NRP and its minimum substantive and procedural requirements are not defined in legislation, it is impossible for participants to assess whether the plan and planning process have fulfilled their statutory function. The role of the participants in the NRP process remains undefined and depends on the policies adopted within Metsähallitus. As the cases show, their role has varied significantly from one process to the other.

In a situation where Metsähallitus wants to assure stakeholders of its new, collaborative way of planning, the lack of regulation has become a burden. Voluntary steps towards increased social corporate responsibility are positive practices within the market system, but they should not be mixed with or replace the principles of democratic control in environmental decision-making. The contribution of Metsähallitus' collaborative planning to deliberative democratic decision-making is undermined by the fact that it has not been anchored in the legislative system. This significantly limits the rights of the participants in state forestry planning as opposed to other environmental decision-making processes, such as zoning, granting of environmental permits or municipal decision-making. It makes it more difficult for Metsähallitus to assure the critics of state forestry of the depth and sincerity of the change in Metsähallitus planning and policy towards non-timber forest uses and conservation. Convincing them would more likely be successful if its forestry planning was subjected to similar regulation and democratic control, as environmental and land use planning in Finland is more generally. Promoting such regulation would be in the interest of the state administration itself, when the long-term goal is to maintain or increase the acceptance and legitimacy of state forestry and of Metsähallitus as the manager of those forests.

As the citizens lack the right to appeal the plans, their position in the process is crucially weakened. The importance of the right to appeal is not to allow courts to play a greater role in conflict situations. Instead, the point of a right of appeal is the effect it has on the effectiveness of the ex ante participation. Access to justice as an alternative to collaboration affects the power balance during the collaborative process for the benefit of the weaker parties over the powerful ones. This can contribute to assuring the weaker parties of the character of the process as a 'safe place' and thereby encourage frame reflection. This mechanism is currently lacking in state forestry planning. Instead of such reforms, the legislator introduced the stipulation on preventing forest felling, which sent a very different message than strengthening participatory rights would have done.

Another issue related to the legislative framework, which emerged in both of the case studies, is the organisational structure of the state forest administration. The separateness of the Forestry Division and the Natural Heritage Services weakens the role the non-business tasks have in the decision-making regarding the commercial forests. NHS has the specific role of carrying out public administration duties. In this sense it is the most logical body to reconcile between the different interests regarding commercial forests. However, due to the separate balance sheets, and hence separate areas of competence, the role of NHS in commercial forests is instead restricted to that of an expert. NHS can provide the Forestry Division with input, but not interfere in its decision-making. In both the Kainuu and Inari case, this organisational solution has affected the framing of the

dispute, and hence the chosen practices. As long as the Forestry Division has the statutory task to produce timber, its frames are unlikely to become less forestry-centred, regardless of any social obligations. The organisational structure also encourages the identity frames of NHS as the manager of protected areas, rather than as a unit promoting the non-business tasks on all state-owned land.

On the other hand, in comparison to the social obligations related to reindeer herding and the Sámi culture, nature conservation has a better position because it is at least represented in the organisation of the state forest administration. In the case of the Inari conflict, it has evident how the social obligations of safeguarding the prerequisites of reindeer herding and Sámi culture are not represented within the administration at all. There is literally no place for reindeer herding and Sámi culture in the state forest administration. As the Action Programme prepared by MAF for Northern Lapland indicates, the responsibility for the "Sámi issues" is divided into at least three different ministries and within MAF, into different units. Within Metsähallitus, no-one is specifically responsible for specialising in or promoting these social obligations. Forestry planners are obliged to take reindeer herding into account in their work, but their primary education, tasks and frames are forestry-dominated. The internal frame conflict within Metsähallitus in the case of nature conservation (NHS) and timber production (FD) in Kainuu shows precisely, why it is of such importance that the different aspects of state forest use would have their own 'representatives' also within the administration. In a way, the fact that the separateness of the identity frames in NHS and in the Forestry Division has not played a bigger role in the Inari conflict is an indication of the fact that a Sámi/reindeer herding perspective is missing from within the administration.

One interesting difference between Inari and Kainuu is the role of Metsähallitus' social obligation to promote employment. In Kainuu, and in all other parts of the country except in Inari, using lumberjacks to harvest timber is considered so outdated and unprofitable that Metsähallitus would, as one interviewee put it, rather pay the men to stay at home, rather than to have them do the job of the harvesters. The national-level policy has been to deal with the issue through natural attrition: no-one is laid off, but new lumberjacks are not employed. Metsähallitus has nationally proposed that the obligation to promote employment be removed from the Metsähallitus Act altogether.

At the same time, the employment provided to lumberjacks in timber harvesting in Inari is considered so vital that it is used as one of the primary arguments against the demands of the RHCs. This gives the appearance of more strategic behaviour than sincere commitment – at least from the side of the top management – when it is considered against the general policy of Metsähallitus in other parts of the country, and when the need for employment of lumberjacks is used against the need for employment of reindeer herders.

## 10.6 Combining environment and democracy in practice

The potential tension between democratic decision-making and environmental policy goals was one of the issues that intrigued me when I began this study. Rather than contributing to the theoretical dilemma regarding the conceptual relationship between the two, I was interested to learn how the practical attempt to add these two elements to economically profitable resource use could work. In a sense, combining economic profitability with environmental sustainability and democratic procedures includes something of the three central elements of sustainable development: economic, ecological and social sustainability.



The cases of Inari and Kainuu show that the demands for increased forest protection have repeatedly been counter-argued in the name of the views of the “majority of the local people”. In other words, an environmentally beneficial outcome has been counter-argued with reference to one of the most common principles in democracy, the will of the majority.

The way Metsähallitus (FD) chooses to relate to the views of the majority raises several issues. First is the question of how the will of the ‘majority’ has been established. In Inari, Metsähallitus has referred both to the views of the Municipality and to the result of the survey done by Finnish Forest Research Institute, according to which majority of the local people in Inari wish to maintain both forestry and reindeer herding in Inari (Hallikainen et al. 2006). Metsähallitus has interpreted this so that the proposals of the dissatisfied RHCs cannot be taken into account, although strictly speaking, the respondents to the survey have not taken any stand regarding that particular issue. Likewise in the first NRP in Kainuu, Metsähallitus maintained that local people did not want more nature conservation, although the weight the stakeholders groups gave to nature conservation was higher than the weight Metsähallitus gave to the issue.

Second, the emphasis on the views of the local majority in Kainuu and Inari can be contrasted against cases where the local majority has not been against increased forest protection, but has promoted it. No doubt the most recent and very well known case is the dispute over the state-owned forests in the northern part of Muonio municipality in Western Lapland. Like in most other parts of Finland, state forestry in Western Lapland is highly mechanised and provides few local job opportunities. Simultaneously, tourism has grown rapidly in Muonio and is one of the most important sources of both tax income and employment. Consequently, the Municipality has for long asked Metsähallitus to refrain from logging old-growth forests in the northern part of the municipality, because they are important for tourism entrepreneurs (Muonio Municipality 3.3.2003). The local nature conservation association Muonion Luonto has also opposed to the logging since the 1980s. (Suomen Luonto Magazine March 2007, 22.)

Despite of years of debate and the outspoken opposition from the Municipality, the affected RHC and the local environmentalists, Metsähallitus FD announced in December 2006 that it would begin logging in those parts of the area that had been defined as commercial forest in both a Landscape Ecological Plan and the Natural Resource Plan for Western Lapland. The decision caused strong local opposition. 300–500 of the 2300 inhabitants of the municipality gathered at the market square to protest against the logging plans and to demand the protection of the disputed areas. The Municipality, the tourism entrepreneurs, local nature conservations and large amounts of local people formed an unusually unified coalition against the logging. (Helsingin Sanomat 30.12.2006; Suomen Kuvalehti 14–15/2007.)

Instead of being supportive of such local view, however, Metsähallitus invoked the wood procurement of the forest industry in Lapland as a whole. The wood procurement of the sawmills and pulp and paper mills located in other municipalities in the County would be threatened if decisions regarding state forests were based exclusively on the views of the local people in municipalities like Muonio. Eventually Metsähallitus agreed to cancel the logging plans, but only once the nature tourism entrepreneurs in Muonio paid to keep the forest standing for the coming ten years (Metsähallitus press release 27.2.2007). The price of the agreement remained confidential between the parties.

The point of contrasting the events in Kainuu and Inari with the one in Muonio is not that there would not be those in the local population who are against further reductions to forestry, or that they may even be the majority in municipal councils in Kainuu and Inari. On the contrary, Inari Municipality and many municipalities in Kainuu have



explicitly expressed their opposition towards increased forest protection. The point is, rather, how Metsähallitus Forestry Division relates to the views of the majority in different ways depending on the support it is likely to receive for its own goals. While the views of the local people are naturally an important aspect in natural resource management, the credibility of the appeals to the importance of the local views in the cases of Kainuu and Inari is undermined when Metsähallitus simultaneously uses an opposite strategy in Muonio.

Thirdly, the Forestry Division's appeal to the views of the local majority highlights the problematic role of a minority and its rights in majority decision-making. This is particularly obvious in the case of the Sámi people in Inari. Their constitutional rights will never be implemented if the views of the local majority are considered a legitimate argument for not respecting those rights. Counter-arguing the concerns of the RHCs with reference to the views of the majority is unlikely to build the needed trust in Metsähallitus as an agency capable of securing the legal rights of reindeer herding. Reconciliation between all local groups is necessary if the community is to work for a common future, but this cannot be achieved by putting the different interest groups against one another.

Finally, the institutional analysis of this study shows that on the level of legal regulation, the procedural (democratic) rights of citizens and the substantive regulation regarding the environment in state forestry in Finland are not in contradiction. Rather, the inadequate procedural rights of the people affected by state forestry hinder them from promoting the enforcement environmental legislation more effectively. Currently, both the democratic rights of citizens and the environmental goals in state forestry are in practice subordinated to the rationale and goals of the business operations.

## 10.7 Summary

This study started with a notion that the changes caused by pluralism and environmental concerns in natural resource management have been dramatic for natural resource agencies in many Western countries. In the case of Finnish state-owned forests, proactive and progressive members of Metsähallitus staff travelled to the U.S. in early the 1990s to learn about and to introduce new planning tools to the organisation. After some initial resistance, Metsähallitus has taken great pride in its collaborative approaches. (Wallenius 2001.)

It is essential that an organisation gain positive experience during a period of change from an old to a new way of doing things. This encourages staff to continue with the initiated changes. (Halme 1997, 206.) From this perspective there is a risk that after the early positive experiences amongst the staff of Metsähallitus (Loikkanen & Wallenius 1997), the persisting intractable conflicts have resulted in frustration among the planners. Frustration has also emerged among the stakeholders Metsähallitus seeks to involve in its planning processes. In Kainuu and Inari the conflicts have, in the most extreme cases, included threats to people's lives, and in such situations it is no longer relevant to speak of 'constructive conflict'.

Changes and conflict are interlinked. Conflict can breed change but change can also breed conflict, as the internal conflict between the different units in Metsähallitus shows. Therefore, effective conflict management is critical to constructive change processes. Strategies for promoting constructive conflict become essential both within the organisation and in the interaction with stakeholders. (Brown 1983; Tjosvold 1991; Gillroy 2000.) In many environmental issues the problem is that the decision-making authority may be unclear or divided between many actors, making it difficult to agree on policies and to implement them. One of the benefits with Finnish state forests is that it is possible for the State to regulate and decide on their use and conservation. This

should make conflict management easier in comparison to, for instance, privately owned forests.

Despite the problems related to the organisational structure of Metsähallitus, it is in fact positive from a conflict management perspective that all state lands are managed en bloc. In comparison, in Sweden the management of state-owned forests is divided between many different organisations ranging from the state-owned company Sveaskog to the State Property Board (Fastighetsverket), the National Fortifications Administration (Fortifikationsverket) and others, that are regulated differently from one another (HE 154/2004 vp). The fragmented control over the state lands makes it impossible to develop landscape level plans across ownership or to form comprehensive policies and practices. The concentrated management authority that constitutes the state forest administration has allowed Metsähallitus to develop integrative landscape level planning tools such as Landscape Ecological Planning and Natural Resource Planning. Despite the shortcomings in how they have been implemented in practice, they provide, in principle, a much better starting point for conflict management than the conventional forest stand-level management planning would do.

Furthermore, there is already substantive regulation in place, which in principle sets an order of priority whereby Metsähallitus business operations are subordinate to the ecological and social tasks. This supports the inclusion of non-timber interests and values to forestry planning.

However, the ambiguity in the formulation of the social obligations allows for considerable leeway in how Metsähallitus chooses to reconcile its business operations with the social obligations. In these interpretations, frames and informal norms play a significant role. Because the commercial forests are in the balance sheet – and hence under the authority – of the Forestry Division and its superior MAF, their frames and informal institutions are decisive in how the legislation is interpreted (Figure 14). The forestry-dominated frames in the Forestry Division and MAF, the informal institutions that emphasise timber production, and the concrete, measurable annual economic goals lead to solutions that aim at minimising any further restrictions on timber production. Such decisions are possible despite the opposition of reindeer-herding co-operatives and ENGOs, because the legislation on state forests does not provide them (or any other actor) with ways of appealing the forest management plans.

However, the dominance of the Forestry frame has caused difficulties for the state forest administration in reaching successful outcomes through conflict management. Through the rhetoric of ‘neutral facilitator’, the Forestry Division has allowed the dominance of the forestry perspective in the collaborative processes in Inari and Kainuu, where the majority of stakeholders have in most cases been supportive of a strategy that would minimise further reductions in forestry (this was also a case in the revised NRP in Kainuu, where the so-called recreational alternative did not significantly affect timber production). This has contributed to the lack of assurance towards the participatory process among the actors who have felt marginalised in the timber-production dominated debate.

There is no such thing as an organisation – be it public authority or a business enterprise – that would not have its own goals, values and ways of framing things. The biases of natural resource management agencies remain an important factor that will affect the outcome of collaborative planning processes, because they are essential in how the planning task is framed for the participants. Therefore, a central question concerns the goals and frames of the organisation responsible for the reconciliation of the multiple interests.

Timber production is a legitimate interest among others, but can it be considered such a ‘public interest’ that its perspective should guide the reconciliation between the different interests related to state-owned forests? I argue that it can not. The Act

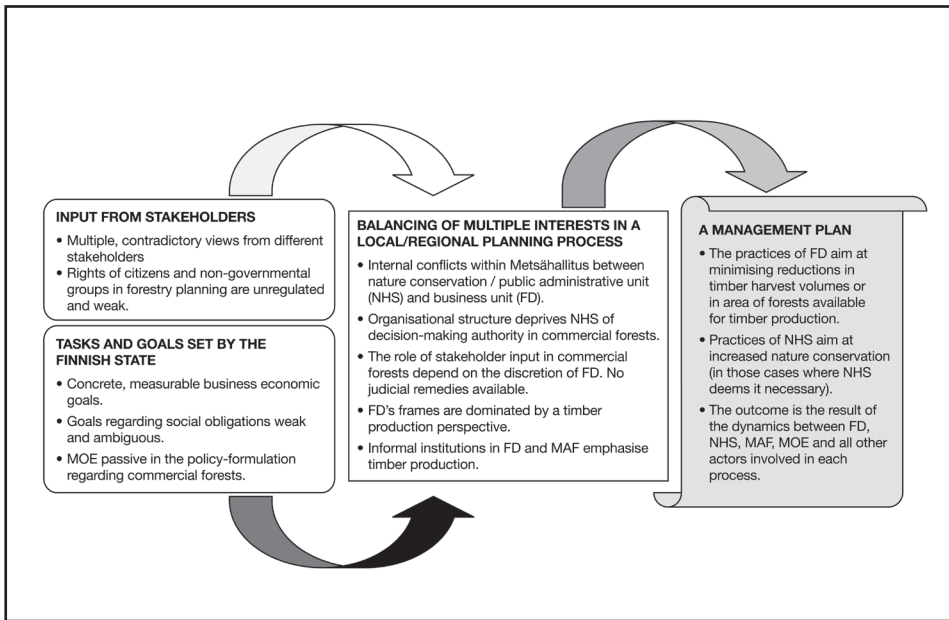


Figure 14. Opening the “black box” of decision-making in state forestry in Finland

on Metsähallitus, as well as the entire notion of state enterprises, is based on the idea that there are general public interests that need to be taken into account in the business operations (HE 154/2004 vp). Against this background, it is curious that the frames of the business operations function as the starting point for such a reconciliation. In the case of Metsähallitus, Natural Heritage Services has been established as a separate unit for taking care of some of the social obligations, such as nature conservation and promotion of recreation. Its tasks are also, as such, directly connected to constitutional environmental rights, the securing of which, much more than forestry, is a public interest. In contrast to the Forestry Division, NHS is also a public authority, which means that its decision-making is subject to more direct democratic and judicial control through legislation and administrative appeals than that of the Forestry Division. The analysis of the practices, frames and informal institutions of the Forestry Division (and MAF) presented in this study give little support as to why the Forestry Division should remain the conciliator of conflicting interests on state forests.

In conclusion, the biggest challenges in developing forest conflict management, and in changing the forest conflict culture related to state forests in Finland, lies in one major discrepancy. This concerns the outspoken general principles for reconciling the business operations with the socio-ecological obligations on one hand, and the weak operationalisation of these principles in the legal framework, and the way they are interpreted through the forestry frames and informal institutions, on the other. This discrepancy indicates a lack of focus on building assurance between the groups that have felt marginalised in state forest policies. It raises legitimate questions as to the real impact of change in the state forest policies, from the prioritisation of timber production towards the promotion of social and ecological goals, as articulated the Metsähallitus Act already since 1993.

# 11 DISCUSSION AND CONCLUSIONS

## 11.1 The role of institutions and frames in analysing conflict management

In this study I have used Institutional Conflict Management Analysis. It is an adaptation of Bob Jessop's and Colin Hay's strategic-relational approach (SRA), which is used to analyse conflict management. It combines the analysis of practices and frames, in the case of individual disputes, with the analysis of the broader institutional framework within which the disputes are embedded. My purpose in combining these two types of analyses has been to improve the understanding of why conflict management is done the way it is done in a certain situation. Institutional conflict management analysis makes it possible to widen the scope of analysis from individual disputes to the structural factors affecting the conflict, as well as to the broader conflict culture of a particular society.

To a significant extent, the literature on collaborative environmental management has been developed within particular legislative environments. Despite the fact that alternative environmental dispute resolution (EDR) has been developed, to a large extent, as an alternative to litigation (Fisher & Ury 1981; Susskind & Cruickshank 1987), the existence of the regulatory environment seems to be so self-evident for researchers that its role is seldom included in the analysis. Yet, it is of profound importance for the role collaboration or mediation can play in a society, as the analysis of the Finnish state forestry shows.

Metsähallitus adopted its collaborative planning from the Forest Service in the U.S. (Wallenius 2001). The methods were modified to an extent to fit the Finnish style of communicating and working, and they have meant a significant shift in Metsähallitus' planning style towards collaboration and joint problem solving with stakeholders. However, concrete planning practices or methods are but one part of a collaborative planning system or conflict management system as a whole. In the U.S., the participatory/collaborative processes have always been embedded in an extensive and complex legislative environment, regarding both forest planning on public land in general and regarding the public participation in particular (Boswell Franklin 1998; Beierle & Cayford 2002, 3–4). Legislation regarding participation is comprehensive, both regarding the general provisions on citizens' access to governmental decision-making, as well as specifically related to the planning carried out by the Forest Service.<sup>118</sup> Much of the legislation regarding public participation regarding federal lands stems already from the 1960s and 1970s, and it includes stipulations regarding the participation both in planning and policy-making, as well as through the legal system. (Boswell Franklin 1998; Beierle & Cayford 2002, 3–4.)

The legislation regarding Forest Service planning in U.S. has been criticised for being vague, expensive and too complex (Boswell Franklin 1998, 36–37), but the detailed content or the weaknesses of the legislation is not the point here. Rather, it is important to recognise the *existence* of a legislative framework as a central element for the set-up

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<sup>118</sup> To name a few, these include the Administrative Procedure Act (APA) from 1946, the Freedom of Information Act (1966), the Federal Advisory Committee Act (1972), the National Environmental Policy Act (NEPA) from 1970, the Forest and Rangelands Renewable Resources Planning Act (RPA) from 1974, the National Forest Management Act (NFMA) from 1976, and the Endangered Species Act (ESA) from 1973. (Boswell Franklin 1998, 24–34; Beierle & Cayford 2002, 3–4.)

for collaborative planning, and hence for the dynamics of conflict management. The regulatory landscape of the U.S. Forest Service has, according to Boswell Franklin (1998), significantly affected both the emergence and form of the participatory/collaborative processes, as well as their role in the overall policy-making and conflict management related to federal forests in the U.S.

“Without such laws, the public and interest groups would be subject to potential arbitrariness in planning without any method to recourse.”(Boswell Franklin 1998, 37.)

In addition to providing the public with a means to challenge the Forest Service’s decisions, the access to legal proceeding has also provided the courts with a role to push for agency changes through judicial interpretation and application of the statutes (Boswell Franklin 1998, 37). Furthermore, the willingness to avoid litigation has led the Forest Service and other natural resource agencies to develop and improve their consensus-seeking processes. As Innes et al. point out, consensus seeking seldom occurs spontaneously (1994, 2 in Fischler 2000, 36.). In fact, in all of the empirical cases they studied in the U.S., the regulatory framework played an important role in motivating the parties to seek consensus agreements (see also Boswell Franklin 1998; Singleton 2002; Frame et al. 2004). Singleton (2002) describes this as the skilful combination of the carrot and the stick, whereby hard-edged statutes provide the motivation force for collaborative approaches.

In contrast, the participatory planning methods of *Metsähallitus* have remained detached from the Finnish regulatory system. This may not have been such a major problem in the early 1990s, when the system was introduced to Finland, because at the time the regulation of procedural rights of the citizens in environmental decision-making was relatively underdeveloped. *Metsähallitus*’ participatory planning in the commercial forests could also be perceived as an act of voluntary social corporate responsibility, because as an enterprise it is not, legally speaking, bound by the requirements for good administration. However, as the surrounding regulatory environment has changed significantly, the lack of regulation regarding *Metsähallitus*’ forestry planning becomes increasingly striking and difficult to defend. Transplanting a planning tool from one jurisdiction to another, without taking into consideration the context of the original regulatory environment, can have significant implications for the success of the tool in the new environment, as the case of *Metsähallitus*’ collaborative planning shows.

My purpose, by adding the institutional perspective to the analysis of conflict management, has been to demonstrate the relevance of the regulative framework, but also of the general societal and historical context in understanding and improving conflict management processes. For instance, understanding the lack of coherence between the overall environmental legislation and forest-related regulation in Finland requires knowledge of the history of the forest policy. It is an illustrating example of the path-dependence of institutions and of their consequent resistance to change (March & Olsen 1989; Peters 2005). Forests, and the actors in the forest sector, have had such a unique role in the Finnish society over such a long period of time that the dynamics of the conflicts, and the formal rules and informal norms that guide the conflict management practices, must be understood within this broader context.

One of the lessons from the institutional analysis of this study for natural resource contexts is also the spatio-temporal selectivity of the institutions. Some strategies and practices are privileged while others are made more difficult to realise, depending on how they match the spatial and temporal patterns inscribed in the institutions in question. (Jessop 2001, 1226–1227.) In the case of Finnish state forests, the timber harvest cycle defines the underlying temporal scale in forest legislation. In addition, the annual

performance and profit targets set for Metsähallitus provide another important temporal bias for state forestry, as operations need to be profitable not only in the long term but within the annual budget cycle. The Inari case, on the other hand, is a good example of the spatial selectivity of the institutions for forestry planning. The scale in which Metsähallitus carries out reconciliation between forestry and reindeer herding is based on the geographical borders of its own management units, which do not coincide with the relevant spatial scales of reindeer herding.

Frame analysis, on the other hand, is in itself is nothing new to research on environmental conflicts and conflict settlement, either internationally or in Finland. However, its contribution in this study relates to how it has been used to complement institutional analysis. As was mentioned in Chapter 5.1, Jessop (2001) and Hay (2002) have called not only for an 'institutionalist turn', but also for analysis that takes into account the perceptual and discursive factors through which the actors come to understand the contexts in which they act. In this study I have approached this challenge by combining institutional analysis with frame analysis. The point I have made in the empirical analysis is that frame analysis can contribute to our understanding of *how* institutions affect behaviour. In many cases, including Finnish state forests, multiple (and not seldom conflicting) rules exist simultaneously. Actors need to decide which rules to apply in a given situation. March and Olsen (1989, 24) maintain that "the number and variety of alternative rules assure that one of the primary factors affecting behaviour is the process by which some of those rules, rather than others, are evoked in particular situation". In the case of Finnish state-owned forests, the vagueness and lack of regulation regarding many aspects of state forestry is particularly noteworthy. By definition, vagueness could lead to a number of practices. It is only once the analysis of these vague formal institutions is combined with a frame analysis (and with the analysis of the informal institutions) that the role of the institutions for the practices of the state forest administration becomes understandable.

On the other hand, there are limits to how the institutions can be interpreted. As Crotty (1998) has noted, reality is socially constructed out of *something*, not simply arbitrarily created. Institutions are not only interpreted through frames. They also affect frames, for instance by defining the role and structure of organisations. As becomes clear in the case of Metsähallitus, the different statutory roles and tasks of the Forestry Division and the Natural Heritage Services affect how they interpret not only the conflicts, but also the regulatory framework, and which regulations they choose to emphasise.

Scott has presented an interesting model of layered institutional forms and flows in regards to the relationship between institutions and frames (1995, 141). According to the model, broader societal institutions provide a context within which more specific institutional fields<sup>119</sup> and forms exist. Organisations are thus affected by the institutions at a higher, more general level, and provide themselves the institutional context within which particular individual actors are located and take action.

Scott's model is a useful addition to the strategic-relational approach because it introduces several levels at which the institutions and frames can exist. It helps to explain how it is possible to claim that institutional arrangements (such as forms of social organisation, see Chapter 3.4) can explain the occurrence of certain frames, while at the time arguing that frames affect how institutions are interpreted. Due to the multiple

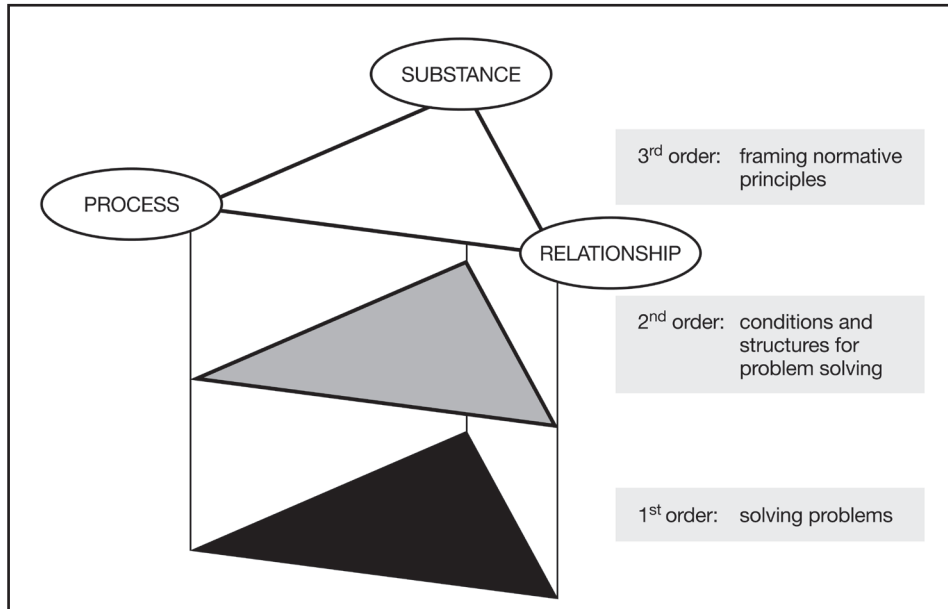
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<sup>119</sup> Field refers to those organisations that produce similar services or products and constitute a recognised area of institutional life, for instance key suppliers, resource and product consumers, regulatory agencies, and others. Fields are shared cognitive or normative frameworks or a common regulative system. (Scott 1995, 56.) The Finnish forest sector could thus be considered a field.



levels, different institutions affect different organisations differently. For instance, the Forestry frames of the Forestry Division’s staff can, to an extent, be interpreted as a result of the organisational setting, created by certain formal institutions that define the tasks of the organisation. The frames, in turn, affect the way the representatives of the Forestry Division interpret other formal institutions, for instance regulations concerning nature conservation or Sámi culture. While the frames and preferences of an individual actor are formed within and by a certain organisational setting, individuals may also enter other settings and thus perceive them differently, than if that had been one’s “primary location” (Perri 6, 2005). This explains how individuals can bring new ideas and preferences to an environment and can function as a seed for change (March and Olsen 1989, 147)<sup>120</sup>.

Both institutional analysis and frame analysis also provide a new perspective to the “progress triangle” (Figure 1) when it is broadly applied to conflict management and not just to individual disputes (Figure 15). In the words of governance theorists (Kooiman 2003), progress needs to be made in multiple ‘orders’: in solving particular problems (first order); in developing the conditions and structures where the first order problem solving takes place (second order); and on the level of framing normative principles (third order). In this study, these various orders have been approached through the concepts of practices, institutions and frames. Applying governance theories to conflict management, the second order (institutions) and third order (frames) are the kind of underlying factors that affect the first order (practices) and, ultimately, the success in conflict management. In the case of state forests in Finland, much effort has been put into solving the first-order problems, but less progress has been made on the second and third level of governance. This has also affected the possibility of resolving the problems of the first order.



**Figure 15.** Multiple orders of the satisfaction triangle of conflict management

<sup>120</sup> For an analysis of individuals as “change agents” in the Finnish forest industry see Halme (1997).



## 11.2 Ways forward: conflict management as reflective learning

The underlying deliberative ideal of collaborative planning is based on the assumption that the people involved in deliberation can learn from one another and come to change their positions and views (Healey 1997; Forester 1999; Barry 2003). To highlight this perspective, collaborative planning has also been called collaborative learning (Daniels & Walker 2001) or planning as learning (Leskinen 1997). Metsähallitus has also emphasised learning as a central goal and element in its planning (Loikkanen & Wallenius 1997, 199, 202).

In order for the parties to a conflict to move forward in resolving a frame conflict, they need to become aware of their frames, to critically reflect on them, and to be open to changing their perceptions. That is, they need to learn from the perception of other actors. (Schön & Rein 1994; Schusler et al. 2003, 311). Augyris calls this kind of learning – where we reflect on our underlying assumptions and interpretations – ‘double-loop learning’, as a distinction from ‘single-loop learning’. The latter entails that we simply interpret the world around us but do not reflect on our interpretations (Augyris 1993, 50). Collaborative planning should, ultimately, include both types of learning on a collective level if it is to help resolve frame conflicts. Joint learning amongst individuals is called social learning. Individuals or groups evolve in their understanding of the issues, relevant facts, problems and opportunities, areas of agreement and disagreement (single-loop learning), but also regarding their understanding of their own and others’ perceptions (double-loop learning). (Schusler 2003, 312; Westberg 2005, 48–70.) Laws and Rein (2003, 204) maintain that reframing or learning

“becomes possible when a series of one-off exchanges is transformed into a continuous discussion; when the status quo is persistently perturbed, either because it is inherently uncertain or unstable or because it is consistently upset by the actors involved.”

Based on Laws’ and Rein’s description, the case conflicts of this study should have provided ample incentives for reflexive learning. It has been outside the scope of this study to look specifically at frame reflection as a learning process over time within the state forest administration, or between the parties to the case study conflicts. A closer analysis of ongoing planning processes, from a social learning perspective, would certainly be useful focus for future research. However, based on the results of this study alone it is in fact possible to say that frame conflicts persist both within the state forest administration and between the state forest administration and some of the other parties, as well as amongst the non-state parties to the conflicts. Contrary to the assumption of the parties, they continue to talk ‘past’ one another, and do not have a shared understanding of what the problem actually concerns. Comparing the results from this study with other recent studies and with some earlier studies indicates that at least some of the frames have been remarkably persistent over long periods of time. (Lehtinen 1991; Kyllönen & Raitio 2004; Roiko-Jokela 2003; Valkonen 2007; Raitio 2008.) For example, why have the Forestry frames not been more affected by the critique of the status quo? One explanation to their persistence is no doubt related to the unusually strong position the whole forestry sector has had, and to an extent continues to have, in Finnish political decision-making.

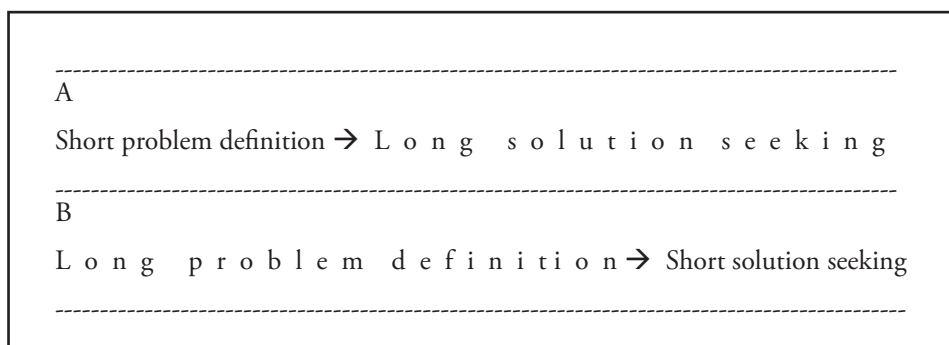
Emery Roe (1994, 3) offers another possible answer to the question of the persistence of the frames. According to Roe, we are particularly dependent on our interpretations of the reality in situations characterised by uncertainty, complexity and polarisation.

In such situations, policymakers and managers need a roadmap, a story that provides them with instructions on how to act in a given situation. A policy frame (or policy narrative, as Roe calls it) provides them with such a map. From this perspective, critique of the policy practices or of the frame itself do not encourage reflection, as proposed by Laws and Rein. On the contrary, critique can often serve to intensify uncertainty and polarisation. Uncertainty makes it all the more important to have a frame to adhere to. It is actionability - rather than the believability - of the analysis of a situation that matters. (Roe 1994, 5, 63.) Roe uses several international examples to show that in the absence of a better story to identify with, policymakers will find security in their current policy frame, even if it has been proven wrong empirically.

Roe’s proposal on how to work with conflicting policy frames is to look for a “meta-narrative”. With meta-narrative he means a story that is general enough to include elements from the perspectives of the major opposing parties in the controversy, without slighting any of the opposition that exists amongst them. The meta-narrative should include a set of common assumptions that make it possible for opponents to act on an issue over which they still disagree. (Roe 1994, 52, 156.) Roe maintains that for this to be possible all the involved parties must be permitted to tell their own narratives and stories, because the more voices there are, the more material there is for constructing a meta-narrative. Creating a joint meta-narrative reduces uncertainty and polarisation, and increases actionability (Roe 1994).

Roe’s idea resonates with what Jay Rothman has called “Going Slow to Go Fast” (1997, 13). He maintains that if parties to a frame conflict rush into seeking solutions, instead of first engaging in a careful definition of the problem, it is likely to lead to a long period of solution seeking, with inefficient and ineffective results (Figure 16). Instead, he proposes a strategy where the joint understanding of the problem is not taken as given, but as a goal to work towards. For this purpose, the parties should engage in telling each other their stories and perceptions, as Roe (1994) proposes.

To take the time to jointly define the problem is particularly important in those conflict situations where parties feel that their identities are being threatened. This can be the case between nations, between different ethnic groups, between different fractions in a community, but also between or within organisations (Rothman 1997; Gray 2003). Identities are important in conflicts because people have been found to become extremely defensive when the essential beliefs and values that define who they are questioned or threatened, and they are rarely willing to compromise on these issues (Rothman 1997; Dale 1999; Gray 2003, 21). Negotiated deals are possible in ethnic, religious, and



**Figure 16.** The “Short-Long” Way (A) and the “Long-Short” Way (B) to resolving conflicts (adapted from Rothman 1997, 13).

territorial conflicts, but only after issues related to group identity have been addressed (Putnam & Wondolleck 2003, 43).

Dale (1999) gives an impressive account of how the threatened identities of both the native and non-native members of a community could be, and had to be, addressed in Haida Gwaii (Queen Charlotte Islands) on the coast of British Columbia in Canada, before the practical matter at hand could be agreed upon. Reaching an agreement on how to plan the expenditure of funds given to the community as a compensation for decreased opportunities in forestry, after the establishment of a National Park, required that the parties first shared their stories regarding how they perceived Haida Gwaii and its history, and the cultural meanings of different places in the islands. They also needed to explain to each other their experiences of feeling excluded and their cultural values being ignored. All of this took a great amount of time and required great skills from the facilitator of the process to move and interpret between the different frames. But as one of the participants in the process pointed out, "I guess we're going to have to move real slow in everything from now on if we're going to have any hope of understanding" (Dale 1999, 932). The need to deal with history and the past injustice was recognised as an important part of the process, and it was done by using stories – narratives – as personal and even emotional ways of sharing the meaning of the past.

Dale's account is of the encounter between native and non-native cultures, and as such provides inspiration for situations such as in Inari. But Rothman (1997, 109–144) also takes up examples from identity conflicts within organisations. As Hellström (2001) notes, Finnish forest conflict management has been very practical, oriented towards proving who is right, and little attention has been given to relationship building. Based on the Kainuu case, the same seems to be true for dealing with conflicts within the Metsähallitus organisation. The conflict between the Forestry Division and NHS in Metsähallitus has elements of threatened identities both in terms of respect for one's profession and the image of what the organisation is all about.

Rothman has identified four steps in the process of addressing identity-based elements in a conflict (1997). He calls the model ARIA framework, and it consists of several phases (Rothman 1997, 17–20). The process first begins with *Adversarial Framing* that brings out anger and fear and puts these emotions up for discussion. The recognition of the negative feelings is important before seeking joint solutions. An underlying sense of resonance can thereafter be fostered through *Reflexive Framing*, which focuses on the identity needs of all sides. This then sets the stage for *Inventing* joint solutions and finally *Agenda Setting* for joint action around the questions of what, why, who and how. This cycle from Antagonism to Resonance, Invention and Action (ARIA) should not be interpreted or implemented literally. Rothman maintains that in organisational conflicts, it is best to skip the antagonistic phase, because it might have more negative than positive effects on the future working climate. However, the ARIA-framework does provide a useful way for conceptualising around frame reflection, because it concretises the process and gives empirically tested examples of potential ways of proceeding.

Another well-known method of working towards the tractability of enduring frame conflicts is joint fact-finding (Ehrman & Stinson 1999). Metsähallitus' recent project to assess the costs and benefits from the social and ecological obligations stipulated in the Metsähallitus Act (Yleisen...2007) was a positive step forward in defining, more specifically, the meaning of these statutory obligations in its operations. Regrettably, the report is rather vague as to the methods that have been used to define the benefits. Here, a joint project with reindeer herding co-operatives and the Sámi Parliament could be a constructive way forward in creating a jointly acceptable knowledge base and potential for constructive communication between the frames of forestry and reindeer herding.

It should be noted that overcoming frame conflicts through frame reflection requires an effort from all the actors involved in a conflict. Each party involved in a conflict can and needs to reflect upon its own framing of the dispute. Each group and individual can ask oneself, how well have we tried to understand the way the other parties to the conflict frame it? In what ways have we contributed to learning and frame reflection or on the other hand to increasing insecurity amongst other actors by attacking their frame? Relationship building and trust are issues that all parties can affect through their own behaviour. One alternative is to think, whether there is something in the demands of one's own group one can give up in order to show good will. The outcome of the process is not only – although to a significant extent – dependent on the views of the decision-makers, such as in this study Metsähallitus, MAF, or MOE. It also depends on how well each party can convince the others that their proposal is not threatening the identities or interests of the others.

On the other hand, in some cases it is in the interests of the weaker party to not try to settle the conflict, but to create more conflict in order to get its voice heard. Conflict can function as an important catalyst for change, because it can increase the motivation of the more powerful parties to listen to the concerns of the weaker parties (e.g. Frame et al. 2004; Hanna 2007). The skill is to know which strategy to use in which situation.

### 11.3 Implications for research and education organisations

Frame theory and examples as such Rothman's (1997) and Dale's (1999) show the need to develop collaborative planning more towards the direction of "going slow to go fast". A big challenge for this is that education for professional environmental facilitators or mediators is practically non-existent in Finland or in the Nordic countries. Neutrality of the facilitator is not enough; facilitation of discussions around such sensitive issues as identity and past injustice require trained, professional staff. Initiating education programmes adapted to the institutional environment of Finland would be a concrete contribution to developing a healthier conflict culture. In the meanwhile, the research institutions with expertise around environmental communication and conflict mediation can work as an important resource for management agencies and policy makers.

As is the case with most research, this study also leaves many questions unanswered and raises new ones for future research. These include a closer frame analysis of all the parties involved in the studied conflicts. Such an analysis would be especially interesting from a meta-narrative perspective, in order to find further ways forward with the disputes. Closely linked to this, a study focusing specifically on learning in Metsähallitus' planning processes could shed more light on questions regarding inter-personal communications in the planning processes. The spatio-temporal selectivity of both frames and institutions would be another interesting topic (see also Cheng et al. 2003).

Regarding institutions, a more in-depth comparative analysis with the field of environmental law in Finland would be interesting, because it is known that in pollution control, for instance, both the regulatory style and the style of policy making have been different from those of forestry (more consensual than conflictual) (Sairinen 2000). International comparative studies would also provide insights into developing new tools and institutional approaches to forest conflict management. For instance, the province of British Columbia – known for its heated forest conflicts – has developed an independent body – the Forestry Practices Board – to act as a public watchdog regarding forest policy. It does not have any legal or regulatory power, but has the authority to conduct investigations, to hear complaints from the public, make recommendations to the Ministry of Forestry and to launch an appeal on behalf of the public. Through these

means it strengthens the role of the public while acting as a buffer to hold back the flood of complaints otherwise feared if a U.S.-style process were adopted. (Hoberg 2001, 362). A particularly interesting question is the differences in the forest conflict cultures between the Nordic countries that Hellström (2001) has identified. The Nordic countries would also provide an interesting source for a comparative study focusing specifically on how the three different states have dealt with natural resources conflicts within the traditional Sámi territories (Sápmi).

#### 11.4 Implications for the legislator and policy makers

The case of Metsähallitus is a good example of what governance theorists have described as the fusion of private and public interests (Lundqvist 2004, 19). In Finland, the role of the state is changing in how land owned by the state itself is governed. As the empirical analysis has shown, the mixing of public and business interests has had consequences for the emergence of the conflicts, and even more so for how they have been managed.

Ultimately, the question is about how far the fusion of public and private interests can and should be carried out in dealing with contentious and important issues such as the management of ecosystems and natural resources. The tension between business objectives and public interests, when creating such special organisations as state enterprises, is not a new issue. In its 1997 country report for Finland, the OECD highlighted the need to improve the transparency and independence of the nature conservation authority vis-à-vis Metsähallitus business operations (Environmental performance reviews Finland 1997, 110). As early as in mid-1980s, the Committee on State Enterprises foresaw the problems in creating such organisations:

“The Parliament may define broad and multiple goals for the state enterprises, in which case the reconciliation and scaling of the activities is eventually done during the decision-making regarding the Budget. In such a situation both the practising of a systematic societal policy as well as of economically profitable business may become difficult.” (Komiteanmietintö 1985:2, 16–17, author’s translation)

There are three alternative approaches to addressing this problem. One is to divide the ownership of state lands between two entirely separate organisations. A public authority could manage the protected areas (NHS) and an independent state-owned forest company the commercial forests. In this alternative the roles and responsibilities of the organisations would definitely be clear and separate from one another. This model has been used for instance in Sweden, where a significant proportion of state forests are managed by the state-owned company Sveaskog and protected areas by the County Boards. The problem with this alternative is that rather than strengthening the role of the public interests in commercial forests, it would eliminate the role of political steering altogether. With such a solution, the possibility to promote a systematic societal policy concerning social and ecological goals would be even more limited than is currently the case with Metsähallitus.

From a conflict management perspective a more sensible approach would be to strengthen the role of democratic control and social obligations in the management of the commercial forests. This could be done by de-coupling the ownership of the forests altogether from the business of timber production. In such case, all state forests – both those protected and not – would be under the control of NHS, or a new public authority created for this purpose. NHS would grant a state-owned forestry corporation (or any

other forestry corporation) a licence to carry out forestry in the state-owned forests within the limits defined in a general forest-use plan for that region. This landscape-level forest-use plan (for instance similar to a Natural Resource Plan) would be made through a collaborative process led by NHS, in a similar fashion as general land use plans are made and supervised by zoning authorities. In this alternative, the income to the State would be retrieved from the forestry corporation(s) in the form of stumpage fees, as opposed to the current annual profit targets.

Both of these scenarios are based on dividing Metsähallitus into two separate organisations. Such a proposal has been opposed by Metsähallitus. The Finnish Government also rejected the option of dividing Metsähallitus during the reform of Metsähallitus Act in 2004. However, political pressure to consider this alternative may come in the future from the European Commission, which has been critical towards state enterprises due to unfair competition advantages (Kauppalehti 23.1.2008).

The third alternative is to strengthen the role of the social obligations and participatory rights of the citizens in forestry planning within the current structure of Metsähallitus. As in the second alternative, the role of NHS needs to be strengthened and clarified in terms of strategic level decision-making over commercial forests. NHS, as the public administration unit within Metsähallitus, should take on any tasks that concern public interest. These include taking leadership over the Natural Resource Planning, or other similar planning processes for state-owned commercial forests. In such a situation, the Forestry Division would become one actor among various other stakeholders, giving its input to the collaborative processes led by NHS. It would then carry out its operational forestry planning and timber harvesting within the limits set in these plans.

In order to have a meaningful role in addressing the type of persisting forest conflicts described here, Natural Resource Planning, or some other landscape level forestry planning process, needs to be given a role whereby decisions regarding set aside areas can be made as part of that process. Alternatively, the political-level decision-making needs to become more responsive to the signals sent from the planners at the local level (i.e. that the conflicts are caused by issues that are too large to be addressed at the local/regional level). The coordination between the political decision-making and Natural Resource Planning needs to be improved. Either way, Natural Resource Planning, or some other strategic and landscape level planning process for state-owned commercial forests needs to be made statutory. Its goals, phases and minimum requirements need to be defined in legislation, for instance in the Metsähallitus Act. The principles and ideas underlying general land use planning (regulated by the Building and Land Use Act), and strategic environmental impact assessment (regulated by SEA Act), are useful sources of inspiration in this regard. The Plans need to be ratified by NHS or MOE the same way as the Management Plans for Wilderness Areas or National Parks already are. This would mean that they become final administrative actions, which can then be appealed. The rights of the participants, including who has the right to appeal, would also need to be defined in the Act.

In terms of Inari, and the Finnish part of Sápmi as a whole, it is evident that deeper and more comprehensive changes will be necessary in order for Finland to fully recognise the rights of the Sámi people as an indigenous people. As a first step, all state land in Sápmi needs to be de-coupled from any demands to make profit for the State Budget. These lands should be moved from the business balance sheet to the balance sheet of public property. Thus, they would be managed by Natural Heritage Services instead of the Forestry Division, unless a new management organisation was created specifically for the state lands in Sápmi. Forestry could still be practiced – just like it has previously been practiced in Wilderness Areas that are managed by NHS – but under different regulations and with different goals than the current ones.



The goal of the current Finnish Government, in power since 2007, is for Finland to ratify ILO Convention No. 169 concerning the Indigenous and Tribal Peoples in Independent Countries, during its mandate period (Helsingin Sanomat 13.8.2007)<sup>121</sup>. The ratification of the Convention would strengthen the rights of the Sámi people to participate in the use, management and conservation of the natural resources pertaining to the lands they traditionally occupy. International law on the rights of minorities is based on the principle that the existing rights of the majority living in the same areas will not be compromised when securing the rights of a minority. The ratification of the ILO Convention 169 would therefore mean that the role of the local people, as a whole, would be strengthened in decision-making over the lands Metsähallitus currently manages. (Vihervuori 1999, 99–100.)

A special Rapporteur, Dr. of law Pekka Vihervuori, delivered a report in 1999 to the Ministry of Justice regarding the necessary legislative reforms concerning the land use rights of the Sámi (Vihervuori 1999). The proposals of the Rapporteur concerned both the procedures of decision-making and the substantive regulation regarding traditional Sámi livelihoods (land ownership issues were excluded from his assignment). The proposals were given for further development to a Sámi Committee that consisted of diverse stakeholders representing the Finnish State, the affected municipalities, Sámi political organisations and others. The Committee could not, however, agree on a joint proposal (Saamelaistoimikunnan mietintö 2001), and its work did not therefore lead to any reforms.

In 2005, a joint Finnish-Norwegian-Swedish-Sámi Expert Committee delivered its draft proposal for a Nordic Sami Convention (Pohjoismainen saamelaissopimus 2005). Since the 1980s, Sámi representatives have encouraged the adoption of a convention that would transcend the borders of the nation states within Sápmi. The point of departure for the Convention was that it should be in accordance with the ILO Convention 169. At the time of writing this thesis the process to finalise and ratify the Nordic Sámi Convention was still on-going.

The ratification of both the ILO Convention 169 and a Nordic Sámi Convention include numerous major issues related to the self-determination of the Sámi, which are beyond the focus of this study (e.g. language, education, social issues, fishing, hunting, mineral exploitation etc.). Nonetheless, both processes highlight the need to include Sámi representatives in the decision-making and to strengthen the position of traditional Sámi livelihoods vis-à-vis other land uses in areas currently managed by Metsähallitus, including the commercial forests.

A central issue in these reforms concerns the rights of the Sámi people, and the local population at large, to participate in decision-making regarding the use of water and land areas. It would, according to Rapporteur Vihervuori's proposal, be carried out by establishing a Land Rights Council for the Sámi Homeland (Sápmi) in Finland. The Council would consist of four representatives selected by the Finnish Sámi Parliament and four members from the Municipalities in the region (Utsjoki, Inari, Enontekiö and Sodankylä) and it would make decisions by single majority. The consent of the Council would be needed for carrying out, among other things, forestry operations in state forests. The Council would have the right to speak and the right to appeal in matters concerning the application of the laws on the use of land and waters. (Vihervuori 1999, 96–109, Joona 2003.)

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<sup>121</sup> For an overview of Finland's process for ratifying the ILO Convention No. 169 up to 2003 in English, see Joona (2003).



Establishing such a Council, or comparable local body, to oversee and guide the use of the state lands would increase the local control over the resources that Metsähallitus currently manages. If the members of the Council were selected – as has been proposed – by Municipalities and the Sámi Parliament, they would be accountable to democratically elected bodies. As such, the Council would increase the local democratic control of state forestry. At the same time, its contribution to settling land use conflicts, such as the conflict between reindeer herding and forestry, is less certain. The Inari case has shown that there has been considerable and persistent local opposition towards the demands of the RHCs, not least from the Municipality of Inari. The fundamental challenge for reindeer herding is that it is a minority, not only at the national and regional, but also at the local level. The minority role of reindeer herding is true even within the Sámi community. It needs to be recognised that there are different frames, interests and power coalitions also between various Sámi groups. Promoting reindeer herding is not in the interest of all Sámi groups, just like all reindeer herders are not Sámi. If income generated from forestry is returned to a Fund managed by the Council – as has been proposed – there is a considerable risk that conflicts between forestry and reindeer herding would continue or even escalate, rather than be resolved through local decision-making.

Therefore, if the goal is to give reindeer herding a voice and a stronger standing in forest use issues, it is essential to ensure that sufficient substantive legislation is in place, which decision-makers must comply with in order to protect reindeer herding. Rapporteur Vihervuori stated in 1999 that the current law, as it operates, cannot adequately protect reindeer herding against other land uses. He noted that article 2.2 of the Reindeer Husbandry Act, whereby state lands must not be used in a manner that would cause ‘significant harm’ to reindeer herding, was ineffective in protecting reindeer herding. He therefore proposed that any land use activities that would – on their own or in combination with other activities – cause ‘more than minor harm’<sup>122</sup> to reindeer herding should be prohibited within the Sámi Homeland. The County Administrative Board would have the authority and duty to prohibit or restrict such activities under the penalty of a fine, if the concerned RHC called for such a decision and had not, for example, received support from the Land Rights Council. (Vihervuori 1999, 106–107, 117.)

It is equally important that the new governance system includes access to justice (right to appeal) for all those affected by the land use decisions. Without introducing an appeal process regarding state forests, establishing a Council will not address the discrepancy identified in this study between the decision-making related to state forestry planning (and all forestry planning) on one hand, and general environmental regulation and the principles of good governance, on the other. Although the establishment of the proposed Council may improve the local democratic control of the resource use, there is a risk that the same problems plaguing the current planning processes, which are caused by the dominance of the powerful actors as a consequence of lack of judicial remedies, might simply be reproduced in the new governance system. To avoid this, the decisions of the Council should be appealable or, alternatively, NHS, whose decisions can be appealed, should ratify the forest use plans. The right to appeal is particularly important for reindeer herding, which is directly dependent on the lands and whose needs the establishment of a new governance structure largely seeks to protect. However, considering the tensions between the different (ethnic) groups in Finnish Sápmi, access to justice would be equally important for the legitimacy of the whole governance structure among the local (non-Sámi) people.

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<sup>122</sup> In Finnish, vähäistä suurempaa haittaa.

At the same time, providing actors with means to protest or to exercise a veto right – either in the Council or through an appeal – would only provide a partial solution to the challenge of strengthening the role of the Sámi in land use decision-making. This study has highlighted the role of frames and frame conflicts in how natural resources (or any other policy issue) are managed. From this perspective, the key question in developing new decision-making and planning processes is: what frames set the agenda in the new process design and structure? For reindeer herding – and for Sámi self-determination more generally – it is essential that these groups themselves have the role of defining the central questions, instead of responding to questions defined by others. Only when frames and agenda relevant for the different Sámi groups are fully recognised and built in the planning and decision-making structures, can the Sámi take leadership and responsibility over their own issues.<sup>123</sup>

For instance, as has been highlighted earlier, it is important that any forest use planning take place on a geographical scale that is relevant for reindeer herding. Natural Resource Planning covers the areas of several co-operatives and is therefore not a functional process for forest use planning from the perspective of reindeer herding. The relevant unit and scale may, in some cases, be a co-operative, whereas in others it may be the winter group, or some other unit. In designing the future governance system for state lands in Sápmi the question of the geographical scale of forest use planning must be addressed through a separate collaborative process. It is crucial that reindeer herding have appropriate representation in such a process.

Developing the new governance system may need to include reforming the administration and structures of reindeer herding itself. While issues pertaining to reindeer administration fall outside the direct scope of this study, it is necessary to remember that the issues that forest conflict management include are broad when it comes to reconciling forestry with other land uses. The current system of reindeer herding co-operatives, for instance, has been criticised as dysfunctional for Sámi reindeer herding. The Nellim case, where the board of the Ivalo RHC has not supported the Nellim winter group, and where Metsähallitus has denied the legitimacy of the winter herding group as the representative of reindeer herding in the area, shows the controversial nature of the issue. Success in developing consultation or negotiation practices between state forestry planning and reindeer herding will require that the units involved in those processes are meaningful and representative. If necessary, the role of locally and culturally relevant units in reindeer herding needs to be secured through legislative reforms.

It is also essential that adequate resources be provided for reindeer herding communities (and for the Sámi community as a whole) to become organised and to formulate their perspectives on land use. This should include funding RHCs or other relevant units to produce – with the necessary support of the reindeer administration – reindeer land use plans that provide other actors with accessible information on the needs of reindeer herding. Some of this work has already been carried out on a project basis by the Reindeer Herders' Association, but so far the herding communities themselves have not been given resources for collecting the data and for formulating their viewpoints (for similar work in Sweden, see Projekt Renbruksplan 2000–2002).

There is also an urgent need to strengthen the role of the traditional Sámi livelihoods within the state forest administration through increased human resources. Hiring staff specialised in reindeer herding in general, and on Sámi cultural in particular, should be

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<sup>123</sup> This point was highlighted by the Chair of Saami Council Pauliina Feodoroff in the Lex Boazu seminar, organised by the Educational Centre of the Sámi Area and Finnish Sámi Parliament in Inari, December 17, 2007.

a high priority, particularly in the light of the Inari case study. None of Metsähallitus' planning processes so far have included mapping of the most sensitive and potentially controversial reindeer pastures, despite the fact that carrying out such inventories in co-operation with RHCs was specifically recommended in the external evaluation of Metsähallitus' Landscape Ecological Planning (Niemelä et al. 2001, 71). It is not the sole responsibility of the RHCs to provide the state forest administration with such data when inventories on other non-timber forest aspects, such as threatened species, game habitats and important scenic areas, have been extensively collected by the administration.

To conclude, the way in which Finnish state forests are managed needs to be once more reconsidered and revised. The reforms that the state forest administration has initiated and carried out since the early 1990s on both collaborative planning and on the way the state forests are used can, and should, continue. Further reforms are necessary whether assessed from the perspective of the recognition of the indigenous Sámi peoples' rights, the promotion of good governance, the practical needs to make progress in settling forest conflicts, or securing the legitimacy of forest management and timber production. The next important step is to expand the reforms to the institutions that regulate the use and administration of these contested forests.

# ČOAHKKÁIGEASSU

*Kaisa Raitio*

## “BUOHKAID MIELA MIEL II SÁHTE LÁHTTET” – RIIDDUID HÁLDDAŠEAMI VUOGIT, RÁMAT JA INSTITUŠUVNNAT SUOMA STÁHTAVUVDIIN

Áššesánit: Vuoveriiddut, riidduid hálddašeapmi, institušovnnat

Mu dutkamuša fáddán lea stáhta vuvddiid geavaheapmái guoski konflikttaid hálddašeapmi.

Dutkančuozáhahkan leat doaimmat ja hupmanvuogit, maid Meahciráđđehus, eanan- ja meahccedoalloministeriija ja birasministeriija geavahit vuovderiidduid oktavuođas, ja maid lágat ja eahpeformála norpmat, mat stivrejit vuvddiid ávkástallama. Dat analyresejuvvojit govvti boares vuvddiid guoski dáhpáhusdutkamuša bokte jagiid 1992–2006 áigodagas. Kainuus vuostálagaid leat leamaš luonddusuodjaleapmi ja muorrabuvttadeapmi, Anáris boazo- ja vuovdedoallu. Dutkamuša várás dahkkojedje 25 temájearhallama. Girjjálaš materiálan leat lágat, boađusstivrenreivvet, luondduvaljodagaid geavahanplánat ja diedáhusat.

Barggu teorehtalaš čoavddadoahpagat leat formála ja eahpeformála institušovnnat ja rámat. Konflikttaid hálddašeapmi meroštallojuvvo proseassan, mii čohkiida 1) plánenproseassain konkrehtalaš geavadiin ja luondduváriidplánemis 2) formála ja eahpeformála institušovnnain, ja 3) rámain, mat váikkuhit dasa, mo konflikttat ipmirduvvojit.

Vuovderiidduid leat geahččalan hálddašit nuppe dáfus nu, ahte leat lasihan suodjalandoaimmaid ja rievdan vuovdedoallovuvddiid gieđahallama ja nuppe dáfus fas oassálasti plánemiin.

Guktuid doaimmaide leat lasihan mearkašahtti veara resurssaid 1990-logu beallemutto rájes. Riiddut eai goitge leat váidon ja oassálasti luondduvaljodatplánema mearkašupmi riidduid čoavdimis lea leamaš imaš unni.

Kainuus Meahciráđđehusa vuovdedoalu ja luonddusuodjaleami boađusossodagain leat goappatlágan oainnut vuovderiidduin. Vuovdedoalu ovddasteaddjiid mielas váldováttisvuohtan leat luonddusuodjaleaddjiid mearihis stuora gáibádušat. Luonddubálvalusaid bealde fas deattuhit dan, ahte ruossalasvuohta suodjaleami ja muorrabuvttadeami gaskkasgávno maid Meahciráđđehusa siste, daningo sierra ossodagaid barggut ja ulbmilat mannet muhtin muddui ruossalassii. Luonddusuodjansearvviid oidnet ovttasbargoguoibmin eige váttisvuohtan. Anáris konflikttaid soabahallama lea báidnán Meahciráđđehusa oaidnu riidduš, go fas Luonddubálvalusat lea bisson riiddu olggobealde. Vuovdedoalu rápma lea čielgasit earálgán go bálgosiid, mat leat riiddu nubbi bealli. Eatnat oassálasti plánema doaimmain fuolakeahtta orru leamen nu, ahte oainnut eai leat jur rievdan 1980-meahcceriidduid maŋŋá.

Guktuid riidduin eahpeformála institušovnnat bidjet konflikttaid soabadallama eaktun dievas vuovdečuohpanvejolašvuođaid, industriija muorradárbbu ja badjálás luondduvaljodaga geavaheami. Riikkavuložiid oassálastinvuoigatvuođaide ja Meahciráđđehusa geatnegasvuođaide guoski lágat leat váilevaččat dahje eahpečielgasat, eige dat danin bija gažaldatvuložin rámaid dahje eahpeformála norpmaid, mat dorjot vuovdedoalu.

## ABBREVIATIONS

FANC	Finnish Association for Nature Conservation (Suomen luonnonsuojeluliitto)
FD	Forestry Division (in Metsähallitus)
FLHR	Finnish League for Human Rights (Ihmisoikeusliitto)
IPO	Indigenous Peoples' Organisation
LEP	Landscape Ecological Planning
MAF	Ministry of Agriculture and Forestry
MOE	Ministry of the Environment
MTK	Central Union of Agricultural Producers and Forest Owners
NGO	Non-governmental organisation
NHS	Natural Heritage Services (in Metsähallitus)
NRP	Natural Resource Planning
PAC	Planned annual timber harvest levels of Metsähallitus
RHC	Reindeer herding co-operative
RKTL	Finnish Fisheries and Game Research Institute
TRN	Taiga Rescue Network
UNHRC	United Nations Human Rights Committee
WWF	World Wide Fund for Nature

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Statements to the Arbitrator's report (Selvitys...2003) by altogether 32 parties. The original statements are available at request from the Ministry of Agriculture and Forestry.

