

# Governing orders at odds in Sápmi

– Assessing governability in trans-border reindeer herding  
with help of social impact assessment

*Agnes Grönvall*



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## Abstract

The Sami people, an indigenous people in Scandinavia, and their cultural practice of reindeer herding have been divided across the northern parts of Sweden, Norway, Finland, and north-western Russia, since the national borders were established in the 1700-1800s. In Sweden and Norway, trans-border reindeer herding (TBRH) has been regulated by several bilateral agreements, but from 2005 the countries have failed to negotiate a new convention for TBRH. As a consequence, different opinions regarding what regulations are in fact, or should be, in force today result in a conflicting situation for those who practice TBRH. In a collaboration with Saarivuoma reindeer herding community (RHC), I use social impact assessment as a tool to investigate how impacts from previous and present TBRH regulations are perceived today. I used Kooiman's interactive governance framework to analyse how these impacts relate to first order of governance. The results show that for Saarivuoma RHC bilateral conventions of TBRH have meant that they had to adapt to a static and rigid reindeer herding practice, which lowered their problem-solving capacity. Since 2005 they have instead followed regulations in the Lapp codicil from 1751. This meant a more dynamic and flexible reindeer herding practice and regaining of cultural traditions, and thus an increased capacity for problem-solving. Failed negotiations between Sweden and Norway could be seen as a governing failure. However, failed negotiations instead led to increased problem-solving capacity for Saarivuoma RHC, illustrating that the institutional level has hampered rather than helped the operational level to solve societal challenges facing reindeer herding.

*Keywords:* Problem-solving capacity, Governing orders, First order of governance, Social Impact assessment, Trans-border reindeer herding, Reindeer herding, Sami people, Indigenous people

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## Abbreviations

GS	Governing system
IG	Interactive Governance
RHC	Reindeer Herding Community
RHD	Reindeer Herding District
SG	System to be Governed
SIA	Social Impact Assessment
TBRH	Trans-Border Reindeer herding



# 1 Introduction

“This is what happens when the State meddles with something that has worked for thousands of years”<sup>1</sup>

A Sami reindeer herder from Saarivuoma reindeer herding community (RHC) in Northern Sweden, with reindeer pastures in both Sweden and Norway, comments on how complicated and infected the question of trans-border reindeer herding (TBRH) has become the last 100 years. The Sami people, an indigenous people in Scandinavia, and their cultural practice of reindeer herding has been divided between different countries since the national borders were established in the 1700-1800 (Lantto, 2000). Today, Sápmi, the traditional homeland of the Sami, reach across the northern parts of Sweden, Norway, Finland, and north-western Russia. During the last century, TBRH has been of high political concern among the northern countries (Lantto, 2000, 2010). From the 1900s to 2005 various bilateral agreements have increasingly limited use of pasture in Norway for Swedish reindeer herders (Lantto, 2000; Lantto & Mörkenstam, 2008). Adding up on an already pressured reindeer herding practice (Pape & Löffler, 2012; Löf, 2014). Since 2005 the countries have failed to negotiate a new agreement for TBRH, regardless of several attempts. As a consequence, different opinions regarding what regulations are in fact, or should be, in force today result in a conflicting situation for those who practice TBRH.

The case of conflicting regulations, conflicting interpretation of legislation, hierarchical rule, and conflicting interests is not only the case for TBRH but characteristic for reindeer husbandry at large within Swedish and Norwegian Sápmi (Mörkenstam, 2005; Lantto & Mörkenstam, 2008; Ulvevadet, 2012; Löf, 2014). Löf (2014) argues that this demonstrates a lack of governability; that is, a lack of capacity for governance within the social-political system of reindeer husbandry. As the aim of governance can be thought of as to “solve societal problems and to create societal opportunities” (Kooiman et al., 2005, p 17), the lack of governability is then the incapacity for problem-solving (Kooiman et al., 2008). Kooiman et al. (2008) argue that for successful governance problem-solving needs to occur on different societal levels, so-called governance orders. First-order of governance is where “governing actors try to tackle problems or create opportunities on a day-to-day basis.” (Kooiman, 2003b, p 2). The second order is problem-solving on an institutional level. The third societal level, called meta order, concern the overall norms and goals of governance. These orders of governance and the dynamic between them influence the governability of a social-political system (Kooiman et al., 2008). Whereas the second- and meta-order is often considered within the governance literature, the aspect of everyday problem-solving is more frequently overlooked (e.g. Löf, 2014).

One way of investigating what regulations mean for problem-solving capacity at the operational level is to map consequences from regulations. In this thesis, the aim is to study governability in TBRH by mapping perceived consequences from TBRH regulations and looking at how these consequences impact operational level problem-solving capacity.

An often-used method for mapping consequences is Impact Assessments. Social impact assessment is a globally growing tool in planning processes (e.g. Esteves *et al.*, 2012). SIA has not only been used to predict positive and negative impacts from programs and projects but also as a tool to include indigenous groups in planning processes (O’Faircheallaigh, 1999; Herrmann et al., 2014; Lawrence & Larsen, 2017). Many SIA principles and guidelines focus rather on identifying impact than prediction, (Vanclay, 2003; Smyth & Vanclay, 2017), and could, therefore, be used to investigate consequences from already implemented changes. Instead of predicting future impacts, past situations and already identified impacts can guide upcoming decisions.

In this study, I use SIA as a tool to investigate, in the case of Saarivuoma Reindeer Herding Community (RHC), how impacts from previous and present TBRH regulations are perceived today and how these impacts relate to first-order of governance. That is, in opposite

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<sup>1</sup> Field notes, 03-07-2018

to Impact assessment in general, this study investigates perceived effects from regulations and does not predict the impacts of future regulations. By connecting two globally established study areas I hope to contribute with a new perspective for both governance literature and the SIA method. I expand the use of SIA method through testing its potential for mapping perceived effects from regulations. With help of SIA, I can study understudied aspects of the governance literature and bring forward consequences from governance. Furthermore, the current knowledge of TBRH and its challenges today is limited. A few examples of studies of investigating the legal situation for trans-border RHCs exist (Hågvar, 2008; Indseth, 2008; Lantto & Mörkenstam, 2008). Although none which takes a stand in the community's own experience. I hope to fill this knowledge gap by presenting my empirical results of the case. The results could as well be considered while constructing a new TBRH convention.

In this thesis, I ask four research questions. The purpose of the first two questions are to contextualise the case and lay the foundation for the third research question, which purpose is to guide the mapping of the perceived impacts from regulations. The results from the third question will then be used to answer the fourth research question, which has an analytic purpose.

1. What TBRH regulations have impacted Saarivuoma RHC, and where is the impact and who are impacted?
2. What is the socio-political situation today for Saarivuoma RHC and what are the main issues they are facing?
3. What impacts from past and present TBRH regulations that members from Saarivuoma RHC perceive today can be identified with help of SIA?
4. In the case of Saarivuoma RHC, what have the different TBRH regulations meant for problem-solving capacity?

## 1.1 Reindeer herding and Saarivuoma RHC

The “United Nations Declaration on the Rights of Indigenous Peoples” affirm indigenous peoples' right to identity, land, and practice of cultural traditions, among other things. The Swedish and Norwegian states formally acknowledge the indigenous Sami people, rendering them established cultural, political and land rights, including the right to self-determination. In both countries, reindeer husbandry is restricted as a Sami practice and right (Regeringskansliet, 2015; Bjørge, 2018). Reindeer herding is considered the cultural and indigenous practice, whereas reindeer husbandry is the policy area (Löf, 2014). Swedish reindeer husbandry is divided into reindeer herding communities (RHC), which legally function as administrative/economic associations and practice reindeer herding on a delimited land area (Samiskt informationscentrum). Norwegian reindeer husbandry has a similar organisation with reindeer herding districts (RHD) (Norwegian Agriculture Agency). TBRH, that is reindeer herding practice that use pasture in more than one country, has historically been common along the Swedish/Norwegian border (Lantto, 2010). Today about twenty Swedish RHC use pasture in Norway (STF 1972:114).

Reindeer herding has been practiced by indigenous people in various forms within the northern parts of Scandinavia since time immemorial.<sup>2</sup> Sami reindeer herding is adapted to the reindeer's natural seasonal migration patterns. Saarivuoma RHC's reindeer graze in mountain tundra areas in Norway in summer and lowland forests in Sweden during winter (Nutti, P-A., 2018-07-04). Saarivuoma RHC use modern equipment such as drones, GPS, quad-bikes, and snowmobiles to herd and monitor reindeer (Observations, 04-07-2018). Saarivuoma RHC, the third most northern RHC in Sweden, is relatively large with approximately 300 members (Samiskt informationscentrum, Field notes, 03-07-2018). Most members of the community take part in the practice to some extent, e.g. own reindeer but do not participate in everyday management (Sikku, O.-J., 2018-08-31).

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<sup>2</sup> See for example Lundmark, 2010

## 2 Method

In this study, I use a qualitative case study approach to identify impacts from trans-border regulations for Saarivuoma RHC and discuss what these impacts mean for first-order of governance. More specifically, I use the SIA activities recognised by O'Faircheallaigh (2009) as necessary to make SIA effective and meaningful for indigenous peoples. The Social Framework model, by Smyth and Vanclay (2017), is used as a practical tool to identify and structure the perceived impacts. As an analytic framework, I use Kooiman's (2003a, 2008; et al. 2008) framework of governability and interactive governance to analyse Saarivuoma RHC's capacity of first-order governance. In this section, I will go into more detail about my methodological approach, as well as reflecting over my collaboration with Saarivuoma RHC.

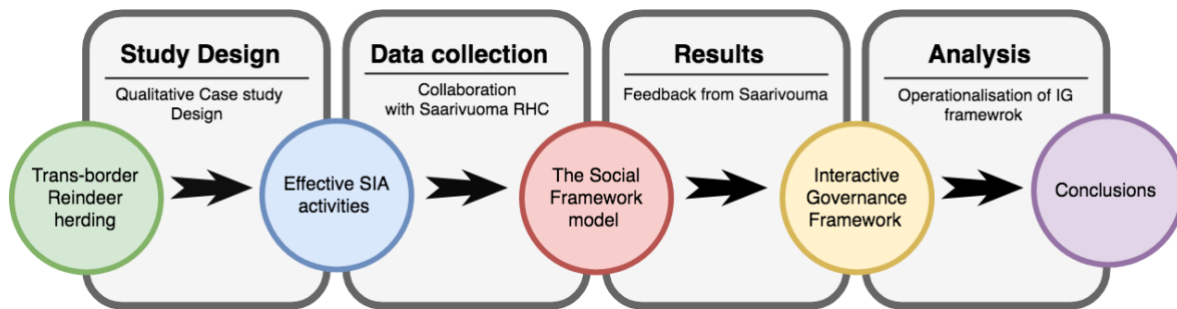


Figure 1. Methodological process

### 2.1 Methodological approach

A qualitative case study approach is suitable when aiming to understand people's perceptions, values and life situations (Creswell, 2013), and for examining cases in detail (Bryman, 2012). These aspects are key in this study, as a part of the study is to provide an in-depth understanding of how Saarivuoma RHC perceives the impacts of TBRH regulations. Saarivuoma RHC is a particularly interesting and topical empirical case as their conditions for TBRH might change for the first time since 2005. They recently started a court process against the Norwegian state, claiming their right to use pasture year around in Norway (Heikki, 2018b). What's more, the results from this study could contribute to future planning processes.

For data collection, I have followed the SIA activities identified by O'Faircheallaigh (2009). The SIA activities are developed to bring opportunities from projects to groups that historically have been excluded from decision-making, and particularly excluded from impact assessments, which makes it relevant in this setting. The activities reach from understanding the affected group's values to negotiating future strategies with the aim to increase positive effects from development projects. As this study focuses on previous and present impacts, the SIA activities on predicting future aspects and potential future strategies are not relevant for this study. Instead, I use the activities to guarantee effective participation of Saarivuoma community. Firstly, activities as understanding values and priorities for the affected group ensures that I can investigate impacts from their perspective of what is important in life. Secondly, by using the activity of revisiting impact factors I can ensure that members of Saarivuoma have had a chance to give feedback on the outcome. In difference to other SIA studies the baseline activity is not for measuring predicted impact against, but instead to study what societal challenges the reindeer herding is facing today. The activities used are described in Table 1.

Table 1. Activities of SIA that are effective for indigenous people. Developed from O'Faircheallaigh (2009)

ACTIVITIES /STEPS	WHAT TO ASK AND DO	SOURCE OF INFORMATION
<b>1. UNDERSTANDING THE REGULATIONS AND CHANGES THROUGH TIME</b>	What are the relevant regulations for Saarivuoma RHC?	Historical literature Legislation Official documents
<b>2.SPHERE OF IMPACT</b>	Where have impacts occurred? Who is impacted?	Feedback from members of Saarivuoma RHC Field work notes Interviews Legal documents
<b>3.UNDERSTANDING VALUES AND PRIORITIES</b>	What is important to members of Saarivuoma community? What would make life worse and better for them?	Field work notes Interviews Participatory observations
<b>4.SOCIAL- POLITICAL SITUATION/BASELINE</b>	How is the area used today? What is the social political situation today? What challenges is there?	Field notes, Interviews, Official documents Scientific articles
<b>5. UNDERSTANDING IMPACTS</b>	What were people's lives like during the different regulations?	Feedback from members of Saarivuoma RHC Field notes, Interviews, News articles
<b>6. COMMUNICATING BASELINE AND IMPACTS FACTORS</b>	Communicate results in an understandable way back to Saarivuoma members.	Draft of a Swedish report of the results, which was shared among members of Saarivuoma RHC
<b>7. REVISITING IMPACT FACTORS AND SPHERE OF IMPACT</b>	Writing the facts of the impact assessment considering the feedback from the affected group.	Receiving feedback from members. One phone call with Per-Anders Nutti, and two time periods of email correspondence with Ol-Johán Sikku. See <i>Unpublished</i> in Reference list for more details.

For structuring and identifying impacts the study draws on The Social Framework for projects model developed by Smyth and Vanclay (2017) (see figure 2). The model consists of eight categories which represent aspects of human life that impact well-being. Perceived impacts from TBRH regulations have been identified within the eight categories and structured respectively. The SF model was adapted to the reindeer herding context using the recommendations developed by the Sami national association, aimed specifically at improving impact assessment procedures (Svenska Samernas Riksförbund, 2010). The recommendations were aligned /fitted to the eight categories in the Social Framework model (see table 2).

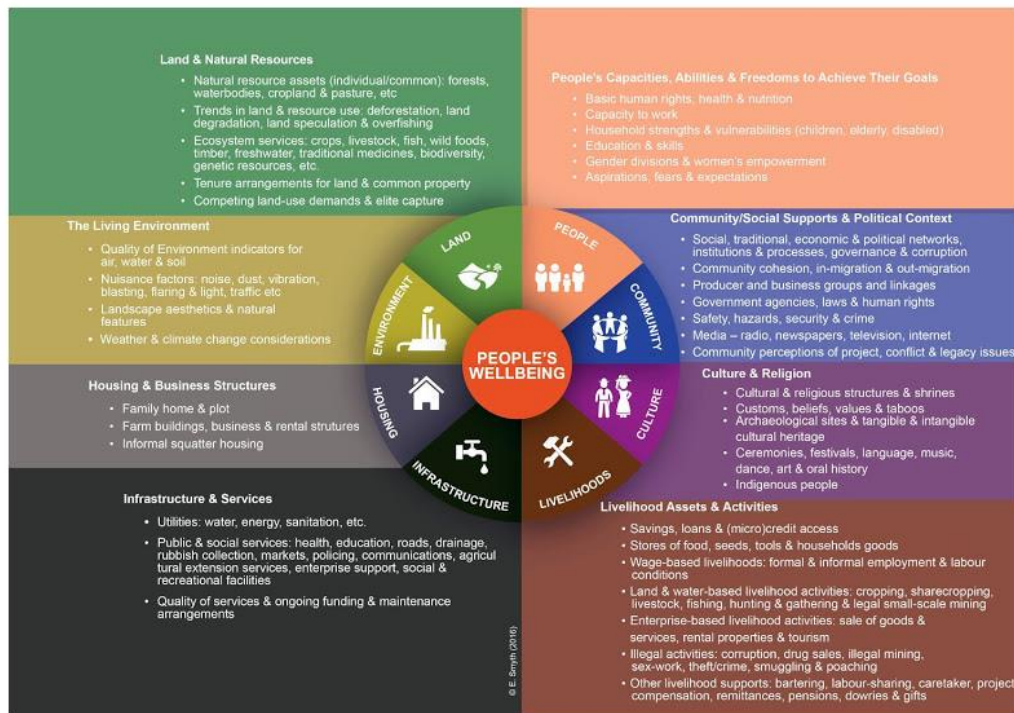


Figure 2. The Social Framework for Projects (elaborated version), Smyth & Vanclay , 2017, p.74

Table 2. Aspects to consider while assessing social impacts for RHC, organised by the social framework model. Developed from Svenska Samernas Riksförbund, 2010 and Smyth and Vanclay 2017.

People's capacity	Community/ social support	Culture and Religion	Livelihood assets and activities	Land use and natural resources
Concern for the future	Conflicts and /or competition with other RHC	Cultural identity	Need for technological support, e.g. helicopters and truck transportations	Land use during calving periods
Mental health	The RHC's relation with majority society	Language and knowledge transfer	Natural gathering place, calving country or other important functional areas for the reindeer industry	Free roaming for the reindeer
Feeling of marginalisation	Legal rights affected, e.g. reindeer herding right	Participation in cultural events and in reindeer herding at large	Work efforts and costs. Capacity to meet higher demands	The reindeer's natural migration patterns
		Cultural heritage and cultural history	The welfare of the reindeer e.g. stress factors	Alternative land use aspects

## 2.2 Fieldwork and collaboration with Saarivuoma RHC

I would like to point out the fact that I am both a part of the majority society and the academic society, investigating how an indigenous group perceive the impacts from a state regulation. In Sweden, as in the rest of the world, indigenous people have continually been colonised and suppressed. The academic institutions have had an active part in this (Tuhiwai Smith, 2012). During my fieldwork, I came to learn that for members of Saarivuoma RHC, Uppsala University's racial biology studies in the 1930-1940s are still fresh in memory. I believe that, to some extent, the relationship between researchers from the majority society and Sami people will always be marked by this fact. That includes this study as well, as the collaboration with Saarivuoma was crucial for this investigation.

To develop understanding of the case, I completed fieldwork and data collection inspired by ethnographic studies. The extent of an ethnographical fieldwork is outside the scope of this thesis; however, some main ethnographic ideas and principles guided my fieldwork. In fact, Hammersley and Atkinson's (2007) words encouraged my empirical data collection: "[...] gathering whatever data are available to throw light on the issues that are the emerging focus of the inquiry" (2007, p 3). I participated in people's daily lives during my field visit and data collection was to a large extent unstructured.

On invitation from Saarivuoma RHC the fieldwork took place from 2-6 of July in 2018, during the annual activity of marking the new-born calves with an owner's mark. For a few weeks, members gather, including families and children, at Altevatt in Norway<sup>3</sup> to take part in the traditional practice of collecting and marking calves. I was welcomed to participate during a few days as a guest in Saarivuoma community. During my stay at Altevatt, I took detailed field notes to record my experience. The stay at Altevatt was important to gain insight into their values and priorities, and the cultural aspects of reindeer herding. This new knowledge was essential for me to describe the community's perspectives of impacts from regulations of TBRH.

The invitation came from Per-Anders Nutti, chairman of the board for Saarivuoma community. We met at a workshop organised for reindeer herders and researchers in Kiruna, in March 2018, where I participated to deepen my understanding of the challenges reindeer herding are facing and in hope to take the first contact for a collaboration on this thesis. Nutti expressed that the board of Saarivuoma RHC wished to highlight aspects of their situation regarding trans-border reindeer herding. We agreed that an impact assessment had the potential to be beneficial for us both. The mutual aim with this collaboration has been to highlight consequences from regulations.

Creating a meaningful collaboration for both parts was key, to not reinforce existing colonial structures. The starting point for such collaboration is to acknowledge research as an activity that takes place within a set of political and social conditions. Further, to see outside the scope of the research aim itself, but to see who else can gain from the study and how (Tuhiwai Smith, 2012). In this case, the board of Saarivuoma RHC hope that this study will highlight the unclear legal situation at Altevatt and to bring forward their right to reindeer herding in the area, in relation to new negotiations for a bilateral agreement on reindeer herding and the upcoming court case. I used O'Faircheallaigh framework of effective SIA activities to ensure that our collaboration would live up to Saarivuoma's expectations. Especially, the activities communicating and revisiting impacts helped to guarantee Saarivuoma's active participation throughout the process. The SIA activity understanding values and priorities not only allowed me to understand their perspective but also what their expected outcome of the collaboration was. However, during my fieldwork, I realised that an English written academic master's thesis was not going to deliver on their goal with the collaboration, mainly due to language aspects. Therefore, I also wrote a report in Swedish

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<sup>3</sup> See figure 6, p.23

which focused on presenting their perspective on the past and present trans-border regulations and their impacts on the Saarivuoma RHC.

Another aspect of the relation between academia and indigenouness is the perceptions of knowledge. The western idea of knowledge has often been used within colonising structures as a tool of power (Tuhiwai Smith, 2012). Therefore, to achieve a more equal power structure and thus a meaningful collaboration, researchers need to reflect over who has control over what knowledge that is documented and how it is interpreted (Löf & Stinnerbom, 2016). For me, the SIA activities became a mechanism for the community to increase control over what kind of knowledge that was documented and how it was interpreted by me. Their feedback included not only fact checks but also comments of how results were expressed, presented and framed. In relation to their feedback, I both rewrote and added aspects of the text.

In more practical terms, my lack of knowledge of Sami culture and reindeer herding to some extent reduced my opportunities to investigate Saarivuoma's perspectives of their situation as it strongly relates to their culture and conditions for reindeer herding. On one hand, not knowing what outcome to expect could arguably be positive in a study like this (Hammersley & Atkinson, 2007). On the other hand, it could mean that I do not know what to look for, and thus missing important aspects. Both frameworks for SIA helped me in this aspect. Without the SIA activity of understanding values and priorities, I could not have written the same results. The SIA model guided my interview guides to keep a holistic approach. The "Sami Land use and EIA"<sup>4</sup> report (Svenska Samernas Riksförbund, 2010) helped me include questions of reindeer herding conditions in my research, which I easily could have left out otherwise.

### *2.2.1 Data collection*

Empirical data was collected by various methods, such as informal conversations, participatory observations, semi-structured interviews and collecting documents and news articles. Both during and after my stay in Altevåtn, I frequently had informal discussions with members of the Saarivuoma RHC<sup>5</sup>. I took detailed notes from those occasions. Two occasions of participatory observations were carried out, where I took part in the yearly activity of marking this year's calves with an owner's mark. Participating was an opportunity for me to gain a first-hand experience and improve my understandings of reindeer herding conditions.

Three semi-structured interviews were held with members of the community to gain understanding of their life as a reindeer herder, priorities, perspective of the regulations and their impacts. The interviews were held in Swedish, recorded and transcribed. The interviews were constructed with help of the first five SIA activities (see Table 1). The data from the interviews were structured and understood with help of the Social framework model.

To contextualise Saarivuoma RHC situation and perspective, I complemented interview and observation data with news articles and official documents. Such data includes press releases from Saarivuoma, police reports, news articles and literature of Sami history. Legal texts and official documents were studied to review the regulations in focus. The data has been gathered in relation to themes that was discussed during interviews and Saarivuoma RHC helped gather material by sending me documents they thought would be of interests. To see a full list of references and empirical material, go to the reference list; Unpublished material.

### *2.2.2 Anonymity*

An essential part of ethical discussion considering interview-based studies is the question of anonymity of the participants. On one hand, anonymity can be an ethical demand, since it

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<sup>4</sup> Translated title: "Samisk Markanvändning och MKB", (2010) Svenska Samers Riksförbund, SSR

<sup>5</sup> See table 1

can protect participants. On the other hand, anonymity can allow the researcher to interpret the participant's statements in a misleading or incorrect way (Kvale & Brinkmann, 2015, p 95). In this study, the risk of faulty interpretation of participants statements is low, since the result of identified impacts has been shared with and modified by the participants.

What is more, Kvale and Brinkmann argue that, while considering ethical consequences, qualitative studies need to balance the possible harm of the participants with possible benefits for participation. Protecting participants by anonymity could also be to deny them their voice in the research (Parker, 2011; Kvale & Brinkmann, 2015). As in this study, when a fundamental aspect of the study is to highlight the participants perspective of a phenomenon, bringing forward the participants voice can be an ethical reason to not anonymising. Another is to not deny participants the credibility of valuable information (Parker, 2011; Kvale & Brinkmann, 2015). In this study, I hope to bring forward both voice and creditability by not anonymising, in the cases where it has been optional. Two interviewees have given their consent to participate with names; Ol-Johan Sikku, the community's treasurer, and Per-Anders Nutti the community's chairman.

### 2.3 Limitations

In this study I use SIA to investigate perceived impacts today – I do not predict future impacts from possible future scenarios. Although a vital part in SIA is to predict possible impacts of future scenarios (Burdge, 2003), SIA's potential in this area remains debated (O'Faircheallaigh, 1999; Lockie, 2001). Instead, I hope that by mapping out present impacts the results can inform upcoming decisions.

Both Swedish and Norwegian reindeer herders practice TBRH and TBRH regulations have limited Norwegian RHD as well as Swedish RHC. In this thesis, I only consider impacts on Saarivuoma RHC and therefore I have throughout the text focused on the Saarivuoma RHC perspective of the case. I have focused on telling Saarivuoma's story and not considered other actors within the same setting, such as the municipality, NARH or RHD 12. This is mainly due to practical reasons, such as the opportunity to collaborate with Saarivuoma RHC and time limitations.

Kooiman's interactive governance framework has a system approach and is quite extensive. In this study, I chose to focus on first and second order of governance, and how they relate to governability. The meta-level and images are not discussed within the Results or Analysis sections.



### 3 Theoretical framework

In this section I present my theoretical framework and how my method of SIA fit into the theoretical approach. Interactive governance framework is a holistic system approach and here I only present the essential parts for this study.

#### 3.3 Governability and Problem-solving capacity

Kooiman's (2003b; 2008) interactive governance framework offers a system approach to today's' diverse, dynamic and complex governing issues and solutions. The premise is that governance has to be multi-faceted to solve societal-political problems and create societal opportunities: "In diverse, dynamic and complex areas of societal activity no single governing agency is able to realise legitimate and effective governing by itself." (Kooiman, 2003c, p 2). Kooiman understands governance as a process of interaction with a specific aim to solve societal problems and create societal opportunities, which occur on all levels of society. The actors relate to the institutional context and the established normative foundations in these interactions. The interactive governance framework is a set of concepts to help understand and assess these interactions (Kooiman, 2003a) .

The framework's fundamental terminology is that governance interactions occur between Systems to be governed (SG) and governing system (GS) (Kooiman et al., 2008). A SG can be any social or natural entity or system. The GS is any parties which have a role and/or task regarding the system to be governed. It includes both established structures for governing and/or actions of governance of central socio-political actors in a GS. GS and SG interact on different societal levels: Operational, institutional and meta level. These levels are referred to as governance orders. Acts of agency within the SG are referred to as elements of governance, which can either be classified as images, instruments or actions. Elements of governance are influenced by structures, called modes of governance (Kooiman *et al.*, 2008). Kooiman (2003a, 2008) identify tree main modes of governance: hierarchical governance, self-governance, and co-governance.

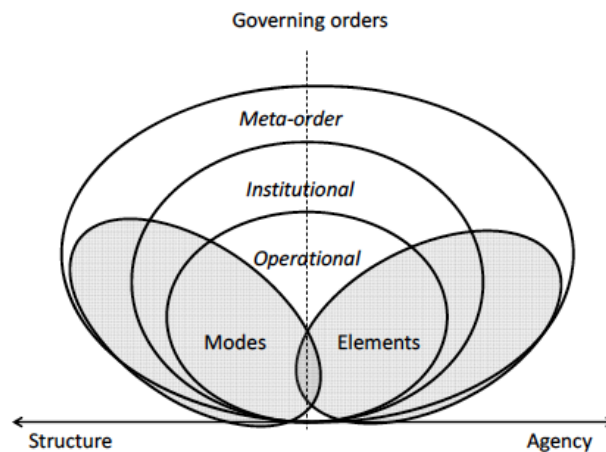


Figure 3. Conceptualising the governing system and the relationship between governing elements, modes and orders. Löff (2014, p.24)

Governance orders can be understood as societal levels. The first order of governance, the operational level, is where solving societal problems and creating opportunities occur. Governing actors within all parts of society, public, civil or private, act towards solving societal challenges on a day to day basis (Kooiman, 2003a). The main challenge for these actors is to handle dynamic, diverse and complex problem-situations. The second order, the institutional level, is the set of agreements, rules or rights which the operational level take place in. The main focus of institutional governing is on structural patterns of governing

interactions. Because institutions set the framework for problem-solving and opportunity-creating, the institutional level to large degree also determines the success and failure of the operational level. The institutional order control or enable problem-solving or opportunity-creating practice. At the third order, the meta level, actors formulate norms and values of governance. These norms are fundamental as “meta-governance feeds, binds, and evaluates the entire governance exercise.” (Kooiman et al., 2008, p 7). All orders exist within one social entity or system.

The overall capacity for governance interactions, and/or problem-solving, is what Kooiman call governability. The governability of a system is affected by the acts of governance and external factors. Systems to be governed that are highly complex, dynamic or/and diverse need governing actions which are flexible and dynamic to increase the governability of the system. This means that governability always will be changing, depending on actors, time and place (Kooiman, 2008). The governability of a policy area, such as reindeer husbandry, can be assessed by help of understanding governance interactions in relations to the different orders of governance:

“If no problems are solved or no opportunities created, governing institutions become hollow shells. If institutions do not renew and adapt, they will hamper rather than help in meeting new governance challenges. If these two different sets of governing activities are not put against the light of normative standards, in the long run, they will become pillars without foundations, blown away or falling apart in stormy weather or chaotic times.” (Kooiman, 2008, p 181)

For governing and problem-solving to be successful the institutional framework and the element of governing should help meet the challenges facing the system to be governed.

For assessing governability in relation to governance orders Kooiman et al. (2008) presents one essential question: “Are the three governing orders in a societal system complementary to one another, or are they at odds?” (p 8). That is, does the institutional level help or hinder the operational level to solve problems or create opportunities? Hence, problem-solving capacity can be assessed by studying interactions between the institutional level and the operational level. In governing systems characterised by hierarchical governing a usual governing instrument is control by legislation or other regulations (Löf, 2014). Thus, studying social impacts from regulations on the operational level can tell us if the first and second order of governance are complementary or at odd, and thus provide assessment of governability.

### 3.4 The system to be governed/ Saarivuoma and Governability

In this case, the SG is the TBRH practiced by Saarivuoma RHC. The GS includes all actors influencing the problem solving within the system, such as the Norwegian and Swedish state, local cabin owners and Bardu municipality. The governing system of Swedish reindeer husbandry has overall been identified as hierarchical (Mörkenstam, 2005; Lantto & Mörkenstam, 2008; Löf, 2014). The system has a characteristic top-down approach where the state use hard instruments as law, regulations, and fines to enforce control (see Löf, 2014). On the operational level, Saarivuoma RHC work towards meeting the challenges facing reindeer herding. The institutional level set the framework for which within they are operating. From 1919 to 2005 the main formal institutions which Saarivuoma been acting within are the various bilateral agreements between Sweden and Norway. From 2005 it is the Norwegian national law and the Lapp codicil. However, in modern time main institutions are also the UN declaration of indigenous peoples’ rights.

Historically reindeer herding has survived large economical-, political-, social- and land use changes. During hundreds of years, reindeer herding practice has adapted to new social-political conditions. Hence, reindeer herding can be considered resilient and adaptive (Lantto, 2000; Forbes et al., 2006; Löf, 2014). Löf (2014) writes that in general adaptation

within the reindeer herding practice "implies a highly dynamic, flexible and extensive land use adjusted to local conditions, seasonal changes and natural migration patterns of reindeer." (2014, p 44). Members of Saarivuoma RHC explains how the practice adapt to seasonal and weather conditions (Field notes, 04-07-2018). To adapt to these conditions, the members explain that they need flexibility in land use. For example, they describe how the reindeer need reserve pasture for a changing winters conditions (Field notes, 04-07-2018). This is in line with Kooiman's notion of high problem-solving capacity. To meet challenges in a dynamic, complex and diverse system the governing approaches needs to be dynamic and flexible. Solutions need to be situated to the particular system (Kooiman, 2003a). In other words, to meet the increasing challenges for reindeer herding Saarivuoma need a dynamic and flexible governing approach.



*Figure 4. The first and second orders of governance in the case of Saarivuoma RHC. Photo Agnes Grönvall 2018*

### 3.5 SIA's role in assessing governability

Whereas consequences from development projects often are investigated with help of Impact Assessments, impacts from regulations are seldom investigated in similar ways. Despite that, specific guidelines for Social Impact Assessment (SIA) have been developed to identify and understand social impacts from regulations and development projects alike (Smyth & Vanclay, 2017). Vanclay (2003) defines a social impact assessment as a process of analysing, monitoring and managing social consequences of planned interventions or any social change invoked by such interventions. These planned interventions can be policies, programs, plans or projects. What they have in common is that they are intended results of decisions, such as political decision, governing tool or a development project (Vanclay, 2003). Therefore, SIA methods can help identify social impacts from regulations as a method to assess first order of governance.

In the case of reindeer herding, impact assessments have been criticised for not taking cumulative effects and long-term perspectives into account (Svenska Samernas Riksförbund, 2010; Larsen et al., 2017). The Swedish Sami national association (2010) argue that it is essential for the authorities to understand "secondary, cumulative, interacting, permanent, temporary, positive and negative effects in the short, medium and long term" to gain a complete picture of the RHCs' situation, and thus make well informed decisions (Svenska Samernas Riksförbund, 2010, p 20). By focusing rather on how previous planned interventions have impacted and are perceived today than on predicting future impacts, SIA has the potential to investigate long-term effects. Such approach has the potential to be more holistic, and the result can still guide upcoming decisions.

## 4 Empirical results

In this section, I will present the results from the SIA activities, which answers the first, second and third research question.

### 4.1 Understanding Regulations: What regulations have impacted Saarivuoma RHC?

#### 4.1.1 *The Lapp codicil*

Before the mid-1700s, there were no national borders in the northern parts of Sápmi. Studies show that reindeer herding was practiced in the area in question, independently of country and nationality, from at least the 1600s<sup>6</sup> (Lundmark, 2010; RT.1968 s. 429). In 1751 the border treaty between the kingdoms of Sweden and Norway was signed. The treaty includes an appendix that defines reindeer herding Sami people's right to trans-border seasonal migration. The appendix, called Lapp codicil, aims to avoid disagreements or misunderstandings concerning Sami people's custom migrations in the future (Lundmark, 2002; SOU 1986:36 pp.169–176). Except for the right to freely cross the border, the codicil provides the right to use resources in the other country on their seasonal stay, such as pasture and hunting grounds. The codicil states that the reindeer herders should report the number of animals crossing the border and pay a small amount per twentieth animal. Migrating Sami were at the time required to choose a nationality and pay taxes to either Sweden or Norway accordingly (SOU 1986:36 pp.169–176).

In 1905 the countries agreed that the codicil cannot be unilaterally terminated and that future TBRH conventions could only regulate the right to TBRH over a set time period (Lantto, 2000). Nevertheless, the codicil's legal status still is frequently debated (Udtja Lasse, 2007; Hågvar, 2008; Lantto, 2010; Skr. 2004/05:79; SOU 1986:36).

#### 4.1.2 *Bilateral agreements and National regulations*

Between 1883 and 2005 several bilateral agreements regulated TBRH, largely restricting the Swedish Sami reindeer herders' use of pasture in Norway. Norway has continuously pushed for harder restrictions (Lantto, 2000; Udtja Lasse, 2007). For Saarivuoma the 1919 year's convention restricted their access to pasture land on the Norwegian coast and on the island of Senja and for the first time included penalty charges for violating the convention (Lantto, 2000; Lundmark, 2010; Saarivuoma RHC, 2007). What's more, the convention of 1919 reduced the numbers of allowed animals in the Troms region, which lead Swedish authorities to authorise displacements of reindeer herding Sami families in the four most northerly RHC in Sweden, including Saarivuoma. Families were forced to move south under threats of compulsory slaughter. The resettlements have had a large impact on both individuals and Sami people's collective heritage (see e.g. Marainen, 1984).

The convention of 1972 followed the trend; it reduced land access, limited number of allowed animals in the region and limited the accepted time period of Swedish reindeer herding in Norway. It also included strict penalty charges, as well as decision to put up fences along the convention borders to prevent reindeer to cross (SFS 1972:114). Saarivuoma lost access to Altevåtn together with large areas of pasture (Saarivuoma RHC, 2007). In 1984, alleviations to the regulations were made in some areas, including Saarivuoma RHC, in forms of regaining some land, a higher number of reindeer allowed and some flexibility on the time restriction (SFS 1984:903). However, the area allowed for reindeer herding was still far from the same extent as Saarivuoma's original pasture area (Saarivuoma RHC, 2007).

The 1972 year's convention was originally valid until 2002, but extended to 2005 due

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<sup>6</sup> Indigenous people have practiced reindeer herding in various forms since time immemorial. Exactly how far back in time this practice extends is hard to know. See more in for e.g. Lundmark 2010

to failed negotiations (SFS 2002:88). In 2005 negotiations had not moved forward. Norway suggested extending the 1972 convention by another three years, which the Swedish government opposed (Skr. 2004/05:79). Instead, the Swedish government argued that TBRH should rely on the codicil until a new convention could be agreed upon (Skr. 2004/05:79; Udtja Lasse, 2007). Norway, on the other hand, did not think it was feasible to exclusively rely on the codicil. As a protest to Sweden's unwillingness to extend the old convention, Norway composed a national law which restrained Swedish reindeer husbandry in Norway (Endringslov til reinbeiteoven, 2005; Udtja Lasse, 2007). The law<sup>7</sup> to a large extent contained the same regulations as the 1972 convention (Endringslov til reinbeiteoven, 2005). Since then, several attempts have been made to negotiate for a new convention. However all so far have failed. There is no current negotiation for a new convention (Sveriges Radio, 2010b; a)

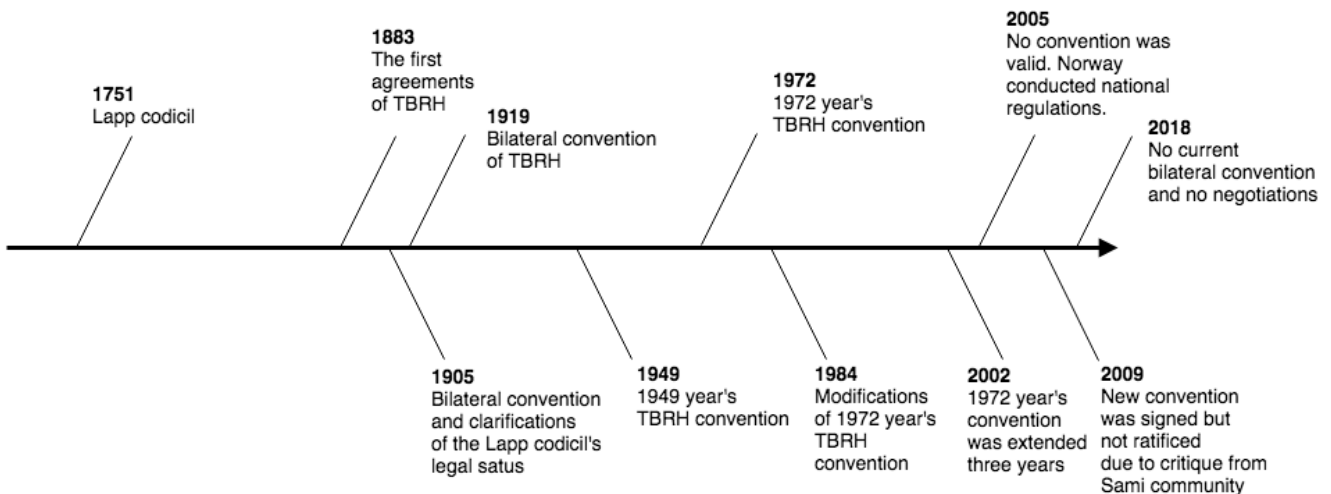


Figure 5. Timeline over TBRH regulations.

<sup>7</sup> Generally referred to here as *Norway's national regulations*



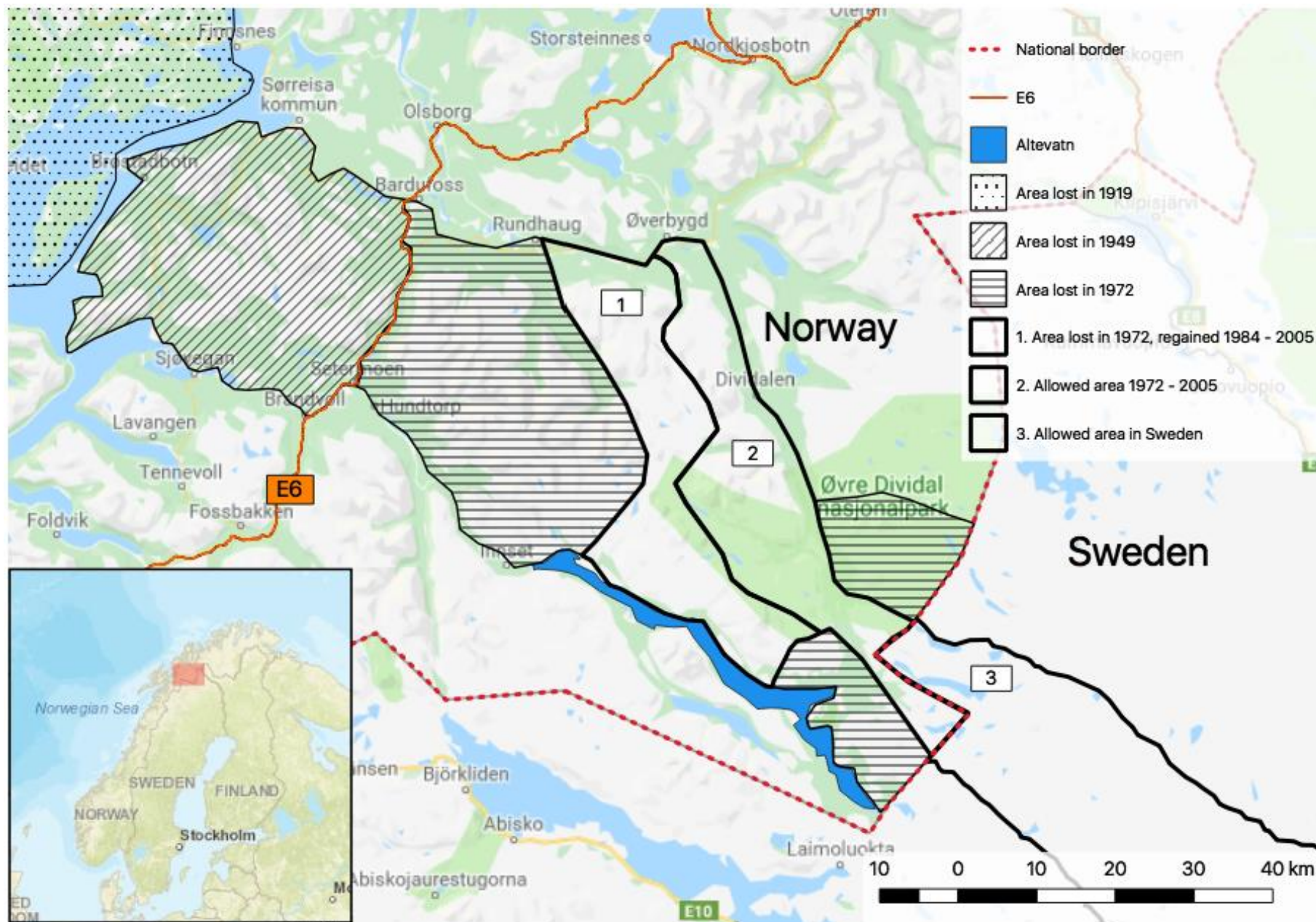


Figure 6. Map showing land use restrictions for Saarivuoma RHC between 1919–2005. Map developed by Tor Hansson Frank.

## 4.2 Sphere of impact: Where is the impact and who are impacted?

The impacted geographical area is in Bardu municipality, in Troms region, Norway.<sup>8</sup> Saarivuoma RHC's original pasture areas reaches from the national border out to the islands of Senja, borders to Setermoen in the south, and Dividalen to the north. The whole area was originally used as spring, summer and autumn pasture by Saarivuoma RHC before regulations started impacting land use (Saarivuoma RHC, 2007, Field notes, 03-07-2018)<sup>9</sup> (See figure 6, p. 23).

Within this area is Altevatt, a lake on the alpine tundra and a central area for Saarivuoma RHC's reindeer herding. As reindeer follow the same migration patterns year after year, they have their calves in the same territory every year. Altevatt is calving land, and where the community collects calves to mark them with an owner's mark. Therefore, the strategic location of the valleys around Altevatt is of high importance for the practical work of reindeer herding (Reindeer Herder, 2018-07-05; Nutti, P-A., 2018-07-04). In connection to the lake are approximately 400 privately owned cabins, used as outposts for outdoor-activities such as fishing, hiking, and skiing (Sf Statskog, 2013).

Since 1961 the lake has been connected to a hydropower plant (Statkraft). In the 1960s Saarivuoma RHC, together with their neighbouring RHC Talma, commenced a court process to request financial compensation for the land loss which the damming of the lake would cause. 1968 Norway's supreme court concluded that Saarivuoma and Talma RHC have practiced reindeer herding in the area for at least 300-400 years and therefore have a customary right to practice reindeer herding at Altevatt (RT.1968 s. 429).

Although tundra pastures traditionally are considered summer pasture for reindeer, the Norwegian Reindeer Herding District (RHD) number 12 use pastures at Altevatt during winter. In the 1960s Norwegian authorities classified the area as winter pasture with the argument that the region was lacking forest lowland (Forskrift om reinbeitedistrikt, Troms, 1963). Ol-Johán Sikku explains that the quality of lichen pastures in spring is negatively affected by winter grazing of the Norwegian reindeer<sup>10</sup>. Furthermore, since the different herds might intersect during the migration months, the herds can become mixed. A reindeer who joins with the Norwegian herd is a lost resource, as it often is too far to collect (Reindeer herder 05-07-2018).

The affected people are members of Saarivuoma RHC. According to the Swedish Reindeer Husbandry Act (SFS, 1971:437), members of a RHC are people who either own reindeer or are closely related to a reindeer owner. However, Saarivuoma has a more inclusive view of who is/should be a member and of who had been impacted by regulations. Ol-Johán Sikku, (2018-08-31) the community's treasurer, explains that they consider everyone who has an inheritance connection to the community and the land, a member. He argues that the conventions violate their right to access the land as an indigenous people. For members of Saarivuoma community, culture is strongly related to land (see more under "understanding values"). Lost access to land means lost cultural heritage, regardless of if members own reindeer or not.

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<sup>8</sup> See figure 6, p.23

<sup>9</sup> Nutti P-A, personal communication Chairman of Saarivuoma Reindeer herding community, Sweden, phone call, 26-10-2018

<sup>10</sup> Sikku O-J., personal communication, treasurer and member of Saarivuoma RHC, e-mail correspondence between 06-10-2018 – 15-10-2018; Nutti P-A., personal communication, Chairman of Saarivuoma Reindeer herding community, Sweden, phone call, 26-10-2018

### 4.3 Understanding Values and Priorities

Sami cultural heritage and reindeer herding tradition is central in what Saarivuoma community members emphasise as important in their lives. Members stress that reindeer herding is more than just a business; It is a central part of the Sami culture and lifestyle. The reindeer herders' life is centred around the reindeer (Field notes, 04-07-2018). Per- Anders Nutti explains that they follow the reindeer's natural migration patterns, without controlling the patterns. He says that working with reindeer herding gives him a sense of freedom: "You decide your time yourself. Or not only you, it is the weather. It's the weather." (04-07-2018). Several reindeer herders describe adaptation to nature conditions as a natural part of the reindeer herding lifestyle (Reindeer Herder, 2018-07-05; Field notes, 04-07-2018; 05-07-2018, Nutti, P-A., 2018-07-04)

An important part of reindeer herding is the annual marking of new calves, and it is also one of the main cultural events of the year (Reindeer Herder, 2018-07-05). In the beginning of July, all new calves are gathered in corrals and marked with family specific cuts in their ears. It is an event for all members. Children learn from their parents how to use traditional methods, such as lasso and knife, to catch and mark. Members who do not usually participate in reindeer herding join to see the new calves, socialise, and drink coffee. The process takes a few weeks and during this time most members stay at the shore of Altevatt, in lavvu<sup>11</sup> caravans or huts (Field notes, 03-07-2018; Participatory observations, 04-07-2018).

The inherited connection to the land and the reindeer herding tradition is strong. One reindeer herder explains that he finds more joy in work since they are back at Altevatt, the land which his grandparents lived on during the summers (Reindeer herder, 05-07-2018). That is, the connection to land is also a relation to the past. On the shores of Altevatt there are old Sami settlements. These settlements are old lavvu sites and might be as old as from the 1600s (RT.1968 s. 429). Many sites are still used for lavvu spots during the summer weeks of calf marking. Most sites are named after the family that traditionally lived there during the summer stay, e.g. the Nutti site and Sikku site. The settlements are part of a cultural heritage and are highly valued by the community (Field notes, 04-07-2018; Sikku, O.-J., 31-08-2018).

Per-Anders Nutti emphasises that the inherited connection to the land is also an inherited right to land: "We inherit our rights from our parents, our parents are the ones who have fought for our right so that we can use this land" (Nutti, P-A., 2018-07-04). It is clear that the community strongly believe in its right to practice the tradition they inherited, on the land they inherited. They argue that both the codicil and the court decision from 1968 is proof of their inherited rights. They claim that a recognition of these rights is necessary for them to carry on traditions and culture (Saarivuoma RHC, 2007). Therefore, it is also important to keep fighting for their right to land: "You cannot give up because then you have given up for the next generation." says Ol-Johan Sikku (31-08-2018). Even though protecting rights is of high priority to the community, the end goal is what rights to land could guarantee – to carry on a cultural heritage in peace; "But overall, we want our reindeer to be healthy, that they get to graze in peace, so that we have regrowth." (Nutti, P-A., 2018-07-04)

### 4.4 Saarivuoma RHC's social-political situation today; What challenges are Saarivuoma facing today?

Reindeer husbandry in Sweden and Norway are facing increasingly societal challenges. Primarily, the fundamental issues are decreasing land use access due to competing land use interests with mining, energy, forestry industries, high predator pressure and a changing climate leading to new seasonal conditions (Pape & Löffler, 2012; Löf, 2014). This is true for Saarivuoma as well. For example, TBRH regulations, the hydro plant at Altevatt and Norwegian Sami reindeer herding have decreased their land use access. Also, changing

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<sup>11</sup> Sami word which in Swedish is *kåta*. A *Lavvu* is similar to a teepee.



seasonal conditions and predator pressure force reindeer to change their grazing habits<sup>12</sup>. If these challenges are not met the risk of lost cultural heritage is high.

For Saarivuoma RHC decreasing land use access and violation of rights to land is the primary challenge. Saarivuoma is today acting according to the codicil, which Norway oppose (Skr. 2004/05:79; Udtja Lasse, 2007; Saarivuoma RHC, 2007; Nutti, P-A., 04-07-2018). Saarivuoma report to NARH when they are crossing the national border, in line with the codicil (Nutti, P-A., 04-07-2018). Norway governmental argue that Saarivuoma instead should act according to the Norwegian convention law (Udtja Lasse, 2007; ABCNyheter, 2018). It would mean to not cross the border before the first of May and stay within the convention-area borders, which excludes the traditional calving land at Altevatt. All other actions are considered as violations of Norwegian national law and are met by fines (Endringslov til reinbeiteloven, 2005). Saarivuoma RHC is appealing all fines and none are being paid (Nutti, P-A., 04-07-2018; Sikku, O.-J., 31-08-2018).

The question of Saarivuoma's right to reindeer herding at Altevatt is today a court case. Saarivuoma community is suing the government of Norway for violating their right to the land. Saarivuoma is hoping for this court process to clarify the legal situation and to gain a recognition from the Norwegian government of their right to land year around in Norway (Nutti, P-A., 04-07-2018; Sikku, O.-J., 31-08-2018; H. Simonsen, 2018)<sup>13</sup>. As long as Norway's convention law is used, they argue that their rights are violated. They argue that not only does the Lapp codicil protect their rights but also the 1968 court decision and international indigenous right conventions (Saarivuoma RHC, 2007; Nutti, P-A., 04-07-2018; Sikku, O.-J., 31-08-2018). The court negotiation took place in October 2018 and concluded for Saarivuoma's disadvantage, which they have decided to appeal (Heikki, 2018b). Awaiting court process, all authority decisions considering Saarivuoma's presence in Altevatt is postponed, including appeals of fines (Sikku, O.-J., 31-08-2018).

## 4.5 Understanding impacts; What impacts can be identified?

### 4.5.1 Land use and natural resources

#### *Limited and disadvantaged land use*

The purpose of the regulations of TBRH is to some extent to change the reindeer herding's land-use patterns by limiting access to land. Saarivuoma RHC land use was strongly limited by the regulations from 1919 to 2005, although the *reindeer's* land use did not change. The reindeer still mostly grazed in the same areas regardless of the bilateral agreements (Reindeer Herder, 2018-07-05). This was because the borders of the convention-area were not adapted to either topography in the area or the reindeer's natural migration habits (Saarivuoma RHC, 2007). Instead, the reindeer herding practice was largely negatively impacted as reindeer herders try to adapt to new land use regulations. See more details under *livelihood*.

#### *Regulations since 2005 opened up for extended, more flexible and strategic land use.*

In the spring of 2005 when the 1972 years convention expired, Saarivuoma RHC expanded their land use. Since then, members returned to Altevatt for calf marking in the summer. They use the whole land area that reaches from the national border to the highway of E6. Due to difficulties to cross the highway of E6, they do not have access to the full extent of the land they used before the convention of 1919 (Nutti, P-A., 2018-07-04; Field notes, 03-07-2018; Sveriges Radio, 2005)<sup>14</sup>.

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<sup>12</sup> Sikku O.-J., personal communication, treasurer and member of Saarivuoma RHC, e-mail correspondence between 06-10-2018 – 15-10-2018

<sup>13</sup> Nutti P-A., personal communication, chairman of Saarivuoma Reindeer herding community, Sweden, phone call, 26-10-2018

<sup>14</sup> Sikku O.-J., personal communication, treasurer and member of Saarivuoma RHC, e-mail

#### 4.5.2 Community/Social support and Political Context

##### ***Conflicting relation to the Norwegian authorities***

In 2005, reindeer herding at Altevåtn was against Norwegian national law and the Norwegian governmental Authority for Reindeer Husbandry (NARH) tried several times to force the reindeer to leave the land<sup>15</sup>. On, at least, two occasions the NARH demolished the corrals for calf marking. The corrals, that was private property, had to be rebuilt and returned to its location with a helicopter, which was both costly and time-consuming (Nutti, P-A., 2018-07-04)<sup>16</sup>. In the summer of 2007, the NARH threatened to force reindeer away from the Altevåtn area with help of helicopter if Saarivuoma did not move the reindeer themselves. In 2011 they carried out their threats and flew a helicopter over reindeer herds to force them to move out of forbidden pastures (Nutti, P-A., 04-07-2018; Sveriges Radio, 2007a)<sup>17</sup>. At several occasions Saarivuoma have protested against NARH actions (see details in appendix 2).

##### ***Mistrust in governmental authorities***

TBRH regulations have led to mistrust in governmental authorities among Saarivuoma members. Threats and violent actions from Norwegian authorities have led to a mistrust in Norway's will of respecting the rights declared in the Lapp codicil and the court decision of 1968. The common understanding among the members of Saarivuoma is that the Swedish state failed to protect their rights and interests in the bilateral agreement. One reindeer herder compares the negotiation for the 1972 convention with a football game; *five – zero to Norway* (Field notes, 05-07-2018). Per-Anders Nutti says: "We have had to fight for our cause. Nothing from the Swedish state. Nothing" (04-07-2018). Saarivuoma RHC's decision to take the Norwegian state to court is a direct result of their lack of trust for any countries will to protect their rights and interests.

##### ***Tense situation with local Norwegian population***

Per-Anders Nutti explains that before 1972 Saarivuoma members had a good relationship with the local Norwegian people at Altevåtn: "it was an expectation of people that we should come [...] Because it was how it always had been. As long as they can remember." (Nutti, P-A., 2018-07-04). However, the new generation of Altevåtn cabin owners have had a hard time accepting reindeer herding in the area. They are expecting peace and quiet at their mountain cabin, and do not know of Saarivuoma's historical connection to the land (Reindeer Herder, 05-07-2018; Nutti, P-A., 2018-07-04). This summer, 2018, during calf marking, several harassments were reported by Saarivuoma members, e.g. parts from a *lavvu* being stolen and on one family's old *lavvu* site a big stone cross had been put out on the ground (Field notes, 03-07-2018; Cerense Straumsnes, 2018). Who and why these actions were made is not known. However, due to hostile comments, online and in person, community members feel that these threats are directed towards them as Swedish Sami people (Reindeer Herder, 05-07-2018; Field notes, 03-07-2018; 04-07-2018; 05-07-2018; Nutti, P-A., 2018-07-04).

##### ***Tense situation with Norwegian RHD***

In the spring of 2007, Saarivuoma accused the Norwegian reindeer herders to have harmed their reindeer by causing them stress (Police report, 2008-10-07). The Norwegian reindeer herders answered by accusing Saarivuoma of lying (Sveriges Radio, 2007b). However, Ol-Johán Sikku argues that the conflict was never with the Norwegian RHD, but with the Norwegian state. He says: "It is easy to put two Sami groups against each other, only the state or the states win on that" (Sikku, O.-J., 31-07-2018). Regardless, the unclear legal situation has resulted in a tense relationship between Swedish and Norwegian reindeer herders.

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<sup>15</sup> See appendix 2/timeline for detail and references.

<sup>16</sup> Sikku O.-J., personal communication, e-mail correspondence between 14-08-2018 – 19-09-2018.

<sup>17</sup> Sikku O.-J., personal communication, e-mail correspondence between 14-08-2018 – 19-09-2018

#### 4.5.3 Livelihood assets and activities

##### ***More work, higher costs and high debts.***

The practice of reindeer herding was strongly impacted by the loss of access to land, most significantly from the convention of 1972. Per-Anders Nutti explained that reindeer herders struggled with keeping reindeer within the "unnatural borders" imposed by the convention. The reindeer herding tradition is to monitor and protect the reindeer, not to control it.<sup>18</sup> The community holds that they put in extra work to, with force, try to keep the animals within the convention borders and time period (Saarivuoma RHC, 2007, 201; Nutti, P-A., 2018-07-04). As Altevatt was not within the 1972 convention land area, Saarivuoma RHC could not keep the corral for calve marking at their traditional site, even though the reindeer still had their calves at Altevatt. The distance to the corral within the convention's borders was much longer than usual. To herd reindeer into corrals is hard and time-consuming work, as well as costly in terms of time and maintenance of gear etc. (Reindeer Herder, 05-07-2018; Nutti, P-A., 2018-07-04). Due to the convention, they could not use land strategically to optimise the practice. From 1972 to 2005 Saarivuoma RHC paid high amounts of fines to Norway for violating the convention of 1972. Today, the community has paid off the debts from the convention of 1972<sup>19</sup>. However, Saarivuoma RHC has since 2005 opposed all fines for violating the Norwegian national law, which results in that their debt to Norway is growing.

##### ***Regulations since 2005 grant Saarivuoma to practice reindeer herding at Altevatt***

Since 2005, Saarivuoma RHC is practicing reindeer herding as they wish to, using pasture in Norway from spring to autumn (Nutti, P-A., 2018-07-04; Reindeer Herder, 05-07-2018). Reindeer herders use the strategic area for marking calves at Altevatt, have a more flexible use of resources and the community's financial expenses has gone down.

##### ***Affected animal welfare– risk of lost profit/regrowth***

Several reindeer herders emphasised that strong and healthy animals mean higher profit and a better regrowth to next year's calf-season (Reindeer Herder, 05-07-2018; Field notes, 03/05-07-2018). With too much distress the animals will not gain enough weight until winter (Reindeer Herder, 05-07-2018). The land use enforced by the convention of 1972 made the process of calf marking physically demanding and stressful for the animals (Reindeer Herder, 05-07-2018). In 2007, Saarivuoma accused both Norwegian police and the Norwegian RHD to cause distress by driving through the herd of animals with snowmobiles (Sveriges Radio, 2007b; a). In 2011, the NARH use of helicopter caused unnecessary stress for the reindeer (Sikku, O.-J., 2018-08-31)<sup>20</sup>.

#### 4.5.4 Housing and Business Structures

##### ***Opportunity to build cabins at Altevatt***

In the years between 2008 and 2011, due to the end of bilateral agreements members of Saarivuoma built cabins next to Altevatt to use during the time they are working in the area (Nutti, P-A., 2018-07-04). Cabins like these are in accordance with the Swedish reindeer husbandry act and are usually approved on pasture land by local authorities (SFS: 1971:437; Johansson, 2018).

##### ***Decision to demolish cabins at Altevatt***

Bardu municipality has declared the cabins illegal since they are built without approval. Saarivuoma RHC argues that it is their pasture land, and therefore the huts should be approved. The municipality's chairman, Toralf Heimdal<sup>21</sup>, argues that the question of the

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<sup>18</sup> See *Understanding values*

<sup>19</sup> Nutti P-A., personal communication, Chairman of Saarivuoma Reindeer herding community, Sweden, phone call, 26-10-2018

<sup>20</sup> Sikku confirmed this information on email and provided dates on when it had happened, see appendix 2/Timeline for more details. Personal information with Ol-Johán Sikku, Treasurer and member of Saarivuoma RHC, e-mail correspondence between 14-08-2018 – 19-09-2018.

<sup>21</sup> Toralf Heimdal, Municipality chairman in Bardu municipality, Norway, phone call 22 August 2018.

cabins is an issue of contradicting legal situation of the right of reindeer herding. He describes how he for a long period of time argued for that this was not a case for the municipality, but rather for the NARH in Troms region or even national level. Heimdal got little response to his argument and in 2015 the municipality officially decided to demolish the huts. However, today the execution is postponed, due to the court process.

#### **4.5.5 Infrastructure and services**

##### ***Declined electricity in cabins at Altevattn***

Recently, electricity was installed in most Norwegian cabins at Altevattn. However, Saarivuoma members who own cabins were not offered the opportunity to install electricity due to the uncertain legal situation of the cabins. The wood stoves or diesel generators used instead are more expensive and require more maintenance (Field notes, 03-07-2018; Nutti, P-A., 2018-07-04)

#### **4.5.6 Culture and Religion**

##### ***Loss of cultural heritage***

All loss of access to land means loss of cultural heritage for members of Saarivuoma RHC. However, the most significant cultural place is the Altevattn area and the loss of Altevattn has had impacts on the culturally important event of calf marking (Nutti, P-A., 2018-07-04; Reindeer Herder, 05-07-2018).

##### ***Changes in regulations 2005 meant regaining cultural traditions***

The return to Altevattn in 2005 meant returning to cultural traditions. For generations Altevattn was the spot for calf marking practice and in 2005 the tradition was restored. Families would once again live at the old family-settlements. Several members describe joy of spending time at Altevattn, a place with strong cultural heritage for them (Field notes, 04-07-2018; Reindeer Herder, 05-07-2018). However, there is still sorrow over the land changes made in the area, e.g. the hydro plant and increased number of cabins, and the cultural losses these changes have meant (Nutti, P-A., 2018-07-04).

#### **4.5.7 People's capacity**

##### ***Psychological pressure***

Reindeer herders express a sense of powerlessness over increasing debts and psychological pressure from authorities. Reindeer usually walk against the wind, and therefore reindeer herders could predict when the reindeer were to cross the border and thus when they would be charged with fines (Reindeer Herder, 05-07-2018). Actions from the NARH and Bardu municipality increase the psychological pressure. Ol-Johán Sikku says: "[...] you know the authorities are on you, the debt lies with the Enforcement Authority, [...] and so the situation has been like this for a long time, actually since the 70s, you're constantly pressured, it is never peace and quiet. That's not a good situation." (Sikku, O.-J., 2018-08-31). The reindeer herders could not answer how much debt they had at the Norwegian enforcement authority today, other than that it probably is a lot (Field notes, 03-07-2018; Sikku, O.-J., 31-08-2018).

##### ***Stress and worry***

About the complicated and conflicting situation of TBRH one herder says that "Besides, it's an inner concern. Continuously. Everyone knows it." and that "you want it to finish. That's the case. It would be better for... yes, *all*, simply" (Reindeer Herder, 05-07-2018). It is especially the uncertainty of the situation that is of concern. Reasons for worrying is matters such as the conflict with NARH, decision of demolishing the cabins at Altevattn, relationship with Norwegian cabins owners at Altevattn, the outcome of the court process, if a new convention will be approved and, if so, what it will mean in aspects of land access for them.

The same herder sums it up: "Well, it is lots of worrying, it is, don't know what will happen. But you hope." (Reindeer Herder, 05-07-2018)

### *Sense of marginalisation*

The general conclusion among members after the last ten years of conflicting relation with Norwegian authorities is that "Norway wants us gone" (Field notes, 04-07-2018; Nutti, P-A., 2018-07-04). Saarivuoma RHC has on several occasions protested against Norwegian authorities<sup>22</sup>, but the sense of not being listened to is strong: "We are always being questioned, no matter what we do." (Nutti, P-A., 2018-07-04). Decision to demolish the

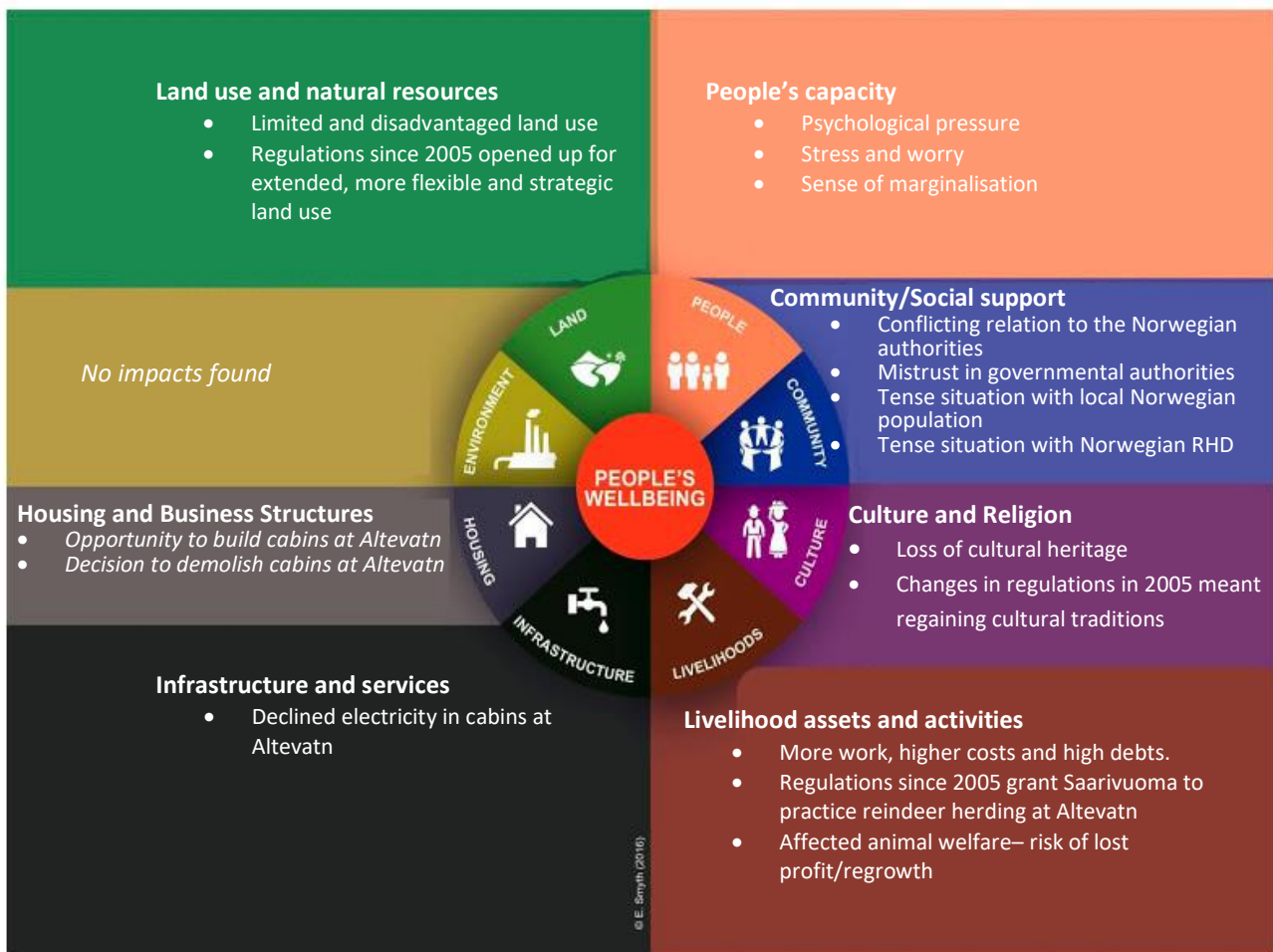


Figure 7. Members of Saarivuoma RHC's perceived impacts from past and present TBRH regulations. Developed from Smyth and Vanclay, 2017, p.74

cabins, no electricity and harassments are factors that add up to the feeling of exclusion: e.g. only Norwegians were offered the comfort of electricity (Field notes, 03-07-2018).

<sup>22</sup> See timeline in Appendix 2

## 5 Analysis: Saarivuoma's problem solving capacity

In this section I answer the fourth research question; In the case of Saarivuoma RHC, what have the different TBRH regulations meant for problem-solving capacity on the operational level? I use the SIA model to structure my analysis.

### 5.1.1 Land use and natural resources

It is clear that the regulations before 2005 lowered Saarivuoma RHC's capacity for problem solving by restricting their land use to be fixed to certain areas within a certain time frame. The conventions stand in opposition to the dynamic and flexible land use approach, which they need to meet the challenges with seasonal and local weather conditions. From 2005 their flexibility in land use increased, as the 1972 years' convention expired. The return to the Lapp codicil allowed for more dynamic land use as the codicil has no land use or time restrictions. However, the actions undertaken by Norwegian authorities to control Saarivuoma RHC's land use in regard to the Norwegian national law put pressure on Saarivuoma to again restrict their land use. So far, Saarivuoma opposed fines and threats, finding it still *better* than to go back to the limited land use.

At Altevatt, Saarivuoma RHC is co-using the pastures with the Norwegian RHD 12. Per-Anders Nutti explains that the competition for land use could be handled if circumstances were different. If Saarivuoma had recognised land rights they could make arrangements with RHD 12 to minimise consequences for both parts. Nutti seemed confident that it can be achieved. However, he sees no possibility for such arrangements within today's institutional setting<sup>23</sup>. The Norwegian resistance to the use of the Lapp codicil and the Norwegian national TBRH law has led to a complicated legal situation concerning the rights for land use. This institutional setting lowers Saarivuoma's capacity of meeting the challenges of land use competition.

### 5.1.2 Livelihood assets and activities

The regulations before 2005 forced Saarivuoma to a more static reindeer herding practice and hence lost the adaptation to the reindeer's dynamic natural behaviour. The increased costs limited their capacity for action and investments. The lowered dynamic and flexible variables within the practice lowered their overall capacity of problem-solving. Per-Anders Nutti, explains: "Before, we had big problems with the fact that we had to stay within these areas. We had to send people to monitor [reindeer], and it cost a lot, we got help from helicopters and such, we have received fines of millions of [Swedish] krona. [...] Today it is not like that [...] there is no convention that allows them to do like that." (Nutti, P-A., 04-07-2018). Since 2005, they have not paid any fines and do not restrict the reindeer to a land area or time period. Saarivuoma has returned to a more dynamic and flexible reindeer herding practice. Per Anders Nutti emphasises that since 2005 reindeer herding is *easier*. In aspect of livelihood, the regulations after 2005 have increased problem-solving capacity.

### 5.1.3 Community/Social support and Political Context

If governance is viewed as the totality of interaction between governing actors, the relationship between these actors become crucial for the success of the governing actions. Hence, conflicts within a system to be governed will lower governability. All four impacts identified at this category points to a system to be governed categorised by conflict; *Conflicting relation to the Norwegian authorities, Mistrust in governmental authorities,*

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<sup>23</sup>Nutti P-A., personal communication chairman of Saarivuoma Reindeer herding community, Sweden, informal conversation, 06-07-2018

*Tense situation with local Norwegian cabin residents, Tense situation with Norwegian RHD.* Specifically, the regulations after 2005 seem to have increased the level of conflict between actors. Without the bilateral institutional setting in 2005, Saarivuoma RHC felt that they had a legitimate cause to oppose the Norwegian state. From 2005, conflicts between Saarivuoma and other actors within the governing system is recurrent almost every summer when members come to Altevatt.<sup>24</sup>

#### *5.1.4 Housing and Business Structures*

In practical terms, a cabin at Altevatt facilitates reindeer herding. Demolishing the cabins would make reindeer herders' work more difficult. Even though the unclear legal situation has led to an uncertain housing situation at Altevatt, the change in institutional framework also allowed for Saarivuoma to return and build the cabins. Saarivuoma RHC interpreted the end of bilateral agreements in 2005 as they had legitimacy to return and regain the Altevatt area; "our land" (Sikku, O.-J., 31-08-2018). On their land, they saw the opportunity to facilitate the practical work by building cabins, and thus better meet the challenges facing the system to be governed. Hence, in regard to housing, the regulations from 2005 have increased the problem-solving capacity.

#### *5.1.5 Infrastructure and services*

Already before 2018, when electricity was installed in Norwegian cabins, reindeer herders who worked at Altevatt had wood stoves and/or diesel generators in cabins, lavvu or caravans. Therefore, the lost opportunity to install electricity in the cabins at Altevatt does not impact the operational levels problem-capacity. Instead, it adds up on the feeling of being marginalised.

#### *5.1.6 Culture and religion*

For Saarivuoma RHC the reindeer herding practice is strongly intertwined with their culture and language.<sup>25</sup> Members expressed that they struggled to talk about reindeer herding in Swedish, because practice specific words in Sami have no Swedish equivalents (Field notes, 04-07-2018). Language becomes a carrier for knowledge. What's more, cultural events are adopted to the practice. The cultural tradition to stay at Altevatt during calf marking in the summer is strategic for the practical work. Hence, the cultural traditions carry knowledge of the practice. Thus, whereas reindeer herding is key for Saarivuoma's culture, the culture is as well key for the practice. Old cultural traditions are a part of the historical adaptive and flexible approach of reindeer herding. With that said, the regulations that hinder cultural expressions lower the problem-solving capacity. The convention of 1972 prohibited calf marking at Altevatt and excluded members from the old settlements by the lake. From 2005 calf marking has been organised in traditional ways at Altevatt. However, cultural expression at Altevatt has been opposed by Norwegian authorities' threats and actions for most summers since 2005, as well as from the Norwegian cabin residents. Despite this, Saarivuoma continues cultural traditions at Altevatt.

#### *5.1.7 People's Capacity*

The question of what psychological pressure, stress and marginalisation does to people and communities is an important and relevant issue in relation to governing and democracy. For example, does marginalisation lower or hinder people's agency, and in extent the problem-solving capacity? For Saarivuoma the collective sense of being neglected by the states instead led them to defend their own interests by taking the Norwegian state to court. However, this discussion is outside the scope of this thesis.

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<sup>24</sup> See appendix 2/timeline for more details

<sup>25</sup> See *Understanding values*

## 5.2 Governing orders at odds

*Are the different governing orders complementary to one another, or at odds?* In this case, several aspects point to that the institutional order and the operational order are at odds with one another, rather than being complementary. Aspects within regulations as the “unnatural borders” of the pasture restrictions and the static time restrictions in the convention of 1972 illustrates how the formal institutional setting almost counteracts the work at the operational level. Per-Anders Nutti explains that the dynamic reindeer herding practice from after 2005 is easier. That is, the operational level targets to meet challenges by having a dynamic reindeer herding practice, whereas the institutional level before 2005 set up regulations for a static and controlled practice.

The situation of TBRH is in line with Kooiman’s statement: “If institutions do not renew and adapt, they will hamper rather than help in meeting new governance challenges”(Kooiman, 2008, p 181). The regulations before 2005 rather aggravated circumstances than helped problem-solving. In 2005 the regulations and the institutional setting changed, which in several means increased Saarivuoma’s problem-solving capacity. However, the institutional level still seems to be at odds with the operational level. Actors at the formal institutional level oppose Saarivuoma’s more dynamic land use and practice by threats and violent action, aiming to force them to a more static practice. The interactions between the institutional and operational levels are featured with conflict and distrust, which can be seen as another character of interactions at odds. The states have been the main actors to set the institutional setting and represents the whole institutional framework. Saarivuoma’s distrust against both the Norwegian and Swedish states can be seen as a distrust of the institutional setting.



## 6 Discussion

In this section, I discuss the empirical and analytic results in relation to other literature.

Saarivuoma RHC has to relate to both the Swedish and the Norwegian governing systems. The results from this study to some extent confirms previous studies on governance of reindeer herding within both countries. The results show that when the states have interfered by regulating the rights within the Lapp codicil, both the cultural and practical circumstances for reindeer herding worsened for Saarivuoma RHC. From 2005, when the states' influence decreased, the circumstances improved. This is in line with Löf's research (2014), which concluded that the Swedish governance of reindeer husbandry has consistently worsened circumstances for reindeer herding. In the case of Norway, Ulvevadet (2012) concluded that the Norwegian governance system of reindeer husbandry lacked capacity to meet the goals due to undefined land use rights and power asymmetries among stakeholders, among other things. Some of the reasons behind the low governability within the Saarivuoma system is undefined and conflicting land use rights, and the conflicting relationship among actors.

Both Swedish and Norwegian ministers have expressed an urge to reach a new agreement about TBRH (Sveriges Radio, 2004). From a diplomatic perspective, the fact that Sweden and Norway cannot agree on a new convention cannot be seen as anything but a failure. However, for Saarivuoma RHC, not having a convention has in several aspects been a success. Since 2005, they have regained pasture, cultural traditions and stopped paying large amounts of fines. Thus, is it a failure or a success? According to Kooiman's governance framework, all governing exercises are measured and evaluated towards the meta-level's norms and principles (Kooiman et al., 2008). Such principles underpin all decisions by guiding actors to what to think and how to act (Kooiman & Jentoft, 2009). The principle for governing reindeer husbandry in Sweden has been showed to be categorised by control and restrictions (Löf, 2014). Evaluated against this principle, following regulations in the Lapp codicil would be considered a governing failure, since the codicil gives less control to the states and more agency to the reindeer herders. Although, evaluated against a principle of capacity for meeting societal challenges, returning to the regulations of the codicil has been a success. Furthermore, possibilities for future research could be to how TBRH regulations would stand evaluated against a principle of the current international human rights and indigenous peoples' rights.

There is a fundamental gap between the culture of Saarivuoma RHC's reindeer herding practice and the states' preconception of the practice. Members' explain that it is in their culture to *follow* the reindeer, not to *control* it. The states expect Saarivuoma to control their animals, and when they fail to do so the states force them with fines and violent actions. In Kooiman's terminology: the actors have different images of the system to be governed. They have different understandings of the nature of the practice, and hence different understanding of the aim of governing exercises. This difference in perspective between indigenous people and those who govern is recurrent in various literatures. Often it is different understandings of culture, knowledge and nature that lead to governing issues (See e.g. Castro & Nielsen, 2001; Song *et al.*, 2013; Williams & Hardison, 2014). Tuhiwai Smith explains this in terms of colonisation and imperialism. The western world understands land as something that needed to be controlled and tamed (Tuhiwai Smith, 2012). This need to control land can be seen in Norway's actions at Altevåtn. The Government in 2005 fast-tracked a law which purpose was to keep control of the land from an indigenous people (See Udtja Lasse, 2007). Although, ancestors of Saarivuoma members followed the reindeer and lived off the land at Altevåtn long before this land was part of any country's territory. Therefore, for Saarivuoma, this land is as much their homeland as it is Norwegian territory. In the end, this gap of understandings of land and culture might be a fundamental reason behind regulations that hamper rather than help Saarivuoma RHC to meet the societal challenges for reindeer herding.

Further research is needed to understand how principles and images have guided negotiations of TBRH between Norway and Sweden. But also, to critically examine the meta-level of governance and what other principles and norms could mean for e.g. indigenous peoples' rights.

In this study, I have brought together two well established literature areas with hope to contributing with a new perspective. With help of SIA method, this study identified practical and operational impacts from governance on people's well-being. To understand impacts helped increase understanding of how governing actions impacts governability on the operational level. In most SIA studies the *assessing part* is to predict future social impacts on well-being. Here I instead used the identified social impacts for assessed governability in present time. SIA studies are often criticised to be short term focused and fail to calculate for cumulative effects. In this study the holistic SIA model and the focus on present experience of previous and present regulations made cumulative and long term impact the main focus. The baseline activity was not used as a starting point for assessing future impacts but can instead be seen as the social-political results of a long-term process of impacts from regulations.

## 6.1 Concluding remarks

In this thesis, I aimed to understand perceived consequences from TBRH regulations and to study governability in TBRH in the case of Saarivuoma RHC. The results show that for Saarivuoma RHC bilateral conventions of TBRH have meant that they had to adapt to a static and rigid reindeer herding practice. To instead follow the Lapp codicil meant more dynamic and flexible reindeer herding practice and regaining of cultural traditions, and thus an increased capacity for problem-solving. However, the institutional and operational governing orders still seem to be at odds with each other, as formal institutions hamper rather than help the operational level. It is clear that there is a fundamental difference in understanding of land and culture between actors within the system – different images. Hence the governability of the system is possibly lower than what the system has potential for.

This thesis and the collaboration with Saarivuoma RHC evolved from the need for change. Similarly, most studies within environmental communication have a transformative worldview in common – researchers see a potential for change within their study area. Communication can be studied as intersubjective meaning-making. In this case, the difference in images between actors illustrate the lack of mutual meaning making between actors of the governing situation. To illustrate the hidden differences can be the first step to accomplish change.

In this analysis I discussed the importance of culture from a perspective of reindeer herding as a practice and its problem-solving capacity. I would like to point out that culture has a high value in itself. For members of Saarivuoma RHC, the Sami- and reindeer herding culture is their lifestyle and identity. Members cannot separate the reindeer herding from their culture. Regulations that e.g. restrain calf marking practice fail to acknowledge how this limits cultural expression and heritage.

By taking their case to court, Saarivuoma RHC wants to show *what happens when the state meddles with something that has worked for thousands of years*, and thus ensure the right for reindeer herding. Per-Anders Nutti is in this court process to guarantee the right for reindeer herding at Altevåtn for future generations, just as his parents did in 1968: "We should be grateful to them, because we have inherited it, we have inherited the right. And hopefully... one hope that one's own children can carry it on [the reindeer herding practice]."

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# Appendix 1: Translation of citations

Table 3. Translation of citations

English Translation	Original	Reference
“Before, we had big problems with the fact that we had to stay within these areas. We had to send people to monitor [reindeer], and it cost a lot, we got help from helicopters and such, we have received fines of millions of [Swedish] krona. [...] Today it is not like that [...] there is no convention that allows them to do like that.”	”För då hade vi stora problem med att vi fick ju hålla de här områdena, vi fick ju skicka folk ut på bevakning [av ren], och det kosta ju en hel del, vi fick ta hjälp av helikopter och likande, vi har fått bötesbelopp på miljontals kronor [...] Idag är det inte så. För då är det 2005an och då finns det ingen konvention som gör att dom kan göra på det sättet. ”	Nutti, P-A., 04-07-2018
“Besides, it's an inner concern. Continuously. Everyone knows it.”	”Annars är det då en inre oro. Hela tiden. Det vet ju alla”	Reindeer Herder, 05-07-2018
“But overall, we want our reindeer to be healthy, that they get to graze in peace, so that we have regrowth.”	”Men rent allmänt så, vi vill ju att våra renar ska må bra, att de ska få beta i lugn och ro, så att vi får återväxt.”	Nutti, P-A., 04-07-2018
“It is easy to put two Sami groups against each other, only the state or the states win on that.”	”Det är lätt hänt att man puttar ihop två samiska grupper, det vinner ju bara staten, eller staterna på”	Sikku, O.-J., 31-08-2018
“It's a psychological pressure because you know the authorities are on you, the debt lies with the Enforcement Authority, [...] and so the situation has been like this for a long time, actually since the 70s, you're constantly pressured, it is never peace and quiet. That's not a good situation.”	”Det är en psykisk press, för att man vet att myndigheterna ligger på, skulden ligger hos kronofogden, [...] och alltså den här situationen har ju funnits hur länge som helst, egentligen sen 70talet, när man liksom pressas hela tiden, det är aldrig lugn och ro. Det är ingen bra situation så.”	Sikku, O.-J., 31-08-2018
“Norway wants us gone”	”Norge vill ha bort oss”	Field notes, 04-07-2018
“This is what happens when the State meddles with something that has worked for thousands of years”	”Så blir det när staten lägger sig i något som fungerat i tusentals år”	Field notes, 03-07-2018



“We are always being questioned, no matter what we do.”	”Vi blir ifrågasatta alltid, vad vi än gör.”	Nutti, P-A., 04-07-2018
“We have had to fight for our cause. Nothing from the Swedish state. Nothing”	”Vi har fått strida för vår sak. Ingenting från svenska staten. Ingenting.”	Nutti, P-A., 04-07-2018
“We inherit our rights from our parents, our parents are the ones who have fought for our right so that we can use this land.”	”Vi ärver vår rätt från våra föräldrar, våra föräldrar är de som har stridigt för vår rätt, för att vi ska kunna få använda dessa marker.”	Nutti, P-A., 04-07-2018
“Well, it is lots of worrying, it is, you don’t know what will happen. But you hope.”	”Nog är det mycket oro det är det ju, vet inte hur det ska bli. Men hoppas och tror.”	Reindeer Herder, 05-07-2018
“You cannot give up because then you have given up for the next generation.”	”Man kan inte ge upp för då har man gett upp för nästa generation.”	Sikku, O.-J., 31-08-2018
“You decide your time yourself. Or not only you, it's the weather. It's the weather. “	”Du bestämmer din tid själv. Eller inte bara du, de är vädret. De är vädret.”	Nutti, P-A., 04-07-2018
“You want it to finish. That's the case. It would be better for... yes, <i>all</i> , simply.”	”Man vill ju få slut på det. Det är ju de. Det är roligare för, ja allihop, helt enkelt.”	Reindeer Herder, 05-07-2018
“We should be grateful to them, because we have inherited it, we have inherited the right. And hopefully...one hope that one's own children can carry it on [the reindeer herding practice].”	De ska ju vi, vi ska vara tacksam för det, för vi har ärvt då, vi har ärvt den rätten. Och förhoppningsvis så... man hoppas ju att ens egna barn ska få driva det vidare.	Nutti, P-A., 04-07-2018

## Appendix 2: Timeline of Saarivuoma RHC's history of trans-border reindeer herding.

This timeline shows the main events of Saarivuoma RHC trans-border reindeer herding, from when trans-border reindeer herding first started to be regulated by the states in 1751, to today's court case process, 2018. The timeline includes a few external events unrelated to the case to give context to the reader.

*Table 4. Timeline of Saarivuoma RHC's history of trans-border reindeer herding.*

<b>Time</b>	<b>Event</b>	<b>Reference</b>
<b>1751</b>	The border treaty is signed by the kingdom of Sweden and the kingdom of Norway. The Lapp codicil is signed.	Skr. 2004/05:79
<b>1809</b>	Finland, which has belonged to the Swedish kingdom for a long time, is occupied by Russia.	Lantto, 2000; Lundmark, 2002
<b>1852</b>	Russia closes the border between Finland and Norway for reindeer herding, after failed negotiations with the Norwegian government	Lantto, 2000; Lundmark, 2002
<b>1814</b>	The Swedish and Norwegian kingdoms enter a union.	Derry, 1979
<b>1883</b>	The Sweden-Norway union enact a common law to regulate TBRH. It is the first time that rights for TBRH determined by the Lapp Codicil is limited.	SFS 1883:29; Lantto, 2000
<b>1887</b>	The first Swedish law that regulate reindeer husbandry in Sweden put into effect.	Lantto, 2000
<b>1889</b>	The border between Sweden and Finland closes for TBRH	Lantto, 2000; Lundmark, 2002
<b>1905</b>	The union of Sweden and Norway dissolves. The Karlstad convention is signed, which confirms the TBRH regulation in the law from 1883. The Karlstad convention also states that the Lapp codicil cannot be unilaterally terminated.	SFS. 1886:38; Lantto, 2000
<b>1913</b>	Norway's first public election which included women.	Aidt & Dallal, 2008
<b>1919</b>	1919 convention for TBRH is signed. It is the first regulation which limits Saarivuoma Reindeer herding community (RHC) land use. The convention includes regulations of fines and decreasing number of animals allowed in Troms region. See figure 6, p, 23	Lantto, 2000; Lundmark, 2002
<b>1920' s</b>	Resettlement programmes from Swedish authorities. Swedish reindeer herders with families are forced to move south from the northern parts of Sweden due to a limited number of allowed reindeer in Troms region in Norway.	Marainen, 1984
<b>1921</b>	Sweden's first public election which included women.	Aidt & Dallal, 2008
<b>1922</b>	The institution of racial biology is established at Uppsala University.	Lundmark, 2010

<b>1928</b>	New Swedish law for reindeer husbandry, regulating who can be a member of a Sami community and who can practice reindeer herding.	Lantto, 2000
<b>1939</b>	The second world war starts.	Hart, 2015
<b>1940</b>	Norway is occupied by Germany.	Ibid
<b>1945</b>	The second world war ends.	Ibid
<b>1949</b>	Changes are made to the convention of 1919, which reduce land use access for Saarivuoma RHC. See figure 6, p, 23	Lantto, 2000
<b>1961</b>	A hydro power plant is constructed at Altevatt.	Statkraft
<b>1963</b>	Norwegian government divides new winter land to Norwegian Sami reindeer herder district. RHD 12 start using areas around Altevatt as winter pasture.	Forskrift om reinbeitedistrikt, Troms, 1963
<b>1968</b>	Saarivuoma RHC's right to reindeer herding at Altevatt is ensured in a Norwegian supreme court case.	RT.1968 s. 429
<b>1971</b>	New reindeer husbandry law in Sweden. <i>Rennäringslagen</i>	SFS 1971:437
<b>1972</b>	The 1972 years convention is put into effect the 1 <sup>st</sup> of May.	SFS 1972:114
<b>1977</b>	The Swedish state formally acknowledges Sami as an indigenous people, rendering them established cultural, political and land rights, including the right to self-determination.	Prop. 1976/77: 80
<b>1984</b>	Alleviations were made in 1972's convention, in forms of increasing allowed land area, a higher number of allowed reindeer and some flexibility regarding the time restriction.	SFS 1984:903
<b>1989</b>	The Norwegian state formally acknowledges Sami as an indigenous people and rendering them established cultural, political and land rights, including the right to self-determination.	Inga, 2010; Bjørge, 2018
<b>1994-1998</b>	Per-Anders Nutti applies to the municipality to build cabins at Altevatt to monitor reindeer, but is denied.	Nutti P-A., Personal communication phone call, 26-10-2018
<b>2002</b>	Negotiations of a new convention fails. The convention of 1972 is extended three years.	Lantto, 2000; Udtja Lasse, 2007
<b>2005-05-01</b>	The convention of 1972 expires. No new convention is signed. Sweden argues that it is the Lapp codicil that is now regulating TBRH. Norway protests by enacting a new national legislation, which limits Swedish reindeer herder's right to reindeer herding in Norway.	SOU 1986:36 pp.169–176; SFS 1972:114; Skr. 2004/05:79; Udtja Lasse, 2007
<b>2005 - May/Jun</b>	Saarivuoma carry out calf marking at Altevatt for the first time since 1971.	Sveriges Radio, 2005; Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018.

<b>2006-Jun</b>	Saarivuoma RHC's corrals from the previous summer is demolished and removed. Saarivuoma RHC buy new material and rent a helicopter to transport it up on the tundra to build new corrals.	Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018.
<b>2006 - Jun</b>	Saarivuoma RHC demonstrate against the demolishing of their corrals at Andslev, Norway	Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018. .
<b>2007 - May</b>	Saarivuoma RHC report Norwegian reindeer herders to the police for <i>animal cruelty</i> . They accuse Norwegian reindeer herders to have caused stress to the animals by driving snowmobiles within the herd.	Sveriges Radio, 2007b; Sikku, O.-J., 2018-08-31 Nutti, P-A., 2018-07-04
<b>2007 - Jun</b>	Norwegian authority for Reindeer husbandry (NARH) in Troms threaten to physically move Saarivuoma RHC's reindeer if Saarivuoma themselves do not move their reindeer from Altevatt towards the Swedish border before the 20th of June.	Sveriges Radio, 2007a
<b>2007 20 Jun</b>	Saarivuoma RHC arrange a protest and a press event at the parking lot at Altevatt, Norway.	Sveriges Radio, 2007a
<b>2007 24 Sep</b>	NARH in Toms region demolish and remove reindeer corrals at Altevatt.	Police report, 2008-10-07; Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018
<b>2007 26 Sep</b>	NARH in Troms region confirms that they have demolished and removed corrals at Altevatt.	Police report, 2008-10-07
<b>2007 23 Nov</b>	Saarivuoma RHC demonstrate in Stockholm outside Norwegian embassy, to bring attention to their situation.	Linder, 2007; Samiskt informationscentrum, 2007; Nutti, P-A., 2018-07-04
<b>2008 Jun-Jul</b>	New material for corrals is transported up to the tundra at Altevatt, Norway, with helicopter.	Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018.
<b>2008 Jun-Jul</b>	Per-Anders Nutti builds a small storehouse at Altevatt.	Nutti P-A., personal communication phone call, 26-10-2018
<b>2008</b>	The municipality decides to demolish Saarivuoma RHC's cabins/storehouses. However, because an error in the administration the decision is not valid.	Heimdal T., personal communication, phone call 22 August 2018.
<b>2009</b>	A new convention is signed between the Norwegian and Swedish governments. However, after significant criticism from the Swedish	Ahlén, 2010; Skoglund, 2010; Sveriges Radio, 2010

Sami community the convention is not ratified by the Swedish parliament.

<b>2009</b>	Members of Saarivuoma RHC build cabins at Altevratn, Norway.	Nutti P-A., personal communication phone call, 26-10-2018
<b>2010</b>	Members of Saarivuoma RHC build cabins at Altevratn, Norway.	Nutti P-A., personal communication phone call, 26-10-2018
<b>2011</b>	Per-Anders Nutti builds a cabin at Altevratn, Norway.	Nutti P-A., personal communication phone call, 26-10-2018
<b>2011 20 Jul</b>	NARH in Troms region drive reindeer with helicopter back towards the Swedish border.	Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018.
<b>2011 01 Aug</b>	NARH in Troms region drive reindeer with helicopter back towards the Swedish border. In total they move 2250 reindeer.	Sikku O-J., personal communication e-mail correspondence between 14-08-2018 – 19-09-2018.
<b>2011 7 Aug</b>	Saarivuoma RHC publish a press release with the title “The Norwegian state’s terror”	Saarivuoma RHC, 2011
<b>2015</b>	New decision to demolish Saarivuoma cabins at Altevratn, Norway.	Toralf Heimdal, Municipality chairman in Bardu municipality, Norway, phone call 22 August 2018.
<b>2017 Jan-May</b>	Court process with Talma RHC, Swedish RHC neighbour to Saarivuoma, and the Norwegian state, concerning right to practice reindeer herding in Norway year-around. Talma RHC is not recognised rights for year-around reindeer herding in Norway. Talma RHC appeal court decision.	TOSLO-2015-158639
<b>2018 11- 14 Dec</b>	Court process, Talma RHC and the Norwegian state, concerning right to practice reindeer herding in Norway year-around. Still awaiting the court’s decision.	Heikki, J., 2018a
<b>2018 Feb</b>	Saarivuoma file a lawsuit concerning rights for reindeer herding in Norway to the Norwegian court.	Nutti P-A., personal communication phone call, 26-10-2018
<b>2018 May/Jun</b>	Electricity is installed in Norwegian cabins at Altevratn. No electricity is installed in Saarivuoma RHC members’ cabins.	Field notes 04-07-2018
<b>2018 05 Jul</b>	A stone cross is found on one of the old settlement spots at Altevratn. Tense situation between cabin owners and members of Saarivuoma RHC.	Bergersen, 2018; Participatory observations, 05-07-2018
<b>2018 31 Oct</b>	Court process between Saarivuoma RHC and the Norwegian state starts.	Nutti P-A., Personal communication phone call, 26-10-2018
<b>2018 28 Nov</b>	Court decision in the court process between Saarivuoma RHC and the Norwegian state. Saarivuoma RHC is not recognised rights for year around reindeer herding at Altevratn.	H. Simonsen, 2018; Stenberg Partapuoli, 2018
<b>2018 12 Dec</b>	Saarivuoma RHC appeal court decision.	Heikki, 2018b