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Land use management in an indigenous rights context: Reindeer herding and tourism

The case of Jämtlandstriangeln

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Abstract

This thesis studies a case of indigenous and non-indigenous relations in Jämtland, Sweden. The studied area is subject to multiple interests in land-use, and this study focuses on the relation between indigenous Sámi reindeer herding and outdoor tourism. The area has a long history of both mountain tourism and reindeer herding, but in recent years tourism has increased to new levels and the Sámi reindeer herders experience their industry being threatened by the high number of visitors. The study aims to clarify how land use in the area is perceived by the core actors, how it is managed and what the prospects of reaching a common ground regarding land governance are. The study was carried out through interviews with ten individuals mostly representing the core actors: Reindeer herders, the Swedish Tourist Association and the County Administration Board. The data is analyzed through a framework based on institutional theory. Explanatory factors for conflict on structural, institutional and discursive levels are identified. The study found that the actors perceive the land use in the area and their role in it somewhat differently, but that all wish for a sustainable land use management where indigenous rights are safeguarded. The lack of sharp legal tools to achieve this was pointed out as an impediment. A long history where indigenous rights have been systematically overlooked, in Jämtland as well as the rest of Swedish Saepmie, has led to a current situation prone to conflict. Dialogue and cooperation were found to be important tools for reaching a common ground regarding land governance. However, for the basis for an equal dialogue to appear, incorporation of international law on indigenous rights in Swedish national legislation is required. Despite internal challenges caused by a colonial history, recent developments regarding Sámi rights such as the Consultation Act and the Girjas verdict, are possibly providing ways forward.

Keywords: Indigenous rights, Land use governance, Jämtland, Reindeer Herding, Tourism, Immemorial Prescription, Discursive Institutionalism

Sammanfattning

Den här uppsatsen studerar ett fall av motstående intressen mellan urfolk och majoritetsbefolkning gällande markanvändning, i området runt Jämtlandstriangeln, Jämtlands län i Sverige. Området i fråga bär på en lång historia av samisk renskötsel, men även av fjällturism. På senare tid har turismen ökat lavinartat och renskötande samer i området upplever

att deras näring är hotad på grund av högt besöksstryck. Detta trots att renskötselrätten är skyddad av både internationell urfolksrätt och svensk rennäringslag. Denna studie syftar till att undersöka hur markanvändning i området uppfattas av de olika huvudaktörerna ur ett urfolksrättsligt perspektiv, samt vad förutsättningarna är för att nå en gemensam grund när det gäller markförvaltning. Studien genomfördes genom semistrukturerade intervjuer med tio personer varav de flesta representerade huvudaktörerna samiska renskötare, Svenska turistföreningen och Länsstyrelsen Jämtland. Data analyserades med hjälp av ett ramverk som bygger på institutionell teori. Förklaringsfaktorer till konflikt identifierades på strukturell, institutionell och diskursiv nivå. Resultaten visar att aktörerna uppfattar markanvändningen i området och sin roll i den på olika sätt, men att de delar en önskan om en hållbar markanvändning där urbefolkningens rättigheter tillvaratas. Bristen på skarpa juridiska verktyg för att uppnå detta påpekades som ett hinder. En lång historia där samernas rättigheter som urfolk systematiskt har förbisetts, såväl i Jämtland som övriga svenska Saepmie, bidrar till de motsättningar som präglar dagens situation. Dialog och samarbete visade sig vara viktiga verktyg för att nå en gemensam grund kring markförvaltning. För att nå förutsättningar för en jämlik dialog krävs dock att internationell urfolksrätt införlivas i svensk nationell lagstiftning. Trots interna utmaningar orsakade av en kolonial förvaltningshistoria kan nya juridiska verktyg för att värna samernas rättigheter, såsom konsultationlagen och Girjasmålet, peka på nya vägar framåt.

Nyckelord: *Urfolksrätt, Markförvaltning, Jämtland, Renskötsel, Turism, Urminnes hävd, Diskursiv institutionalism*

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List of abbreviations and clarification of terms

CAB	County Administration Board. Swe: <i>Länsstyrelse</i> . State authority on the regional level.
Crown land	Swe: <i>Kronomark</i> . Land that is owned by the state. Sweden is a monarchy and historically, the king and the state closely connected. Today, the king has purely ceremonial tasks and no political power, but the term for state owned land is still Crown land.
MCP	Municipal Comprehensive Planning. Swe: <i>Kommunal översiktsplanering</i> . A document where the municipality accounts for how they plan to manage land and water use within their area.
RHC	Reindeer Herding Community. Swe: <i>Sameby</i> . Both a geographic area and an economic association, through which reindeer herding is exercised.
Saepmie	The Sámi area. Sápmi is the name in North Sámi, but as this work takes place in a South Sámi area, the South Sámi term is used.
Saemiedigkie	South Sámi word for The Sámi parliament. Swe: <i>Sametinget</i> .
Sámi	The English word used for the people of Saepmie. South Sámi: <i>Saemie</i> . Swe: <i>Samer</i> .
SEPA	Swedish Environmental Protection Agency. Swe: <i>Naturvårdsverket</i> . State agency responsible for environmental issues.
SOU	Sveriges Offentliga Utredningar. This is a committee report produced by a committee appointed by the government to investigate some special topic. The SOU:s are an important part of the Swedish legislation work.
STF	Swedish Tourist Association. Swe: <i>Svenska Turistföreningen</i> .
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

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1 Introduction

1.1 Topic

The right to land has been acknowledged as a crucial element to ensure the rights of indigenous peoples. This is stated in the UN declaration of the rights of indigenous peoples (UNDRIP), article 26, as well as in several legal documents and academic sources (General Assembly, 1966; Åhrén, 2016, 84). In many parts of the world, indigenous peoples struggle to reclaim the right to their traditional lands. This becomes harder as extractive industries, nature conservation, tourism and actors with other interests expand and encroach on indigenous peoples' lands. Incorporating the internationally stated rights of indigenous peoples into national law has in many places been a complicated task often resulting in failure (Mörkenstam, 2019). Competing with capitalistic interests, nature conservation attempts, initiatives for the green transition of society, stakeholders within the recreational industry and the majority society in general, claiming the right to indigenous land is a struggle (Gilbert, 2016). Sweden in Northern Europe is no exception. Sweden voted for the adoption of UNDRIP in 2007 and is often seen internationally as a strong advocate for human rights and social justice. However, when it comes to ensuring the rights of their domestic indigenous people, Sweden has received criticism from both UN bodies and the Council of Europe for not living up to international standards (Raitio et al., 2020).

In the case of Sweden, where this thesis has its focus, the indigenous people are the Sámi. The Sami area is called Saepmie and stretches over the Northern parts of Norway, Sweden, Finland and the Kola peninsula, and it is estimated that 20 000-40 000 Sámi live in Sweden¹. Sweden has acknowledged the Sámi as both an indigenous people, a minority, and a people. The notion of “people” is stated in the most recent Instrument of Government from 2010, giving the Sámi the right to self-determination. Thus, the Sami have the right to, as stated in UNDRIP article 3: “[...] *determine their political status and freely pursue their economic, social and cultural development.*”

Reindeer herding is a traditional industry exclusive to the Sámi. It requires access to grazing lands where reindeer can roam free without too much disturbance. As Sweden is a country with both variable geography and demography, and a controversial history when it

¹ No census based on ethnicity is done in Sweden, and who is Sámi is based on self-identification and to some extent language, thus it is not possible to know any exact numbers (Sametinget, 2022a).

comes to allowing land rights to the Sámi, prerequisites for pursuing reindeer herding differ depending on area. Conflicting interests in land-use between the Sámi reindeer herders and other actors are common. One of these cases is the focus of this thesis.

As a student in indigenous studies from Sweden, with experience from working within the tourism industry in the Swedish mountain areas, I found it relevant to study if and how the indigenous rights perspective is manifested within land rights conflicts concerning tourism in Saepmie. The focus is on an ongoing territorial conflict around the popular mountain area Jämtlandstriangeln, in the county of Jämtland, Sweden.

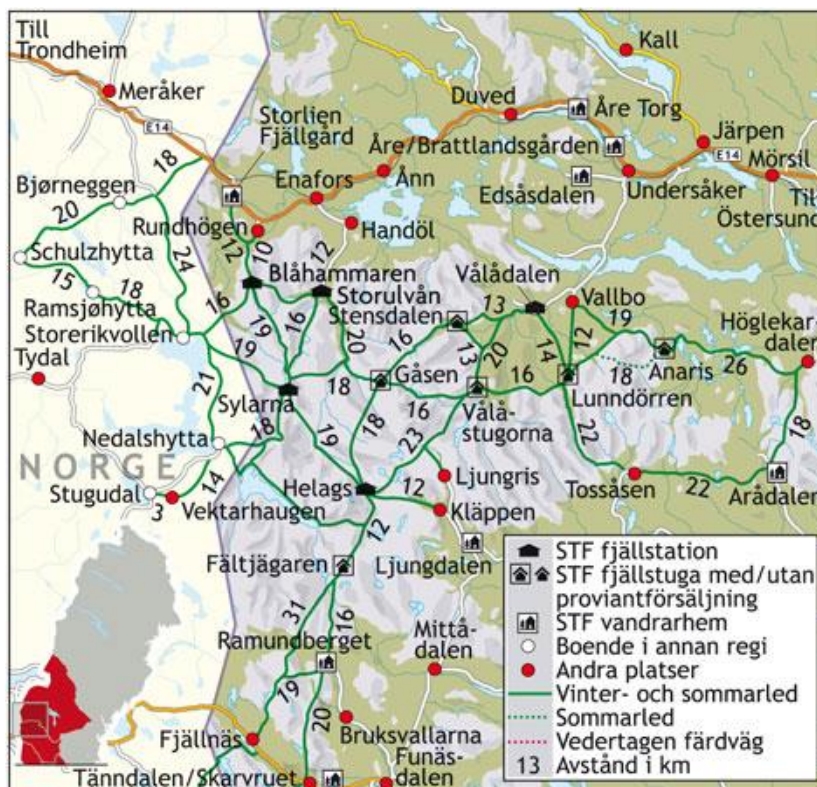


Picture 1. Jämtland county in Sweden²

The area of interest is known for its good possibilities for outdoor activities and gets multiple visitors every year. A road makes it easily accessible for tourists both in summer and winter, and the Swedish Tourist Association (STF) provides accommodation in huts and mountain stations. There are plenty of hiking trails and ski tracks in the area, managed by the County Administration Board (CAB) [*Länsstyrelsen*], the regional state authority. Jämtlandstriangeln [*The Jämtland Triangle*] is a popular three-day trip that connects Storulvån, Blåhammaren and Sylarna. The area is used by the Sámi reindeer herding community (RHC) Handölsdalens sameby for reindeer grazing, and the great amounts of visitors make it hard for the sensitive

² Länsstyrelserna. (2023). Planeringskatalogen. <https://ext-geodatakatalog-forv.lansstyrelsen.se/PlaneringsKatalogen/>

reindeer to graze in peace. The RHC experiences that their industry is seriously threatened, and that some kind of measures are required to limit disturbance. This is for example described in a motion to the National Union of the Swedish Sámi (SSR) (SSR 2017). The reindeer herding right is protected in Swedish law, but so is the right of public access which gives people the opportunity to roam free in nature (SFS 1971:437; SFS 1974:152).



Picture 2. Map of the studied area with trails and huts marked³

The recent increase in the number of visitors makes this issue topical, but so does the status of the land-leasing deal that the tourist association depends on for their activities (Bergman, 2023). The mountain stations Sylarna and Blåhammaren are built on land owned by the state but leased by STF for a certain time. On the 31st of December 2023, the leasing deal expires, and the RHC Handölsdalens sameby has demanded that the leasing deal is re-negotiated. Negotiations were ongoing during the period of data gathering for this work.

³ Swedish Tourist Association (STF). (2014). Retrieved from [svenskaturistforeningen.se](https://web.archive.org/web/20140306043750/http://www.svenskaturistforeningen.se/sv/upptack/Omraden/Jamtland/Jamtlandsfjallen/Karta). Archived at <https://web.archive.org/web/20140306043750/http://www.svenskaturistforeningen.se/sv/upptack/Omraden/Jamtland/Jamtlandsfjallen/Karta>

This thesis focuses on perceptions on if and how these industries possibly could coexist, and if and how indigenous land rights can be ensured in this conflict. The focus is to map out what different actors are involved, what their standpoints are and what solutions they wish to see.

1.2 Research questions

The purpose of this study is to illuminate the territorial conflict around Jämtlandstriangeln from the perspective of indigenous rights. The thesis aims to answer the following research questions:

1. How do core actors perceive the use of the area around Jämtlandstriangeln, including the tourism industry, in light of indigenous land rights?
2. How are the land use conflicts in this area managed and what are the prospects of reaching common ground regarding land governance?

The aim is to map out how the core actors perceive this conflict, how they see their role and what prospects of future solutions they imagine. Reaching a common ground regarding land governance is understood as finding a way of using the land in question, in such a way that the rights and interests of the rights-holders are respected. The issue in this case is not necessarily the differing understandings of the actors on land use governance. The problem is that one form of land use (tourism) is encroaching on another (reindeer herding), a form of land use with strong protection in both national and international law.

1.3 Literature review

The topic of indigenous land rights has been extensively researched. In the case of Sweden, some scholars have focused on extractive industries, as especially the mining legislation in Sweden is very liberal and the protection of indigenous land rights is lacking. Regarding Jämtland, a relatively large amount of past and present research is to be found. There are multiple land use actors trying to coexist, making the area interesting for research regarding these issues. This review is by no means exhaustive, but it shows some of the different approaches used within this field.

1.3.1 The research program *A Magnificent Mountain Landscape*

The Swedish government adopted in 1999 a system of environmental objectives. The *Generational Goal* is a long-term objective defining the overall direction of environmental

efforts (SEPA, 2018). 16 so-called *environmental quality goals*, directed towards different specific aspects of the environment, function as guidelines for environmental effort and make the generational goal more tangible. One is called *A Magnificent Mountain Landscape* and focuses on the mountainous areas. According to the Swedish Environmental Agency (SEPA) [*Naturvårdsverket*] (2018, 24), this objective is about largely preserving the pristine character of the mountain environment, and a main challenge is to ensure that stakeholders with different and sometimes opposing interests can coexist in a sustainable way. As part of the work towards these environmental objectives, a research program called *A Magnificent landscape* was deployed and financed by the state 2013-2018. It focused on several dimensions and disciplines and produced many reports and publications, some of which will be mentioned here. The general impression of this program is that the different projects were focused on forms of collaborative governance, communicative capacity in consultation and perceptions of, and identity connected to, landscape. Many projects focused on the Reindeer Herding Communities (RHC:s) as an important actor, but the Swedish environmental objectives are not focused on the rights of indigenous peoples; but on sustainability and nature. Thus, more research with focus on indigenous rights in the Swedish mountainous area is needed.

Much contemporary research on outdoor life, land use and sustainability in the Jämtland mountains takes place under the research program *Mistra Sports and Outdoors*. It is financed by the foundation *Mistra [Stiftelsen för miljöstrategisk forskning]* and is a collaborative arrangement. Researchers from various disciplines and universities work together with partners from sports, outdoor life, companies, and authorities (Mistra sport&outdoors, 2023a). In this program one theme is *Sustainable land and water use*, under which one group has the focus of the mountain landscape. Some of these researchers work with the Jämtland area and are stationed in Östersund. During my research process, I was in contact with Sandra Wall-Reinius at the program who helped me with valuable contacts and information. *Mistra Sports and Outdoors* is also mainly focused on sustainability. They have not yet published any research, but the project is ongoing.

Sandra Wall- Reinius, Solène Prince and Annika Dahlberg (2019) have conducted a study in the Jämtland mountains, investigating how people living there perceive their surroundings. The authors argue that the nature-culture dichotomy that prevails in the perception of the mountain areas of Sweden, must be replaced with a more relational picture of a landscape with multiple functions. Mountain areas in Sweden are often perceived solely as a magnificent, pristine, and wild landscape, suitable for recreation. However, these discourses

result in the erasure of the perceptions held by people living and working in these areas. The authors argue that humans in most cases have trouble describing the world in other ways than dichotomies. People tend, according to the study, to show a discrepancy between their perception of nature and their appreciation of indigenous values.

Katarina Eckerberg, Therese Bjärstig and Anna Zachrisson (2016) studied different aspects of collaborative governance in the Swedish mountain region. They noted that different forms of collaborative governance often were applied in the mountain regions and investigated where, when, and how the need for local cooperation arises - and if local participation contributes to sustainable development in the mountains. Their findings showed that especially social aspects of collaborative governance increased with local participation, and that collaborative governance often is seen as positive. However, some respondents mentioned that the pressure to collaborate often is high on representatives for the Reindeer Herding Communities (RHC:s) who have limited time and resources to participate. They also mentioned that what is often called *collaboration* in many cases is in fact just about information sharing (Eckerberg et al., 2016, 14).

1.3.2 Other previous research

Rasmus Kløcker Larsen and Kaisa Raitio (2022) studied the recently halted collaboration process around the planned national park Vålådalen -Sylarna-Helags, a place that is part of my study area. The authors adopt, what they call, an agonistic perspective, where they criticize the view that collaborative processes must contain a win-win outcome and that conflict in collaborative processes is always bad. Instead, Kløcker Larsen and Raitio argue that conflict within these processes is necessary as the outcome to some extent will contain compromises where all wishes cannot be met, and that this must be openly addressed in the process. The authors also investigated the agency of the front-line bureaucrats leading the negotiations, and how their acting influenced the extent to which the project actively worked to respect the indigenous peoples' right to Free, Prior and Informed Consent (FPIC). The officials participating in the negotiations for the national park did indeed, according to the article, meet some of the important Sámi requests, both regarding preemptive hunting and the restrictions of public access. These are quite extraordinary measures, when comparing with how Sweden normally relates its policy to indigenous rights requests.

Despite these successes, the national park process was aborted as two RHC:s eventually left the negotiations, as they could not agree on the purpose of the national park. The Sámi

wanted to include references to Sámi culture in the purpose, but as it turned out, this was not allowed by the legal instruments regulating the creation of national parks in Sweden. Legal officials concluded that the Swedish Environmental Code was not in line with international indigenous rights requirements. As will be shown, the lack of sharp legal tools for protecting indigenous rights is a main theme also in my case. The authors argue further that even though the park process failed in the sense that no national park was established, the process can be viewed as successful. This is because this process is the first one in Sweden where indigenous representatives were given the opportunity to consent to a land use project, and where their withheld consent was respected.

In a 2021 study Anna Zachrisson et al., argue for a more participatory approach to municipal comprehensive planning in sparsely populated areas. They studied the municipality of Vilhelmina, in Västerbotten, north of Jämtland, however with similar issues when it comes to competing interests in land-use. They concluded that when more collaboration and local involvement is applied to the municipal comprehensive planning process, it is experienced as more democratic. The study did not consider the indigenous rights perspective per se but did include reindeer herding as one of the competing interests. Municipalities in Sweden have the main responsibility to develop the planning of land-use through Municipal Comprehensive Planning (MCP:s). MCP:s are instruments for assigning physical spaces for different purposes, and must consider different interests in the area. According to the study, planning is biased towards an urban setting, and sparsely populated areas are often not treated in a beneficial way for them. Like Åre, Vilhelmina is a municipality where reindeer husbandry and tourism are conflicting interests (Zachrisson et al., 2021, 8). A more participatory approach to MCP:s could possibly be a way forward also in the case of Jämtland. The ongoing negotiations between STF and Handölsdalens sameby constitute some form of collaborative planning; however, the CAB is not involved in these negotiations.

Kristina Sehlin MacNeil and Niila Inga (2019) describe how encroachments on indigenous lands can be interpreted as a form of what they name *extractive violence*. The research is mainly focused on how extractive industries exercise extractive violence on indigenous peoples, as the connection to land and water makes them as a people vulnerable to this form of violence. Tourism is mentioned briefly as a form of extractive violence, and in the case of Jämtland, this interpretation is close at hand.

In the later years, Sweden has received much international critique for not following international law on indigenous rights. This is especially obvious when it comes to land rights

in relation to natural resource extraction. Sweden has, after all, endorsed UNDRIP, and constitutionally recognized the Sámi as a people. At the same time, Sámi in Sweden experience that their traditional land is being used for mining, wind power, forestry, and other activities without their consent. This institutionalized double standard, is referred to by Ulf Mörkenstam (2019) as *organized hypocrisy*. Mörkenstam argues that as states in most cases face multiple opposing interests, they try to meet them all, but since this is, naturally, not possible, the solution is to deal with the different wishes at different levels or with different people. In the case of Sweden, according to Mörkenstam, the result of this strategy is that indigenous rights are *talked* about, but only language and culture rights are *decided* upon, and the states' *actions* are directed towards resource extraction on indigenous land. Thus, the state can uphold an image of honoring the human rights instruments they are obliged to follow, but at the same time continue to satisfy capitalistic interests (ibid, 1723). As will be elaborated upon throughout this thesis, the institutional deficit prevailing in Swedish indigenous rights legislation is also in the case of Jämtlandstriangeln a relevant issue for the actors and their perceptions of land use.

This literature review has only mentioned a few of the many different approaches to the topic that has been taken. However, it does give insight in the way land use governance and indigenous rights has been treated in the literature and it shows that a study of land use and tourism in Jämtland with the specific aim of illuminating the perspective of indigenous rights in this context is lacking. My study aims to contribute to the efforts of filling this research gap.

1.4 Method and data

As the focus of this thesis is to map out how the core actors perceive the land use in the area, data preferably had to be gathered directly from the actors involved in land use in western Jämtland. The main method used was semi-structured interviews with 10 individuals, from three different groups all somehow involved in the land use of this place. As Jämtland is relatively close to my university hometown, it was possible for me to go there in person and conduct most of the interviews during August 2022. To identify the core actors of the conflict, I used information found in the media where people from the RHC, the tourist association and the CAB had expressed their views (see for example Svenska Turistföreningen, 2019). I also contacted researchers previously involved with similar subjects. This made me get in touch with Sandra Wall-Rainius at the Mid University in Östersund, a cultural geographer who has conducted studies in this same area for many years (e. g. Kling et al., 2019). Sandra had several contacts that she could share, and this was very helpful for my data gathering process. I could

also use some of my personal contacts from my past in the outdoor industry to get in touch with people involved in the case. The analysis was conducted using the theoretical framework presented in the following chapter. Additional to data and theory, I also draw on the history of the case and of the indigenous right regime in Sweden, to answer the research questions.

1.5 Theory

As a theoretical framework, I draw on new institutionalist theory as well as a three-fold framework for conflict management. The framework is developed by Katarina Eckerberg and Camilla Sandström (2013), and it distinguishes between three different sorts of explanatory factors for forest conflicts: structural, institutional, and discursive factors. The factors are also applicable to my case. Based on the data, I discuss the reasons for the challenges in land use governance in Jämtland, with these levels of explanatory factors as a point of departure.

New institutionalist theory has many branches, and for the analysis, several approaches will be used. To analyze the perceptions of land use and to distinguish the way forward in this conflict, I will argue for the importance of the historical relations and geographical prerequisites that enables me to partly explain the development with the new institutionalist concept *path dependency*. I define these as structural factors according to the overall framework. Further on, institutional factors such as laws, regulations, and the extent to which indigenous rights are protected by Swedish legislation are identified and analyzed. Based on the works of Vivian Schmidt (2008), Kaisa Raitio (2013) and Karin Beland Lindahl et al. (2018), I argue that discourse and ideas matter as they affect the frame through which actors see themselves and their role in conflict. This discussion constitutes the third level of explanatory factors, the discursive level. The discursive institutionalist framework is an elaboration on the New Institutionalism theory. By adding the discursive element, Raitio (2013) argues that it is possible to illuminate the different actors' perceptions of their role in a conflict, and that this can help navigating forward in conflict management in matters regarding land use and environment. As the analysis will show, factors on all three levels are present in this conflict, but it seems as if the most prominent one is the institutional one. The lack of protection of indigenous people's rights in Swedish legislation causes an institutional deficit that impedes the prospects of reaching common ground regarding land governance.

1.6 Positionality

As a non-indigenous person from the South of Sweden with a connection to the Swedish Tourist Association, I have many things to consider regarding reflexivity. I have visited the area of

Jämtlandstriangeln as a tourist and worked four summer seasons as a tour guide for STF in the areas around Kiruna. This makes me an insider in the tourism context. I have experience from working season-based, lacking transportation to larger cities, always adapting to the season, and working hard when most people have vacation. However, I am an outsider to the indigenous Sámi context. As someone with tight connections with STF, I have knowledge based on the opposing side of the conflict. I will not be able to step out of my identity and heritage, but I do have the possibility of focusing the research on the indigenous rights perspective and the power relations that seemingly are hindering those rights to be fulfilled. I will return to ethics and reflexivity in the Methods chapter.

1.7 Thesis overview

In addition to this introduction, the background chapter will provide necessary context on history and governance in Sweden. The background chapter is followed by a presentation of the theoretical framework (chapter three) and method (chapter four). Chapter five contains a presentation of the main actors and my primary data, sorted by the inductively and deductively produced codes used in the analysis. A discussion of the main findings, based on the theoretical framework, is found in chapter six and a conclusion is presented in chapter seven.

2 Background

2.1 Introduction

This background chapter aims to explain the most important features framing the challenges of land use governance in western Jämtland in relation to indigenous rights. This requires an understanding of the historical developments that underlies many of today's conflicts, but also the way public governance in Sweden is organized and what legal indigenous rights instruments are relevant for this case. As will be shown, many of these aspects are connected and will be referred to in the data and analysis chapters.

2.2 Historical background

To understand the development regarding Sámi land rights, much is found in the historical background to these questions in Sweden. This section is an overview of the different turns the question of Sámi land rights has taken. Today's frustration found among reindeer herders and other local inhabitants in Jämtland, and many other parts of Saepmie, rests upon this historical foundation. The history that is relevant for answering the research questions mainly starts to

emerge around the turn of the 16th and 17th century⁴. Sources from earlier times regarding proper land rights issues are scarce, and the events that took place after this time are in many ways the basis for conflicts still present today.

2.2.1 The early Sámi land-rights history in Sweden

During the 17th century, a time when the Swedish state expanded and began showing an interest in its northern territories, the Sámi family groups who populated these areas had quite a strong right to their lands. The lands were called Sámi Tax lands [*Lapps katteland*] and were internally distributed between the Sámi family groups (Ruong, 1982, 51). As the families paid tax for their lands, they were considered its owners. It is not clear how strong a property right this was, but to pay tax for your land was the strongest right a non-noble person could have at this time. (Lundmark, 2008, 37). The Sámi's trading of fur, fish and game was important for the kingdom's economy. The Swedish king and authorities did not want to risk the Sámi leaving Sweden for Norway, and so they were treated somewhat fairly (ibid, 23).

The jurisdiction of the Sámi areas was mainly managed by the local inhabitants. Each Sámi village had its own regional court, the District court [*Häradsrätten*]. In most cases most of the decision makers were Sámi. Much jurisdiction was therefore based on Sámi customary law and practices (Lundmark, 2010, 35; Ruong, 1982, 51). However, the County Administration Board (CAB) [*Länsstyrelsen*], an authority connected to the state and not the local society, gained more influence during the 18th century.

There are several reasons for this. In general, it is connected to the fact that the Crown wanted to consolidate its power in the northern areas, regarding land resources, tax income and trading goods. To increase tax incomes, the Crown wanted to populate the northern areas, and decided that settlers who established homesteads in the Sámi areas would receive great tax reliefs and were also exempt from military service. This was a huge benefit as Sweden participated in several wars (Ruong, 1982, 52). The right to hunt and fish on the Sámi tax lands mainly belonged to the Sámi, as the settlers should rather devote themselves to farming and cattle husbandry (Lundmark, 2008, 65). The view was that the settlers' farming activities and the Sámi hunting, fishing and reindeer husbandry were so different that they could co-exist on the same land without issues. This is referred to by Åsa Össbo (2020, 426) as the *Parallel theory*, and is, according to her, to blame for much of the past and present land use conflicts in

⁴ Jämtland belonged to the kingdom of Denmark-Norway until 1645, thus the source situation before this is not as coherent as in other parts of Swedish Saepmie (Lundmark, 2010, 26).

Saepmie. As the state lacked knowledge on how these different activities used the land, land use conflict occurred between the actors.

Whenever a land rights conflict occurred, the Sámi turned to the District court with their complaint, and the farmers tended to turn to the CAB, where they usually won support. As the 18th century came to an end, the farmers won more cases, and the CAB took over much of the land rights administration. This also meant that the settlers received stronger land rights, and that the Sámi slowly lost theirs. The district courts resisted, but the Crown eventually won this dispute, and the Sámi tax lands seem to have been transferred into Crown land (SOU 2006:14, 17). Much politics today is still based on the assumption that land that was previously Sámi Tax land, is in fact state owned. The Sámi Parliament [*Saemedigkie*] in Sweden questions the legitimacy of the state's land ownership as follows:

“What is actually state-owned and how the state can prove that the state is the rightful owner is another question. The state does not have registration of title to the land. The state has often referred to the Royal Decree of 1683 on that forests, “properties that lie in the wilderness”, belong to the Crown. Which land did it pertain to? And was it really ownerless?” (Sametinget, 2021a).

The Royal Decree of 1683 has a complicated history. It begins with a letter from the Swedish king Gustav Vasa in 1542, where he wanted to populate the vast northern areas and that it was his right as *“properties that lie in the wilderness belong to the Crown”*. According to Lundmark (2008, 132-134), no legal historian of today would claim that this letter turned all the northern forests into Crown land. However, this letter was revived some 140 years later, in 1683, when the Swedish iron industry needed charcoal and therefore could use access to forest areas. In the decree issued by the Swedish authorities, a similar formulation as the one from Vasa was used, and this made it possible for the state to usurp the forest land it needed. The decree of 1683 was replaced in 1734, and then forgotten. At the turn of the century 1800/1900, it once again was revived to be used as a part of yet another investigation regarding privately and state-owned land. The decree of 1683 was, on dubious grounds, given a great deal of legitimacy, and it was thereafter accepted as proof that the state was the rightful owner of the Sámi lands. This was later confirmed by the Supreme Court, when a group of Sámi in Jämtland in 1966 sued the state in the so-called *Taxed mountain case* [*Skattefjällsmålet*] (see section 2.3.3). The court used the 1683 decree as proof that the state had the property right to the taxed mountains, not the Sámi. This argument is also found in a 2006 public investigation regarding hunting and fishing rights,

where it is stated that “*The state derives its land ownership to land above the cultivation border to the 1683 decree*” (Lundmark, 2008, 138-140; SOU 2005:116, 83; Ruong, 1982, 50-51).

Contributing to this development of transferring Sámi land into Crown land was the fact that the farming population in the 1700s gained more power in the national parliament. They were now granted actual property rights to their farmland. This made it even more important for the king and authorities to secure ownership of the Sámi areas. To transfer the Sámi areas into Crown land and claim that the Sámi only had the right to *use* the land, not *own* it, was the strategy used to achieve this (Lantto, 2012, 12). A theory on so-called *culture stadiums* that flourished at the time was used to legitimize this. The nomadic Sámi were considered to be on a lower stage of development compared to the farming culture, thus, the Sámi were not in question to own land in the same way as the farmers. (Lundmark, 2008, 75; Lantto, 2012, 12-13).

In Jämtland, no border between the farmlands and the mountain areas was established, as was the case with the Lapland border in the northern territories (Lundmark, 2010, 59)⁵. There were however areas considered to be “the Sámi areas”, called “Taxed mountains” [*Skattefjäll*], where the Sámi seem to have had similar, strong, rights to hunt, fish and herd reindeer as on the Sámi tax lands further north. One issue for the Sámi in Jämtland was that their taxed mountains were not as connected as those in the regions further north. The tax mountains were spread out and often surrounded by forests that were considered “commons” by the farmers, but these lands were also often used by the Sámi for reindeer winter pasture. However, they did not have any specific property right to them.

2.2.2 Increased state regulation of land and resource rights

When it was settled that the state authorities, the CAB, were the ones to administer the land, a huge land allocation reform called the land detachment [*Avvittringen*] commenced in the northern areas and Jämtland. The purpose was to decide more thoroughly where the borders between Crown land and private land went. The land detachment began in 1820, and the process in Jämtland was especially harsh on the Sámi. It is described that it was conducted “as if the Sámi did not even exist” (Lundmark, 2008, 79, 105, Ruong, 1982, 60). The principle was that the Crown explained that it owned all land that was not homesteads with houses or cultivated farmland. It then handed out parts of its “own” land to farmers and settlers. The property right then attached to the land was a new, modern and much stronger property right than what was

⁵ For more info in the Lapland Border [*Lappmarksgränsen*], see Lundmark, 2010, 59 and SOU 2006:14, 18.

earlier in play. The Sámi did however not gain property rights to their tax lands, as they did not have “proper houses” or cultivated farmland. On the parts of the taxed mountains in Jämtland that were detached and handed to private property owners, the Sámi lost their fishing and hunting rights. They also lost much of their right to winter pasture in the common forest lands. Eventually the authorities realized that the land detachment process in Jämtland was unfair to the Sámi. This has been confirmed by the Supreme court in the 1981 *Taxed mountain case* (Lundmark, 2010, 79-81; NJA 1981:1, 182). In the 1840’s, the government reacted and, in a letter, known as the Taxed Mountain letter [*Skattefjällsbrevet*], stated that the authorities had to give some land back to the Sámi to cover their needs (Ruong, 1982, 61). The land that was given back became part of the area nowadays known as the reindeer grazing mountains [*renbetesfjällen*].

In 1867 the Swedish parliament [*riksdag*] decided to establish a cultivation border [*odlingsgräns*] that was supposed to work as a “provisional boundary between the cultural lands of the Lapp Lands and the mountain communities” (SOU 2006:14, 37). The borders’ placement was settled in 1890 and it remains an active regulation border today.

The first Reindeer Grazing Act

During this time of increasing state regulation of land and resource rights, the first Reindeer Grazing Act was enacted. It entered into force in 1886 and cemented the idea that the Sámi had the exclusive right to reindeer grazing on Crown land. The law was also based on the general idea that the good reindeer herder was a nomad. The fact that many Sámi combined reindeer herding with farming did not fit in with the clear-cut borders that the state wanted to establish between different industries (Sametinget, 2021b). If you were Sámi, you had to be a reindeer herder. Perhaps most important here is that the first reindeer grazing act legally established the concept that the Sámi only had the right to *use* state land, and that they lost all actual *property rights* (Lantto and Mörkenstam, 2008, 29). This is still today the basis on which the reindeer grazing legislation rests. With the right to grazing lands for reindeer also came the right to fish, hunt and forestry on Crown land. This right was however only granted to the nomadic reindeer herders. Other Sámi lost all their land rights. New reindeer grazing acts were deployed over the years, but the content remained more or less the same (Mörkenstam, 2019, 1723).

The 1886 Reindeer Grazing Act introduced the concept Reindeer Herding Community (RHC) [*Sameby*]. To have the right to engage in reindeer herding, one had to be a Sámi member of an RHC. The RHC is both an administrative entity, in the form of an economic organization, and a geographical area. The reindeer herding right was now a collective right that belonged to

the RHC, not an individual right (Sametinget, 2021a). The Act stated that the Sámi had hunting and fishing rights on the reindeer grazing lands. It was also allowed for the Sámi to lease this right to others. However, as the paternalistic view of the time prevailed, the Sámi were not considered capable of administering this themselves, and the task was given to the CAB (Allard and Brännström, 2021, 59, Lundmark, 2010, 238, see also section 2.3.3 about the Girjas case).

The Sámi movement

The incipient Sámi movement in Sweden, argued that the Sámi identity was not only connected to reindeer herding, but that it was an *ethnicity* and that land rights should be provided to all Sámi, not only reindeer herders. This movement managed to gain some strength during the early decades of the 20th century, but it did not result in the Sámi gaining any new land rights. In the 1940's, more reindeer herders engaged in the cause for Sámi rights, and the movement grew stronger as the reindeer herders had a stronger and more homogenous organization in the form of the RHC:s (Lantto and Mörkenstan, 2008, 32-34). The Sámi movement adapted to the States' view of the Sámi as nomadic reindeer herders. This resulted in the formation of *Svenska Samernas Riksförbund (SSR) [The National Union of the Swedish Sami]*, the first national Sámi organization, in 1950. SSR is still today an important platform for reindeer herders in Sweden.

Lapp shall remain Lapp

Meanwhile, during the first half of the 20th century, Swedish Sámi policy developed in a new direction, against a backdrop of social Darwinist ideas that flourished in the scientific and cultural world at the time. Charles Darwin's works on the evolution of species were released in Swedish translation 1871 and 1872, and highly influenced the view on minorities in Sweden. The scientific and political discourse was permeated by a paternalistic tone, and the general opinion was that the Sámi could not manage their own matters and needed to be protected from civilization (Lantto, 2007, 365-368; Pusch, 1998). This resulted in a policy consisting of two parallel concepts, *segregation* and *assimilation*. The reindeer herding Sámi were to be kept separated from majority society, to preserve their traditional way of life, like a national romantic cultural heritage. All other Sámi were to be assimilated into Swedish society. This policy called Lapp shall remain Lapp [*Lapp skall vara Lapp*] was achieved through the school system. Special nomad schools were established for children from nomadic families. This would turn them into "useful citizens", as productive reindeer herders, but also force them to stay within the nomadic way of life, which was seen as crucial for their survival (Kortekangas, 2017, 83). Higher education was considered to be harmful for nomadic children, and they were thought to

benefit from a restricted curriculum (ibid, 86-87). Other Sámi children were simply integrated in the Swedish school system, forced to learn Swedish and abandon their Sámi identity. The paternalistic, racist attitude towards the Sámi during this time caused deep historical wounds in the Sámi society (Sametinget, 2021b). It is also, according to some, to blame for the distrust that many Sámi today feel towards the state authorities, as this attitude to some extent remained at least until the 1970's (Lantto, 2007, 381). The dividing of Sámi groups made many people lose their culture, language and heritage and led to conflicts that are still ongoing⁶ (Sveriges Radio, 2022; Tidholm, 2020).

2.2.3 History of tourism and reindeer herding in Handölsdalen

The first tourists came to the Jämtland mountains in the mid-19th century. Initially, they were mainly rich academics, but with the establishment of the railway in the 1880's more tourists started to come. The Swedish Tourist Association (STF) was founded in 1885 and they established cabins and hiking trails in the mountain areas. The mountain huts were often built directly in connection to the Sami camps where there was protection from the wind and access to firewood and water. For the early tourists, meeting the Sámi was an appreciated, exotic element of the mountain trip (Gaaltje, 2022). The curious tourists constituted a source of income to the Sámi but were also an inconvenience as they could enter the Sami huts without getting invited and ask annoying questions. In some places, the increased tourism forced the Sámi to move.

The area of Tjallingen was abandoned by reindeer herders at some point around the turn of the 19th/20th centuries, but in 1916, the reindeer herder Lars Larson Kråik (who was originally from the Vilhelmina area in Västerbotten) moved there with his family and re-introduced it. In the early years, the Kråik family used the area of Storulvån as their summer residence, but as tourism increased, they moved to Tjallingen for good. The Kråik family is still a major reindeer herder family of the Handölsdalens sameby (ibid, 18-19). The Storulvån area was attractive also to the early tourists. On the south side of the river Handölan, a tourist hut was built in 1887. In the 1930's, an actual tourist station was built on the north side of the river. The station was placed directly on top of the site for one of the Kråik family's' old turf huts.

⁶ The 1919 Reindeer Grazing Convention made many North Sámi families lose access to their summer grazing land in Norway. The state forced them to move to areas further south, resulting in conflict with the South Sámi groups already using those areas (Sveriges Radio, 2022).

The fireplace of the turf hut is marked with a dark circle on the floor of the modern Storulvån tourist station. According to personal correspondence with local reindeer herders, and the information brochure about the Handölsdalens RHC from Gaaltije cultural centrum, Lars Larsson Kråik said at some point about Storulvån:

“The place lies leeward from the northwest wind and provides calm and warmth for the reindeer during the calving period. A mountain station on the north side of the river would destroy the site's importance for reindeer husbandry forever.”

After 1924 the Kråik family stopped coming to the Storulvån camp site in the summer.

2.3 Public governance in Sweden

This section will briefly explain how governance in Sweden is organized, with specific focus on the main governance instruments for land use, tourism and indigenous rights.

Four levels of governance

Swedish public governance occurs on four levels. The first is the *municipal level*. The country is divided into 290 municipalities, the smallest units of governance. The municipalities are responsible for many services, the most important ones being schools, elderly homes and social services. Their income is much based on tax, and as population numbers differ, so does the economic room for maneuver. Regarding land use governance, the municipality plays an important role as it is responsible for the Municipal Comprehensive Planning [*kommunal översiktsplanering*], according to the Planning and Building Act [*Plan- och bygglagen*]. It is their responsibility to make sure the municipal area is used in legal way that acknowledges the different interests in the municipality.

The second level is the *regional level*. There are 21 regions in Sweden, and they are also responsible for special areas such as health care and public transport. Municipal and regional autonomy is protected in the Swedish *Instrument of government* (see below). It makes sense to have a decentralized governance system, as the different regions and municipalities in Sweden have very different prerequisites and needs, both when it comes to size, demography and climate.

The third level of governance is the *national level*, the State. All laws are enacted on this level, by the national parliament [*riksdag*] that consists of 349 elected representatives. Elections are held every fourth year and the turnout is regularly high (above 80%) (SCB, 2022). The government is accountable for the Riksdag under the Instrument of government [*Regeringsformen*], the regulative document that most resembles what many other states call a

constitution. One paragraph in the Instrument of government was added in 2010 and concerns the Sámi people: “*The opportunities for the Sámi people and ethnic, linguistic and religious minorities to maintain and develop their own cultural and community life must be promoted.*” (SFS 1974:152, 2 §).

Since this paragraph was added, the Sámi are officially regarded as a *people* by Swedish law. This is relevant when it comes to applying international human rights instruments, as the right to self-determination applies specifically to peoples, and not to other groups (Åhrén, 2016).

Under the government, there are several state agencies, each one with responsibility to execute the tasks given to them. The courts that handle justice matters in Sweden are also autonomous authorities. They exist on three different levels and are not to be interfered with by the government ministers. The state also has representation on the regional level, in the form of County Administration Boards [Länsstyrelser], which will be elaborated on in Chapter 5. 1.

The fourth level of governance arose when Sweden joined the European Union in 1995 (Regeringskansliet, 2017). Some of the decisions that previously were only taken by the Riksdag are since decided upon on the European level. If the EU and the Swedish law stand against each other, EU law must be followed. Noteworthy is that EU as early as 1994 encouraged its member states to ratify ILO 169 (Broderstad, 2000, 242).

The right of public access

The right of public access [Allemansrätten] is also mentioned in the Instrument of government. In the 15:th paragraph it is stated that “everyone shall have access to nature in accordance with the Right of public access [...]” (SFS 1974:152, 15 §). The right of public access is thereby protected by the law, but it is commonly viewed as an old custom. The meaning of the Right of public access is that everyone in Sweden, visitors as well as citizens, has the right to access nature, if they do not destroy or disturb. For example, it is not allowed to walk across someone’s yard or to pinch your tent in their garden. Nevertheless, it is allowed to camp, well away from any houses, to pick berries and to ski or walk on any path or ski track. The key is that if you treat nature and the people in it with respect, if you do not disturb animals, destroy plants or leave litter behind, nature is accessible to everyone. Special regulations often apply in protected areas, and sometimes also during special times of the year. Reindeer herding is mentioned in the right of public access. As the reindeer roam free in the mountains, it is common that hikers or skiers meet them. According to the right of public access, it is not allowed to disturb reindeer or to interfere with reindeer herders. (Naturvårdsverket, n. d). The right of public access applies

only to individuals. A large group of people who organize an event in a nature area, like a sports club arranging a running race, usually needs to apply for permission from the CAB or the municipality, as these activities can cause more damage to the land than individuals do (see section 2.3.1).

The Sámi Parliament

The Sami Parliament in Sweden [*Sametinget/Saemiedigkie*] is a state agency. It fills the role of both a publicly elected parliament for the Sámi people and a state agency under the government. The work of the Sami Parliament is regulated by the Sami Parliament Act (SFS 1992:1433). The state agency is responsible for questions regarding the Sámi, such as deciding on the state grant that is distributed for Sámi purposes, responsibilities regarding the Sámi language work, participating in consultations, ensuring the interests of the reindeer herding in community planning and to inform about Sámi conditions. In addition to being a state agency, the Sámi parliament also intends to influence public opinion and bring forward Sámi perspectives in front of the government. This dual role of the Sami Parliament is often criticized as an unsatisfying institutional design of an indigenous self-governmental body, as it in fact impedes the Sámi people's exercise of self-determination (Lawrence and Mörkenstam, 2016).

2.3.1 Tourism governance in Sweden

Tourism is a wide concept that is administered and managed on many different levels of Swedish society. In general, tourism depends on the same laws and regulations as other activities, like the Environmental Code (SFS 1998:808). Tourism is viewed as an important industry for Swedish economy, and for the small municipalities in sparsely populated areas, the tourism industry is crucial for the municipality's labor market and vitality (SOU 2017:95, 123). In 2017, a government committee report was released with the purpose to submit proposals for a coherent policy for sustainable tourism and growing hospitality industry (ibid). Through its state-owned marketing company Visit Sweden, the Swedish state is promoting the country as a sustainable and attractive tourism destination. Nature, and especially the right of public access, is the main theme promoted on their website (Visit Sweden, 2023). It is even highlighted that they “*put the entire country on Air BnB*”, as camping is allowed and free anywhere in Swedish nature (Visit Sweden, 2021).

In the case of Jämtlandstriangeln, the main factor enabling tourism is indeed the right of public access, as has been described above. The right, however, comes with both rights and obligations, and it states, for example, that it is not allowed to litter or to disturb reindeer

(Naturvårdsverket, n. d). As will be shown, there are few sharp legal tools for the local authorities to regulate tourism with regards to the protection of reindeer. If a large event is to be held on state owned land, e g a sports competition, the organizer must apply for a land use permit [*markupplåtelse*]. The CAB administers these permits. When permission is applied for, the CAB must ask the local RHC (as one of several stakeholders) if the event is going to be a “considerable inconvenience”, which is the limit stated in the Reindeer Husbandry Act (SFS 1971:437). The RHC can say no to the event, but eventually it is up to the CAB to make the final decision.

2.3.2 Legal base for indigenous rights in a Swedish context

Indigenous rights

Indigenous peoples are different from minorities in the way that they have a close connection to land. Because of that distinctiveness, they also have the right to their traditional land and water, as this is a fundamental part of their identity (Åhrén, 2016). These rights are stated in The UN Declaration of the Rights of Indigenous peoples (UNDRIP) from 2007. The Sámi in Sweden are recognized as a people in the Swedish Instrument of government, and as such they have the right to self-determination. Furthermore, indigenous peoples have the right to pursue their culture, in accordance with Article 27 of the International Covenant on Civil and Political Rights (ICCPR). As their culture is so closely connected with the traditional land use, the right to culture also implies the right to land.

ICCPR: Article 27

The International Convention on Civil and Political Rights (ICCPR) is a human rights treaty adopted by the General Assembly in 1966. Together with the Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR) it forms what is known as the “International bill of human rights” (OHCHR, 2023). The two conventions are the ways in which universal human rights are operationalized through actual legal instruments. Article 27 was the result of attempts to address the need for minority rights protection within the UN human rights system (Barten, 2015, 47). Article 27 reads as follows:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” (ICCPR, 1966)

Article 27 has played a significant role in the protection of indigenous material culture as part of indigenous rights. This has been expanded upon by Broderstad, (2022), Cambou et al., (2022) and Ravna (2022). Sweden ratified the ICCPR in 1971 and is thus obliged to fulfill its obligations.

The Reindeer Husbandry Act

The law that regulates reindeer herding today is the 1971 Reindeer Husbandry Act. It replaced the 1928 Reindeer Grazing Act and states all the prerequisites for reindeer herding. The law states, among other things, that to pursue reindeer herding, you must be Sámi and member of a RHC [*sameby*]. The Act also defines on what lands the herders are allowed to keep their reindeer and during what times of the year. The all-year-round lands [*åretruntmark*] are the lands west of the cultivation border, and here reindeer herding is always allowed. In Jämtland, this equals the reindeer grazing mountains [*renbetesfjällen*]. However, it is only suitable to keep the reindeer high up in the mountainous areas in the summer, late spring and early autumn. Between the 1st of October to the 30th of April, it is allowed to keep the reindeer on the winter grazing lands. In Jämtland, all winter grazing takes place on the so-called “*customary lands*”. Exactly what these lands are, has been investigated in the public investigation SOU 2006:14 The customary lands of the Sámi [*Samernas sedvanemark*]. However, it is not completely clear what land the law is referring to when it comes to the winter grazing lands. This has created a great deal of confusion and sometimes conflict between reindeer herders and private landowners (SOU 2006:14, 73). The Reindeer Husbandry Act also states that the reindeer herding right rests upon the concept of “*Immemorial prescription*” [*Urminnes hävd*]. Immemorial prescription was a legal concept within old Swedish property law, and it means that one has the right to use land that they have used as far back as anyone can remember. Basing the reindeer herding right on this makes it a very strong right, as it entails that it is a right based on civil law, constitutionally protected against coercive measures without compensation (Allard and Brännström, 2021). According to the Reindeer Husbandry Act, leasing of land on the all-year-round-lands to other land users, is only allowed if it “does not constitute a considerable inconvenience” for the reindeer (SFS 1971:437, 30§). Since the Girjas case (see below), the Act is underway for being updated in accordance with the prejudicial verdict. More on this in chapter 5 and 6.

ILO 169

The 1989 International Labour Organization's (ILO) Convention No. 169 is often considered one of the most important international legal tools for safeguarding indigenous peoples' rights. It is the only international legally binding instrument for this purpose. It was first adopted in 1989, entered into force in 1991, and is so far ratified by 24 countries. Sweden is a member of ILO but has not ratified ILO 169. The main obstacle for a Swedish ratification has been found to be the terms regarding indigenous people's rights to land (Mörkenstam, 2019, 1726). Two public investigations were conducted regarding this (SOU 1999:25; SOU 2006:14). They found that the land rights protection granted through the Reindeer Husbandry Act is not enough to fulfill the requirements presented by the ILO Convention (SOU 1999: 25). The unclear circumstances regarding the Sámi customary lands [*Sedvanemarker*] were also addressed as a problem. To ratify ILO 169 and grant land rights to the Sámi, it is necessary to determine what lands these rights pertain to. The committee concluded that even though their investigation of the actual borders of the Sámi customary lands had provided a somewhat thorough base for solving future land-use conflicts, much obscurity remained (SOU 2006:14).

The committee of SOU 2006:14 further stated that to deal with land-use conflicts, the only available tool for reindeer herders and landowners is a court process. This is costly and the result is often that the party with less access to legal and economic resources must pay the legal costs and give up their land. Thus, the committee suggested the inauguration of a state-funded investigation and mediation body. To follow what is stated in article 14 of the ILO convention about the right of indigenous peoples to *assert their claims*, some sort of independent body would be needed (SOU 2006: 14, 505). The committee argued that regardless of whether Sweden intends to ratify the ILO convention No. 196, international customary law requires the principles of indigenous people's rights to be respected. It further stated that conflicts regarding reindeer herding on customary lands, is to a large extent the result of outdated legislation, and that it is the state's responsibility to help solve these conflicts without burdening the parties with unreasonable costs (ibid, 512). Since the committee released their report, no efforts of either establishing such a mediation body or to ratify ILO 169 has been made. The main event that affected these issues in Swedish policy was the 2020 Girjas case, but also the enactment of the Consultation order that entered into force in 2022.

2.3.3 Legal cases

As the historical development of the Sámi land rights situation has been messy and not everyone agrees on what happened, the land rights situation today is often questioned, both by Sámi,

authorities, and private landowners. In later times this has resulted in several important legal cases, of which I will here present a few that have had impact on my case.

The Taxed Mountain Case [*Skattefjällsmålet*]

In 1966, a group of RHC:s in northern Jämtland sued the Swedish state, as they considered themselves having stronger rights to the Taxed Mountains [*Skattefjällen*] (that is, the areas where they have the reindeer herding right, but not property right according to contemporary law; see previous paragraphs). The case finally ended up in the Supreme court in 1981. In the end, the Sámi lost the case, because they did not have access to enough legal expertise, and at the time not enough research was conducted to provide a thorough enough historical background (Lundmark, 2010, 226). However, the case became significant. The process showed that taking land rights cases to court was an available option, and that the Sámi were able to organize around these issues. The court also noted that, even though the Sámi did not have the right to the land areas in question, the Taxed Mountains in Jämtland, it was possible that other areas, in Västerbotten and Norrbotten, could legally belong to the Sámi, but that they could not investigate this as this was not the case in question.

However, the court stated that the reindeer herding right is based on “Immemorial prescription” [*urminnes hävd*] and that it is a civil right with as strong constitutional protection as the general property right. This means that the Sámi’s usufruct right on the all-year-round-lands [*året-runt-mark*] (and the reindeer grazing mountains [*renbetesfjäll*] in Jämtland) cannot be subjected to compulsory disposal without compensation. This right is protected by the constitution, which means greater protection for the collective right to reindeer husbandry than if it is only protected through ordinary legislation (Allard and Brännström, 2021, 58). The Taxed Mountain case also led to the initiation of a public investigation regarding Sámi rights, which eventually resulted in the inauguration of the Sami Parliament in 1993 (Mörkenstam, 2019, 1725).

The Girjas case

Another case of the Supreme Court is the Girjas case. One sole RHC, Girjas RHC, whose grazing lands are located northwest of Gällivare in Norrbotten county, sued the Swedish state as they thought themselves to be the actual rights holders to the small game hunting rights on their traditional lands. The Supreme court ruled in favor of the Sámi, and in the verdict, it was clarified that the concept of “immemorial prescription” was a valid concept with strong legal

connotations. It also referred to international indigenous rights instruments, and to Sámi “customary rights”, which has not previously been the case.

Leading up to the lawsuit was the development of the treatment of Sámi hunting and fishing rights. The administration of hunting and fishing permits on the reindeer grazing lands was, a century after the enactment of the first Reindeer Grazing Act, still administered by the CAB. However, in the late 20th century hunting and fishing generated more money, than hundred years earlier when the hunting permits were mostly given out to the local population. In the late 1980's, the state started to claim actual hunting and fishing rights as part of its land ownership. This was achieved through a series of public investigations and law bills, which gradually legitimized that the hunting and fishing rights of an area belonged to the property owner (Lundmark, 2010, 240). The system for the leasing of permits was reformed in 1993, and RHC:s lost much of their influence over this process, while the number of permits increased. The state argued that this would result in better management of the game and fish stocks, and that it would provide recreation for people who did not own land (Allard and Brännström, 2021, 59). Sámi representatives protested, claiming that the hunting and fishing rights were theirs exclusively, and that this lost control of the hunting on reindeer herding land would disturb both the work with the reindeer and the Sámi's own hunting and fishing possibilities (ibid; Lantto and Mörkenstam, 2008, 41).

Against this background, the RHC Girjas took legal action against the Swedish State in May 2009, and the final verdict from the Supreme court came in January 2020. As the Girjas case was a Supreme court verdict, it has prejudicial status. It is believed that this will have a relatively large impact on the treatment of Sámi indigenous rights in Sweden onwards.

3 Theoretical framework

Land use conflict has been widely studied. Different theoretical frameworks have been developed to understand and explain the successes and failures of different co-management processes regarding land governance, see for example Broderstad et al., (2020), Kaisa Raitio (2013) and Dietz and Engels (2020). To discuss the case of land use conflict in western Jämtland and to situate the case in a larger context, I draw on institutional theory, as well as a three-fold theoretical framework developed by Katarina Eckerberg and Camilla Sandström, that will help illuminating the reasons for the present conflict. The concepts of structure, agency and discourse will all be helpful in examining the case in question.

3.1 Institutional theory

Institutionalism is a wide school of thought and there are as many versions of institutionalism as there are disciplines within social science. However, the general assumption in institutional theory is that people and organizations are bound by certain norms, rules and values, and that collective political behavior is not just the aggregate consequence of individual choice (DiMaggio and Powell, 1991). The definition of an institution differs, but in general, institutions are supra-individual entities that form a framework for what actors can and should do. They can also be defined as social structures with a high degree of resilience (Scott, 2010).

Institutionalism has developed into what is today defined as New institutional theory, which in turn has over time come to diverge into three common strands: Rational-choice institutionalism (RI), Historical institutionalism (HI) and Sociological institutionalism (SI). Even though institutionalism developed as a response to the functionalist-based behaviorist assumptions that all actors are rational and capable of calculating the most beneficial outcome, RI is not abandoning this school entirely. In RI, actors are still considered rational, but as they in politics must cooperate with others, it is preferable to form institutions that guarantee the correct behavior of other actors, as to reach the most beneficial collective outcome. This is often illustrated by theoretical problems such as “the tragedy of the commons” (Hall and Taylor, 1996, 945; Ostrom, 2015).

Historical institutionalism builds around an assumption that the choices an actor makes determines what future choices are possible. The way actors move through the political landscape follows a certain path, determined by their previous choices. This concept is called “path dependency”. Institutions are said to constitute relatively stable features of the historical landscape, thus contributing to the creation of the established path (Hall and Taylor, 1996, 941). When the path takes new turns, this is labeled as a so-called “critical juncture”, where the actor must choose where to go next. HI is often criticized for not being able to explain change and for being too deterministic. After all, if everything follows a predetermined path, why do sometimes unexpected events happen? This is where some theorists argue that what is missing is the importance of ideas (Schmidt, 2008). Even though ideas are given some attention by historical institutionalists in the sense that institutional factors can reinforce certain ideas in the favor of others, they do not let the ideas be the reason for change (Hall and Taylor, 1996, 942). Seen from a broader perspective, this can be identified as a way of prioritizing structure over agency, as the institutions seem to determine what actors can do (Peters, Pierre, and King, 2005).

Social institutionalism (SI) is usually associated with the scholarly work of March and Olsen (1996) and arose from within the subfield of organizational theory. Its main feature is the importance it gives to norms, roles, and values. Social institutionalists argue that the reason why organizations and other social entities are structured in certain ways is not efficiency; this creation of practice should be explained in terms of culture (Hall and Taylor, 1996, 947).

I will not enter a discussion of which of the three new institutional perspectives is most suitable for analyzing land use management in an indigenous rights context. Nevertheless, I will argue that the land use conflict in western Jämtland to some degree can be understood through an institutional analysis. Historical struggles between actors and a weak institutional protection of indigenous rights within Swedish policy administration has created an uneven playing field where conflict is inevitable. Under the framework of institutionalism, the concepts of ideas and discourse will be helpful in illuminating the reasons for why conflict is hard to avoid, and what is necessary to reach common ground. This will be expanded upon below.

3.2 Theoretical framework: Explanatory factors to land use conflict

To understand and analyze the perceptions held by the actors within this case of land use conflict in the light of indigenous rights, and to identify prospects of reaching common ground regarding land governance, it is necessary to identify potential reasons for the conflict. Land use conflicts often consist of several actors with different preferences, who all are constrained by institutionalized rules and laws, and have their own way of viewing the situation and their role in it. This is why not only institutional factors, but also structural and discursive ones, must be examined and applied in this case.

For further analysis, I will apply the three-fold framework developed by Katarina Eckerberg and Camilla Sandström (2013), which they apply to describe the factors causing conflict within forest management. The forest is a resource used by multiple interests and actors, and the challenges within forest governance have changed and increased with time (ibid, 1). The features defining forest conflict are similar to other land use conflicts, and I find the framework applicable also to my case. Eckerberg and Sandström use the framework to sort forest governance conflicts into three categories: structural, institutional and discursive conflicts. The argument for categorization is that conflicts appear due to different factors. Eckerberg and Sandström use the framework to analyze the different ways forest conflict is studied. In my case, I will use it to analyze the several reasons for one conflict. I interpret my case as the result of all the three factors structure, institutions, and discourse at once, and the

framework will help me illuminate the conflict in a way suitable to answer the research questions (see Figure 1).

Structural conflicts are due to weak institutions and an unclear property rights regime, often following a colonial history in the context of which the conflict occurred. The conflict happens because the overall structure of land use management is not in place (ibid, 3). Structural factors such as a colonial past and uneven power relations are something described as common in land use conflict in developing countries. However, this factor might also be relevant in explaining the conflict regarding Jämtlandstriangeln, as this area carries a long history permeated by uneven power relations and a messy past when it comes to regulations of land rights and protection of indigenous rights (see chapter 2). The concept of structure is also related to agency. Structures and agents simultaneously constrain and enable each other. Structures can enable certain actions and constrain others, whereas certain actions can reinforce an existing structure, but others can contribute to the change of the same (Dietz and Engels, 2020, 210).

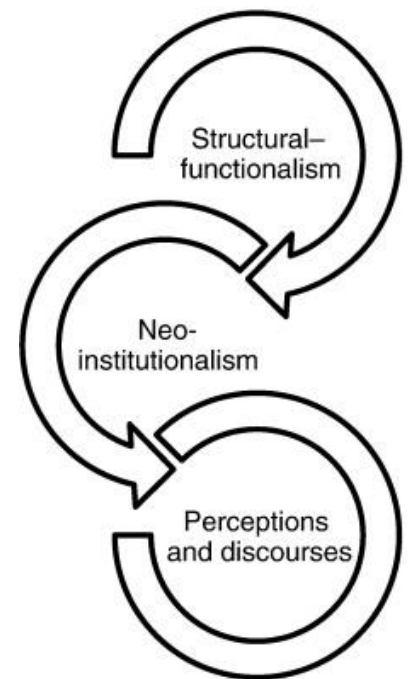


Figure 1 (Eckerberg and Sandström, 2013)

Institutional conflicts are based on clashes between public and private interests, according to the framework. Within institutional theory, the general idea is that actors base their behavior not only on their rational preferences, but on the formal and informal norms and rules that are present. What actions are possible is defined by institutions, be it laws, social structures or historical events that define options for the future. In my case, expected institutional factors present would likely be to what extent indigenous rights instruments are incorporated into the Swedish legal system, and how these instruments are used by local and state officials to safeguard the values they are meant to protect.

Perceptions and discourses are presented as the third potential factor for conflict by Sandström and Eckerberg, and it is exemplified through, amongst others, a framework used by Kaisa Raitio (2013), in the case of conflict about old-growth forest in Finland. Raitio argues that the frame through which the actors see themselves and the other actors, affect their perception of their own responsibilities. In the example, the state-owned forest company Metsähallitus saw the situation through a *forestry frame*, which turned themselves into a forest

company with responsibilities towards stakeholders, rather than a state agency with responsibilities towards its citizens (Raitio, 2013, 101).

The three levels of factors can overlap and sometimes complement each other. The aim for the analysis is to see how factors on all these levels play out and how they affect the land use governance in Jämtland. In the following, I will expand on the role of interactive processes of discourse, as developed by Viviane Schmidt (2008).

3.3 Discourse and ideas as catalysts for change or stability

As discourse is a widely used concept with a range of possible interpretations, I will define how I understand it and how it will be used throughout this thesis. Following Raitio (2013), I will turn to the definition of discourse established by Schmidt (2008):

“Discourse is not just ideas or “text” (what is said) but also context (where, when, how, and why it was said). The term refers not only to structure (what is said, or where and how) but also to agency (who said what to whom).” (Schmidt 2008, 305).

Schmidt has developed a fourth version of new institutionalism, namely Discursive institutionalism (DI), and argues that discourse and ideas constitute the missing link in the other new institutionalisms (RI, HI and SI). Schmidt argues that theorists within DI are taking ideas and discourse seriously, and that this is what differentiates them from other institutionalist theorists. According to DI, actors possess a great deal of power in the sense that they, through their discursive practice, can reinforce or change the institutional playing field on which they act (Raitio, 2013, 99,103).

In the case of land use governance in western Jämtland, there are seemingly institutional factors that must be considered, such as national law on land use and property rights, but also international indigenous rights regimes. However, to what extent these institutions are understood, interpreted and respected by the actors, and which one is prioritized over the other, can make a big difference in how land use is governed.

To analyze discourse, Raitio uses frame theory, which explains how certain constructions of reality (through frames) motivate different actions. A change in framing (i. e. how an actor interprets a situation and their own role therein), can cause change in the institutional context (Raitio, 2013, 100, 103). This is why discourse matters in the context of land use governance; the way ideas are conveyed, when and to whom, and how they are interpreted by the involved actors, also constitute a factor that can both reinforce conflict and accommodate for parties to see common ground (ibid). Frame theory, used in analysis of land use conflict, has been further developed by Beland Lindahl et al. (2018). This theory states that

how different actors react to natural resource management is to a large extent decided by how they frame the place and what sustainable land use means. Likewise, in the case of tourism in western Jämtland, the actors' perceptions of the place and how they define sustainable coexistence of interests, determine what actions they can undertake. Frame theory will be part of my analysis of discursive factors for conflict.

3.4 Applying the theoretical framework to the case of Jämtlandstriangeln

The theoretical concepts described above are operationalized through a set of questions asked to the material.

What are the structural factors impacting land use in the area, and how are they perceived by the core actors? How do the institutions safeguard the rights and interests of the different actors? To what degree are the indigenous rights perspectives included in the land use discourse in the area and how does the current land use discourse accommodate for prospects of reaching common ground?

Given the research purpose of illuminating the conflict around Jämtlandstriangeln through an indigenous rights perspective, these questions should help identify factors and interpretations relevant for the analysis. The methods used to gather data for the analysis are described in the following chapter.

4 Method

In this chapter I present the method used to collect the data required to answer my research questions. I also present the methodological choices made when collecting the data, and the ethical concerns considered in the process. The research questions for this thesis are of two different natures. The first question focuses on the core actors' perception of the use of the area. The second question focuses on management of land use conflicts and future prospects of reaching common ground regarding land governance. The first question requires personal perspectives from individuals representing the core actors. The second question is of a more institutional nature and can also partly be answered by gathering personal perceptions of the land use management. This is the main reason why I chose to gather data through interviews.

4.1 Preparations for fieldwork

When using interviews as a method during fieldwork in Norway, researchers must get approval from The Norwegian Agency for Shared Services and Research Data (SIKT). Before starting

to gather data, I had to summarize my project plan, describe how I would store the data in a safe way and what kind of data I was going to gather. I prepared an interview guide, one for each group of informants, and I explained in my application that the data would be stored on the One Drive server provided by the university. The application process went well, and I received permission to conduct the interviews well before the fieldwork was about to start. The interview guide is found in Appendix 2.

4.1.1 Identifying actors

To gather individual perceptions of the land use management around Jämtlandstriangeln, I first had to identify the core actors present in this case. I gathered information about the case by reading what had been written in the local and national media in the later years. As I have been working within the mountain tourism industry for many years, I also had useful contacts that could provide me with some insight. This information gathering was a combination of my own experiences with tourism and reindeer herding, the general media outlet regarding the issue, and what local contacts told me when I brought up the issue.

The first core actor I identified, were the Sámi reindeer herders. They seemed to be the ones experiencing most problems with the increasing tourism. This was also in line with the indigenous methodology of putting the indigenous community at the center (Virtanen et al., 2021, 16). As my research questions concerns indigenous land rights, the indigenous land users of the area had to be considered one of the core actors.

To illuminate the different perspectives of the ongoing conflict, the view from people within the tourism sector also seemed like a logical choice. As will be elaborated below, I have personal experience from places where reindeer herding and tourism are cooperating businesses, and in many cases, they can even ally against other land exploitation (STF, 2019). From 2022, there are also negotiations going on between one RHC and STF. This regards the land leasing deal that allows STF to have two mountain stations on the Crown land where they are currently situated. The deal expires in 2023, and the RHC has demanded that the conditions are re-negotiated. It is the state authority, the Jämtland CAB, that is the uttermost responsible for this deal, but currently the CAB has given the mandate of negotiating the conditions to STF and the RHC. As the land leasing deal is a very topical issue, and as STF is such a large actor in this area, STF had to be considered one of the core actors.

To incorporate the institutional perspectives of the research questions, I also found it necessary to include informants representing some state authorities. As the CAB is the main state authority responsible for regulation of land use, I found officials from the CAB an

important group for this. For questions regarding Sámi matters, the Sámi parliament is also an important actor.

To find and get in contact with informants representing the different groups, I used a combination of my personal and my academic network. When starting my research project, I gathered background information to the case of land use and indigenous rights in Jämtland. This included sending emails to several researchers that I knew had been involved in similar research before and asking them for advice on where I could find more information on the case. Some people gave me interesting input on what to read, and others gave me suggestions of other researchers to contact. This led me to contacting researcher Sandra Wall-Reinius, a cultural geographer working with projects regarding land-use conflicts and environment in Jämtland, at the Mid University in Östersund. She was interested in my project and provided contacts to several potential informants. They were people who she had worked with in earlier projects and whom she could contact in advance for consent to share their contact information with me. Through Sandra I got in contact with both one person from the RHC and one from the CAB.

From my time in the outdoor industry, I knew one person with a strong connection to an RHC in the area. They could provide me with contact information to one of the reindeer herders, and also ask them in advance for consent to me contacting them. One of my close friends was working at the tourist station STF Storulvån at this time, and they provided me with some contact information to relevant people to interview there. Some people that I contacted about being informants had official positions with their contact information publicly accessible on the web page of their respective workplaces, so I could send them requests by email.

I then used the snowball sampling method, and after each interview I asked the informant if they knew about someone else who might be interested in participating in the study. In respect to the time frame and scope of the study, I did not have the possibility to follow up all the suggestions I received. Nevertheless, I did manage to interview ten people, from all my previously stated three categories. Interestingly enough, during the process I realized that the categories were to some extent overlapping. Reindeer herders could also be Sámi politicians, and thereby they, to some extent, were involved in state authority matters as the Sámi Parliament is a state authority in Sweden (Lawrence and Mörkenstam, 2016). Reindeer herders could also be involved in tourism as side projects, and people working for the CAB could be very critical to other departments of the CAB.

4.2 Interviews

As I had chosen interviews as my main method for data gathering, I had to make a selection of who to interview and how and when to meet them. My goal was from the outset to reach out to 10-12 individuals. As my investigation is not quantitative, but rather strives to map out individual perspectives in a qualitative manner, I decided that I did not need more informants than this. However, I did think that it was good to have a fair number of perspectives, as the issue is complex and there are many different perspectives in it, even from within the same group. I chose my informants from the different categories of “reindeer herders”, “tourism sector” and “authority personnel”. I wrote three different interview guides, one for each category (see Appendix 2). The interview guides were worked out before I knew who I was going to interview, thus done on a very theoretical level. Many questions turned out to be the same for all three categories. Eventually, the conversations depended a lot more on the social chemistry than on what exact questions I had put in my interview guide. The guide was still a helpful tool, as it made sure that I did not forget anything important and made it easier for me to move the conversation forward. Three separate interview guides were used, one for each group. The interview guides were based on the research questions.

I chose to physically travel to Jämtland in Sweden, to be able to meet with people in real life and not just online. This was for several reasons. One was because I felt that actually meeting people would give a more sincere and open conversation. It would also open up for possible spontaneous meetings with new contacts in the area.

4.2.1 Arrangement of the interviews

I tried to arrange the interviews in a way that would be as comfortable as possible for the informants. The first contact was through an email where I introduced myself, explained how I got their contact information and did a short description of the project. I then asked if they would be interested in participating in my study. If they agreed to participate, I sent them an information letter, where all their rights as informants were stated. In the letter it was explained that they would remain anonymous (if they did not wish otherwise), that their data would be stored in a safe way and that they had the right to terminate the interview at any time without any negative consequences. I also sent a copy of my project proposal. When the time for fieldwork came closer, I continued my communication with the informants mostly by email, and I scheduled the interviews as it suited them.

According to Chilisa (2020, 103), acknowledgement of relations with both the land and with other people is of high importance in many indigenous contexts and should therefore be

considered in indigenous research. As my thesis also concerns land use, I found this ever so important. I attempted to include these perspectives by, in the beginning of each interview, no matter if the informant was a Sámi person or not, introduce myself and the project in a meaningful way. I explained where I come from, my background in mountain tourism, where I have lived in Saepmie and my relationship to the Jämtland mountain areas. I then asked the informant to introduce themselves and tell something about their relationship to the Jämtland mountain areas. This gave me an idea of their background and helped me situate their following answers in a context. If a person for example grew up in the area, they would have a different perspective on the increasing tourism than someone who moved there recently.

Chilisa also states that *“the construction of knowledge has to be done in a manner that builds and sustains relationships with the land/ environment and is respectful of the environment”*. This was a main reason for why I traveled to Jämtland to conduct the fieldwork. I also let the informants decide on where they wanted to meet. When planning for the interviews, I contacted the informants via email well in advance and told them the time I planned to be in the area. I also informed them that I had a car and could get around to whatever place suited them for the interview. In some cases, I was invited to do the interviews in peoples’ homes, in some cases they suggested having the interview at their workplace, and some interviews were set to places where the informant had errands anyway, such as the train station or the Storulvån mountain station. Some interviews were conducted online. The reason for this was in most cases that the informant and I could not manage to schedule a time when we were both in the Östersund/Åre area. As the time for fieldwork set by the university was in summer, some informants were on vacation. I did schedule my fieldwork as late as possible but had to be back in Tromsø by the beginning of September, thus in some cases it was impossible to meet physically during the set time frame. Additionally, I found out about some new informants late in the process, through previous informants, and by then my schedule was full and I had to leave Jämtland before we had the chance of scheduling a meeting.

4.3 Informants

In this section the informants are presented. As personal details about the informants, such as gender or age, are less relevant to the research questions, this is left out. This is also in respect of their anonymity. What is relevant is the spread of perspectives represented in the data, and therefore, the professional field of each informant is displayed in Table 1. It should also be stated that three of the informants were Sámi from Jämtland, and one was a Sámi person from another area. Most of the informants were thus non-indigenous. I tried contacting several other

people, both Sámi and non-Sámi, whose perspectives I would have been happy to include. Some did not want to participate, and some did not respond to my request. Yet others did not have time or opportunity to meet with me. As research fatigue is a recurring issue in the Sámi context, I respected it if people did not respond to my emails (Kater, 2022). I assumed that they either did not have time or did not want to participate. Either way it should not be their responsibility to explain why they could not take part.

Informant	Group
Informant 1	Reindeer herder
Informant 2	Tourism industry
Informant 3	Reindeer herder
Informant 4	Non – reindeer herding Sámi, working with advocacy and education
Informant 5	Tourism industry
Informant 6	CAB Jämtland
Informant 7	CAB Jämtland
Informant 8	Sámi Parliament
Informant 9	CAB Jämtland
Informant 10	CAB Jämtland

Table 1. The informants and their respective group.

4.4 Validity and reliability

Validity concerns the question whether we as researchers measure what we say we measure. This means, if we are operationalizing the themes or factors in a correct way (Esaiasson et al., 59). In this case, the question is if the empirical data, the interviews, represent the answer to the research questions asked in this thesis. This is qualitative research, and the goal is not to identify all views on land use in Jämtland, but to investigate how some important actors perceive the situation. For this purpose, I would argue that my choice of informants is valid, as I have representation from many different groups of actors. Reliability concerns whether we measure things in a correct way. This is achieved by applying a high grade of transparency to the research process. As the data material consists of personal opinions, the results might change if one were to ask the exact same questions to the exact same people again. However, it would be possible

to replicate the study by using the same data material, the transcribed interviews. In the data chapter, the categories found, and codes used are described.

4.5 Sorting and analyzing the data

After conducting the interviews, the next step was to transcribe them into text material. During the interviews, I used the Teams program on my mobile phone to record the sound. This made it possible for me to store the recorded material on the safe server provided by the university. The sound quality varied, depending on the setting where the interview was held. To transcribe the interviews, I first used the Word transcription function, and imported the sound file to the text document. As the program did not always interpret the sound correctly, I then had to listen to the interview while correcting the text so that it matched the sound. Some informants were speaking with a lot of dialect, and this made it even harder for the program to interpret the words correctly. Listening to the interviews also functioned as a first analytical step. While transcribing and listening, I paid attention to certain important themes that came up during the conversation. I was paying specific attention to themes that recurred in several interviews, so called cross-referencing, and to if the informants gave highly differing answers to the same questions. I also noted if there were clear narratives occurring. To exemplify, one such theme representing a clear narrative was “STF as the friendly actor”. This was because several informants from the tourism industry were mentioning that STF tried really hard to come to terms with the Sámi reindeer herders, but that other tourist actors did not (Esaiasson, et al., 2017, 280).

The interview guides were based on the research questions, and in all the interviews I tried to collect data covering the central themes of understanding of the problem and perception of prospects for reaching common ground. When reading and listening to the material, the parts that could sort under the different themes were ascribed different codes, corresponding to the central themes. This is a deductive form of coding, and I was aware that more codes and categories could appear inductively when going through the material.

The data was also sorted depending on the three groups of informants: reindeer herders, tourism industry and authority personnel. As mentioned earlier in this chapter, these groups were the ones that I identified as the core actors. This was my point of departure when going through the material. The further process is described in the following data chapter.

4.6 Ethics

When conducting research in indigenous communities, it is of uttermost importance that this is done in a way that puts the indigenous community at the center, and that it in no way causes harm to the community. I wanted to conduct my research in line with indigenous methodology. As the general aim of the study is to illuminate a land rights conflict from an indigenous rights perspective, the theme in itself should be helpful for all the actors involved in the issue. This includes the RHC:s in Jämtland. Shedding light on the rights that they are bearers of, could be helpful for the community in their struggle to claim their land rights.

One tool I had available for conducting the research in line with indigenous methodologies was the guidelines that Sámiid Riikkasearvi, the Swedish Sámi Union (SSR) had provided, and that were to be found on their website (SSR n. d.). SSR can participate in research collaborations, if they have enough time and resources. The guidelines stated many things that SSR should consider before engaging in such collaborations. For example, the organization did only recommend participation in projects that were also in the interest of their members, and that were respectful in terms of Sámi customs and practices. I sent an email with my project plan to SSR, but unfortunately, I did not receive any response. Even if I did not manage to establish a collaboration with SSR, I was aware of their guidelines throughout the research process.

The importance of awareness when doing research regarding indigenous issues stems from the historical background of research in indigenous communities. The first western research conducted in indigenous communities was carried out by non-indigenous scientists, coming from far away, in many cases not leaving anything useful behind for the community. This research is what many peoples' knowledge about indigenous peoples today is still based on. In many cases, the picture given of the indigenous communities is not one that the communities themselves would draw. To change this, and to conduct research in an ethical way that puts the indigenous community at the center, is of importance not only to start healing of the harm historical research has done, but also to produce knowledge that is correct (Lawrence and Raitio, 2016, 117-119). The idea of decolonizing research has been important within the Sámi context. The Sámi are one of the most researched peoples in the world and they were historically exposed to much unethically conducted research (Virtanen et al., 2019). Establishing a Sámi research paradigm within which the Sámi scholars produce the knowledge based on their worldviews and values, has been an important way of taking back knowledge and decolonizing research in Saepmie (ibid).

The researcher must respond to the political context in which the research takes place, and in the case of indigenous research, this includes the handling of a colonial past and, in many cases, a colonial present (Lawrence and Raitio, 2016, 117). Research is, as stated by Lawrence and Raitio (2016), inherently political. A recurring argument in this debate is that to be able to produce correct knowledge, one has to be objective and not biased. I argue that there is no such thing as unbiased research. The questions asked, the methods used, and the analysis conducted are all based on the researchers' world view and values. One helpful guideline in the endeavor of instead placing the indigenous community at the center, is the five Rs of research in an Indigenous research context: (1) respect, (2) reciprocity, (3) relevance, (4) responsibility and (5) relationship. They seek to address the important parts of recognizing and respecting the indigenous worldview and values, making the research beneficial and relevant for the community, that the research is conducted in a way that takes responsibility to uphold and recognize indigenous values and knowledge, and that it is based on the relationship between the researcher and the community members (Paksi and Kivinen, 2021, 203). How this is achieved has, naturally, to be adapted to the context within which the research takes place. In my case, I base my research questions on the fundamental goal of illuminating the situation from the perspective of indigenous rights. By highlighting the ways in which, as will be shown, the rights of the Sámi reindeer herders are not fulfilled in this case, and by pointing to the reasons for why this is happening, I believe that this research does become reciprocal and respectful.

In this research project, my goal was to understand the core actors' perceptions of the land use situation in and around Jämtlandstriangeln. The groups of core actors identified were Sámi reindeer herders, the CAB and STF. A minority of the actors were indigenous people, and one could argue that there is a power imbalance between these actors as both the tourist association and the state authority have historically had the upper hand when it comes to deciding over land use in this area. Nevertheless, the objective of the research project was to shed light upon the different perceptions regarding land use, and to highlight the possibilities of reaching common ground between the core actors. To only include the reindeer herders would not give an all-encompassing view of the different perspectives. It would answer a different research question. It is naturally possible to further argue that other actors, not included here, could have yet new perspectives on the question. This is true. STF is, for example, not the only tourist operator in the area. I also only included reindeer herders from one RHC, when in fact, there are several RHC:s using the land in the area. The reindeer herders

included are, however, among those that have been the most affected by increasing tourism, according to the informants. I did try to get in touch with other tourism actors, and also with people working at Åre municipality. Due to practicalities such as time constraints, this was not possible to achieve.

4.6.1 Reflexivity

Reflexivity is important in all kinds of research. One's background and biases are characteristics a researcher cannot separate from their research, even though the positivist tradition that prevails the western research paradigm might argue differently (Smith, 2021, 157). What one can do is to be aware and transparent of one's biases. This is my attempt to present my own relation to mountain tourism and reindeer herding in Swedish Saepmie.

I am a non- indigenous person from the south of Sweden. I grew up in an environment where the mountains and nature in the northern areas of the country were perceived as a beautiful place to visit in the holidays. A place to love and protect from environmental destruction, and a place where I could challenge myself and evolve as a skier, hiker, adventurer. Early in life I felt very much at home in some of the Swedish mountain areas, as I, to some extent, grew up there. My parents first met in the 1980's, when they were both working at one of the STF mountain stations. Throughout my childhood, STF symbolized a home away from home. During my childhood, I met Sámi people and I had a sense of what reindeer herding was about. However, my main role in the mountains and in Saepmie was as a visitor, a tourist. When I grew older, I developed an even bigger interest for the outdoors, and I chose to educate myself within the field. For two years I took an outdoor leadership course at a *folkhögskola* in Storuman, Västerbotten county. Several of my teachers and classmates were Sámi, and parts of the course focused on Sámi culture, history and how to work with tourism in Saepmie in a respectful manner. To me, as a young person from the southern part of Sweden, the northern culture in general was just as different as the parts related to the Sámi. Sweden is in many ways a segregated country, and to me, things such as hunting, driving a snowmobile and seeing the northern lights were just as exotic and new as visiting the Sámi parliament. The following years I worked with guiding tourists in the mountains, skiing in winter, hiking in summer. Most of the time my employer was STF, sometimes it was other, smaller actors. It was rewarding to show and teach people about the beautiful, yet fragile nature of the north, and to help them overcome their own physical and mental challenges. The majority of my guests were from the southern areas of Sweden. I tried to always include the Sámi perspective, to explain the Sámi

names of mountains, lakes and valleys, to inform about how the reindeer herding works and how to avoid disturbing the reindeers.

However, I have less experience from Jämtland. In the places where I spent most time, Giebmeváisi [*Kebnekaise*], Ábeskovvu [*Abisko*] and Tjiehteles [*Kittelfjäll*], the tourism industry and the Sámi activities overlapped and reinforced each other. (Nikkaloukta Sárru AB, 2020; STF, 2019). Things have not been as collaborative in the Jämtland area, and it should be noted that my experiences of the tourism industry in Saepmie are not representative for Jämtland. My background makes me an insider to the tourism context, but an outsider to the indigenous Sámi context and definitely an outsider to the Jämtland context. During my fieldwork, I was transparent and told my history to my informants, and I let them do the same.

4.6.2 Reciprocity - reporting back

If the knowledge collected in research is only used to benefit the people who collected it, and not the people who shared it, it can be considered stealing, rather than just information gathering (Porsanger, 2004, 108). Reciprocity is key here. This project concerns a land rights conflict, and the overall purpose is to understand different actors' perceptions and to investigate the prospects of reaching common ground, while at the same time illuminating the issue from an indigenous rights perspective. The results should be useful for the actors involved, as it should help to clarify what is lacking in conflict management. To give back and achieve reciprocity, I will naturally share my results with my informants, by sending them a copy of the thesis once it is finished. I also hope that I can arrange to go back to Jämtland and present my results, either in Staare/Östersund or in Storulvån. I will add a Swedish translation of the abstract. Ideally, I would also add one in South Sámi, but as I do not speak the language and do not have the financial means to let a professional translator help me, this will not be feasible.

5 Data

I start the data chapter by introducing the three main actors. The empirical material gathered to answer the research questions consists of transcribed interviews. The interview process is described in the previous chapter. This chapter will analyze the data in terms of categories, which will be helpful in the following discussion. To sort and code the data, a combination of deductive and inductive coding has been applied. The deductive approach was based on the research questions, the interview guides and the three identified groups of core actors. Thus, the gathered data can be sorted under the central themes of *understanding of the problem* and *perception of prospects for reaching common ground*. The data was also sorted by groups of

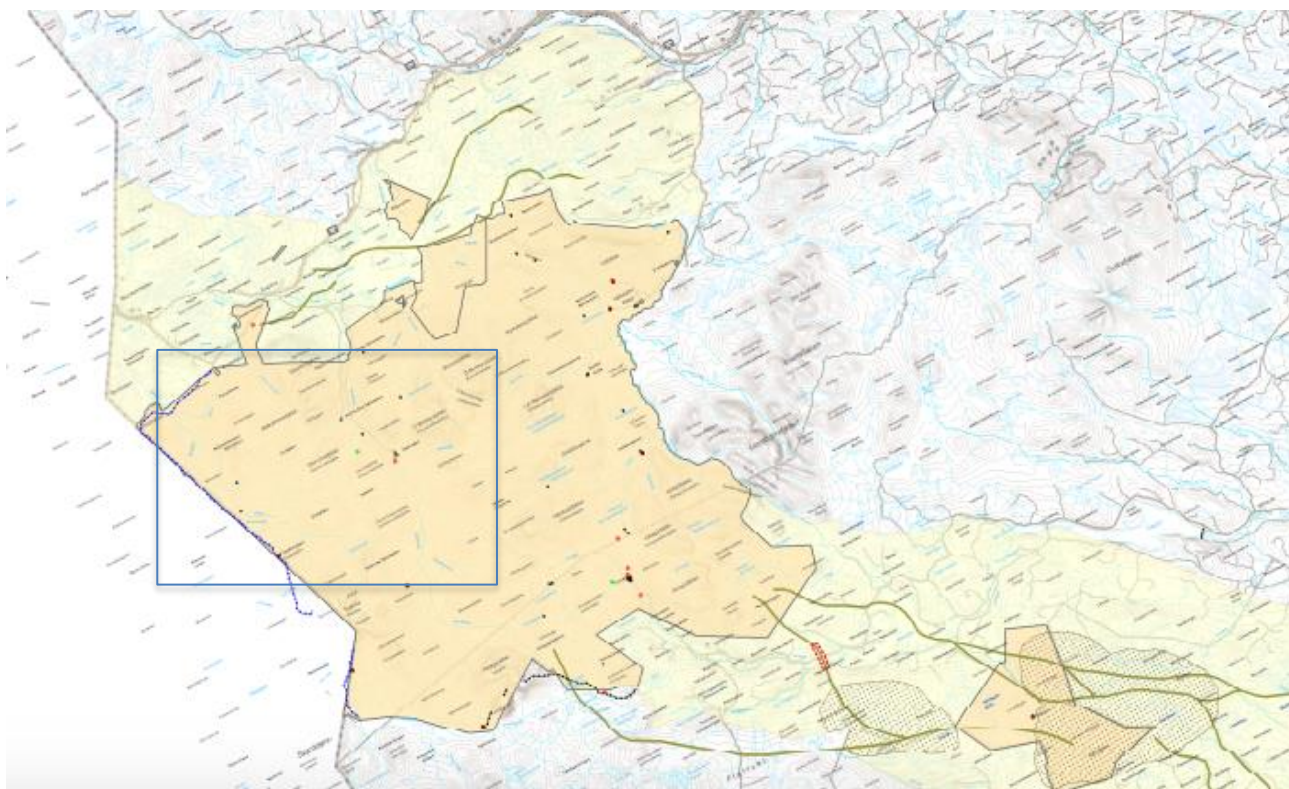
informants, *reindeer herders*, *tourism industry* and *authority personnel*. These were the identified core actors, and thus it is relevant to compare how these three groups answered the questions, and to identify potential differences. The initial presentation of data is based on the central themes. All citations are found in original language in Appendix 1.

5.1 The main actors

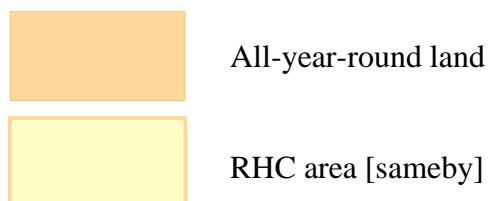
Within the land use management conflict that is going on around Jämtlandstriangeln, three main actors have been identified. They are presented here.

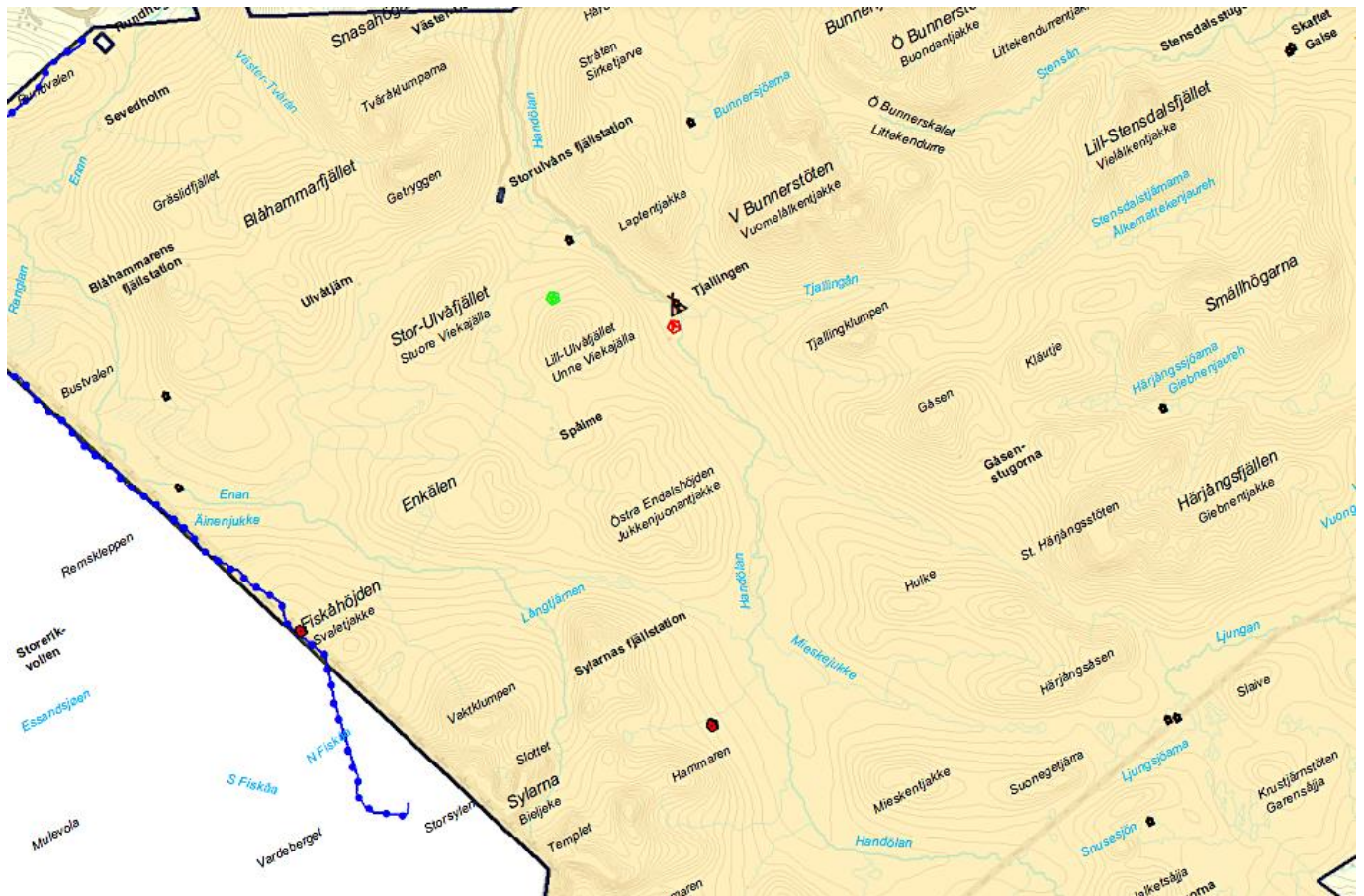
Reindeer herders

The RHC most affected by the ongoing tourism in and around the area of Jämtlandstriangeln, is Handölsdalen RHC. Other RHC:s in the areas around are Tåssåsen, Mittådalen and Kall RHC:s, but regarding the issue of increasing tourism in the studied area, the reindeer herders belonging to Handölsdalen are the ones that can be seen and heard in the media and elsewhere (see SSR, 2017). This is no coincidence, as within the RHC area [*sameby*] of Handölsdalen, the four mountain stations Storulvån, Blåhammaren, Sylarna and Helags are located. The very popular hiking round trip Jämtlandstriangeln stretches between three of these stations with an increasing number of visitors every year (Gunnholt, 2022). Reindeer herders from the Tåssåsen RHC are also worried about the increasing tourism (STF, 2019). Handölsdalens RHC has approximately 15 active group responsible reindeer herders (Sametinget, 2021c). The RHC produces maps with the important areas for their reindeer (picture 5 and 6). As is shown, the mountain stations are all within the all-year-round land of Handölsdalen. Trails are not marked on these maps, but they connect the stations and huts and are also frequent within the area.



Picture 37





Picture 4. Zoomed in on the area of Jämtlandstriangeln.

The Swedish Tourist association

When STF was founded, the goal of the association was to make the Swedish mountain range accessible to tourists and they started to mark hiking trails in 1887 (STF, n. d.). In the 1800s, vacation and traveling were exclusive things, reserved for the upper class. In the 1930's, with the development of the welfare state and the working-class movement, vacation became statutory and accessible to everyone (Nordiska museet, n. d.). STF established huts in the Jämtland mountains early and STF Sylarna was the organizations' first mountain station, built in 1897 (STF, 2014). A network of mountain huts and larger mountain stations are now stretching over almost all parts of the Swedish mountain range. Later, the association also started to establish hikers' hostels in the southern parts of Sweden (STF, n. d.). Today, STF has grown into what they themselves call a popular movement. The organization has more than 200 000 members, and their motto is *"Together we make it possible for more people to discover Sweden"*. The organization itself is a non-partisan and religiously independent non-profit organization open to everyone. In the statutes of the organization, it is stated that the purpose

and idea of the organization is: “[...] to offer and work for sustainable tourism and sustainable outdoor life. Our point of departure is the experience of natural and cultural environments in Sweden and through our operations we protect the value of these” (STF, 2022a).

The Swedish Tourist Association constitutes, together with its wholly owned subsidiary company Swedish Tourist Association STF AB, the *STF group*. It is through the limited company that the association runs its accommodation facilities. The company STF is owned by the association. Most of the land that the mountain huts are built on is state-owned, and most mountain huts are also owned by the state. STF is leasing the land and the huts through a land leasing deal, and they are the ones managing the huts (STF, 2022b) The CAB are the ones responsible for the land leasing.

The County Administration Board in Jämtland [*Länsstyrelsen Jämtland*]

The Swedish state has representation on the regional level through the County Administration Boards (CAB) [*Länsstyrelser*]. The CAB:s are responsible for state matters in the different regions, and their geographical areas overlap exactly with those of the regions. There are 21 CAB:s, and the one in Jämtland has its office in Staare/Östersund. The CAB:s shall work to ensure that national goals are considered in the county, while at the same time regional conditions must be considered (Regeringskansliet, 2015). At the CAB:s the officials are not elected and they do not represent any political party. They only deal with matters that according to the law are their responsibility, and they use laws and regulations to make sure this is done correctly. The CAB in Jämtland is an important actor when it comes to land use management. They are responsible for the land leasing deal that STF and Handölsdalen RHC are re-negotiating. They are also responsible for the distribution of hunting permits, the management of trails and ski tracks in the mountain areas, and the permit process regarding large outdoor events. To make well-informed decisions, the CAB officials must consult with local stakeholders. In the case of Jämtland, one such stakeholder is often the RHC:s, as reindeer herding is affected by many of the previously mentioned activities.

After presenting the main actors, I will now present the primary data.

5.2 Understanding of the problem

5.2.1 Historical conflict and abuse

As has been expanded upon in the background chapter, the historical relationships between the actors within land use management in the Jämtland area has often been permeated by conflict and mistrust. This is reflected in the data. Reindeer herders are talking about the reasons for

why their work is becoming more difficult, with more and more activities shrinking their reindeer grazing lands. The reindeer herders of today are painfully aware of the colonial treatment that their elders had to live through.

“The view that has been held in the past, from the first reindeer grazing act that the Sámi were not developed to be able to take care of their own issues or rights. Then they introduced local bailiffs from the state, who would decide everything.” (I1)

They also point to the fact that the state was a large part of regulating the reindeer herding. The Reindeer herding communities (RHC:s) of today is an administrative measure that was invented by the state. *“You got rid of a large part of the Sami population back then through... this thing with reindeer herding communities and memberships. But basically, it is the state. After all, they are the ones who messed it up” (I3).* The informant is pointing to the fact that nowadays, less people are formally working with reindeer herding, even though it is a lifestyle for many. People within the family that sometimes help with reindeer herding have no power within the RHC (see Background 2.2.2.)

Also people working for the CAB are pointing to the organization of the RHC: s as a general issue for conflict:

“I think that the Reindeer husbandry Act as it stands is meant to divide the Sami. Whoever has the most reindeer has the most control. [...] Democracy is distorted. It is as if the RHC consists of a lot of shareholders. But not everyone's vote is worth the same amount.” (I10)

The informant sees that these things are causing rivalry and problems within the RHC. Informants from the tourism sector are also pointing to a somewhat broken historical relationship as one of the reasons for the conflicts of today: *“So, if we talk about the relationship between the Sámi and us [STF], it hasn't been good here, it hasn't. They haven't spoken to each other.” (I2)*

The people working for the Swedish tourist association today are acknowledging the fact that historically, their organization has not paid that much attention to the Sámi rights. *“That's what's bothersome, I think, that we as an organization have not been good neighbors on the mountain. We haven't listened, didn't want to listen.” (I5)*

Others working for the CAB are pointing to historical conflict, which still today fosters mistrust. *“So, there was an uncertainty, a mistrust there, which is also based on, again, this history and everything that has happened in these matters since long, long ago.” (I9)*

This data shows that informants from all different core actors see the problematic, historical backdrop to the land use management in Jämtland, as one reason for why conflicts are ongoing. One important finding here is that the informants representing the STF and the state authorities all said that they wanted to find solutions and that this problematic relationship is something of the past. Reindeer herders did not seem to share that image. “[...] *[R]emains in the walls of all ministries, that is, the fundamental view with the support of racial biological research [...] the Swedish administration builds around prejudices.*” (I1) From the reindeer herders, you could sense an experience that these colonial structures are to some extent still in play, and that they are supported by a racist heritage.

5.2.2 Vulnerable and congested area

The most obvious, concrete reason for why land use management is problematic around Jämtlandstriangeln, is that the area in question is not very large and has been exploited by multiple different interests for more than a century. Yet, it is a sensitive natural area, where the ecosystem can only handle so much stress. This is something that almost all the informants, independent of group, mention.

“[...] it is incredibly exploited. By Svenska kraftnät⁸, STF, Swedish Outdoor Association, reindeer herding, Åre, lots of private companies. A super exploited area. There are hunting guides and everything possible. Pretty much always been that way. [...] It becomes so complex because there are so many interests that use this area.”
(I10)

Not only is the area vulnerable, but it is also easily accessible. The train line to Åre was opened as early as 1882, and today there is an airport in Östersund, transfer buses all the way to the Storulvån mountain station and well-maintained roads in most directions. Services such as accommodation, restaurants, conference centers, prepared ski tracks and car rental shops are available and enable even the least experienced mountain visitor to experience the beautiful mountain nature.

“It is incredibly easily accessible compared to many other mountain areas, which has contributed. If you look at the history of this area, the railway was established, sometime around the end of the 19th century, [...] And that's when STF was also founded, so it's no coincidence that the two are connected.” (I5)

⁸ Svenska kraftnät is the authority responsible for Sweden's transmission system for electricity. They own the power lines.

Emphasizing how special the conditions for this area are, several informants compare the area to other mountain areas, and point to the fact that the exploitation in western Jämtland is one of a kind in Sweden:

“Besides the fact that this area is insanely easy for a lot of people to get to, it's also cramped. If we then look at the amount of hiking trails [...] there are as many state-managed hiking trails in Jämtland as there are in the rest of the mountain range, more or less.” (I5)

“[...] this is the area in Sweden where there are by far the most trails, cabins and mountain stations and reindeer in the same area, there is nothing like it in Sweden. So that's why you don't have the same discussion with the hospitality industry in Norrland or Västerbotten as you do here.” (I2)

“You can say that it is more crowded here in any case. Significantly more cramped. And a larger population, or number of tourists. Is more easily accessible compared to Norrbotten.” (I1)

Moving further, the informants mention that mountain tourism has changed in the later years. They point to new activities that are growing in popularity, such as snow kiting, mountain biking and backcountry ski touring. These activities all have in common that they let the visitor cover more ground in a shorter time. It contributes to accessibility, as people can get to new places faster.

“[...] it can be anything from paragliding, heli-skiing, cycling. All that new stuff that didn't exist when the law came into being. It will be a [...] completely different disturbance picture, with completely different tools.” (I1)

“When STF was founded, the visitor was a fairly stereotypical person, you came with your backpack and then you walked here... But today you come, it's with fishing rods, it's with weapons, it's with bicycles, it's with kites. It is with skis in all forms. It is like a completely different way of using the mountain world today, which also makes it much more accessible. It's easier to get out.” (I4)

Informants also point to the higher standard that is now expected by the visitors. The mountain stations provide a high standard of accommodation, with restaurants serving three-course meals in roadless land, and this naturally requires much transportation of goods.

“There are such big mountain stations now, with an expanded collection and helicopter flights back and forth all day and there's clothes and there's beer and there's fresh food and it's all that sort of thing. Which also then in turn creates a disturbance.” (I3)

The accessibility, the new activities and the higher standards are not only disturbing the reindeer herding. Several informants also point to the fact that this new way of tourism causes damage to the vulnerable mountain environment. This is a concern for all groups.

“Mountains that are destroyed will not be attractive in the future either, if you think about future generations.” (I1)

“Not only from the point of view of reindeer husbandry. Biodiversity is also affected.” (I8)

“It is clear that if there is too much pressure also from the side of outdoor life and the hospitality industry, then there will also be issues of wear and tear. And nature conservation issues that come into it as well.” (I9)

This intense wear on the vulnerable nature has been a topical issue for Jämtland in the later years, especially during the Covid -19 pandemic when many people in Sweden chose to travel to the Jämtland mountains instead of to other destinations (Sveriges Radio, 2020). Popular areas, such as lake Blanktjärn, known for its clear turquoise water, and the Pyramids, a formation from the glacial period, have been so badly worn down by visitors that the CAB has now adopted a visitation ban on these areas (SVT Special, 2021).

5.2.3 Distrust

The historically bad relations between the Sámi society and the tourism industry, and the continuous challenges with trying to fit all the different activities in one small, vulnerable area, has, according to the data, resulted in a lack of trust between the actors. The distrust exists between the RHC:s and STF, but seemingly perhaps even more, between the RHC:s and the CAB. The informants also mention how some of the local population in Åre and around, are not very supportive of the reindeer herders and their rights, as the locals also want access to nature. Informants from the tourism industry expressed that they experience a distrust from the Sámi community. They were aware that this distrust probably has its origin in their own problematic relation with the RHC:s, but were still pointing to the distrust as an issue in itself: *“I think that our way of acting has also made the Sámi feel like “why should we have a dialogue with them?” So, it's probably been from both sides.”* (I5).

The distrust that the RHC has to the CAB is rooted in historical mistreatment, but also in recent actions by the authority. One reindeer herder mentioned that the ground that the mountain station STF Storulvån is built on, was bought by STF under forms that, according to the reindeer herder, should not have been legally possible. *“Even for Sámi people, it is not*

possible to buy land in that way. But STF, they got a buyout. [...] How did that happen; we suspect that it was the local bailiff. [...] He approved of that.” (I3)

This points to the current distrust that is present between the RHC and the CAB, which has been inherited through generations. The reindeer herders of today are still not trusting the CAB or STF due to mistreatment that was carried out towards their elders. Personnel at the CAB are also pointing to the uneven power relations that were present historically.

“There is an old debt because they [the RHC] have been run over by the CAB historically. STF was more or less an authority, many rich old men with contacts within the CAB so they were allowed to do what they wanted.” (I10)

More recent actions of the CAB seem to have upheld this distrust. Something that is brought up by several informants is the handling of land use permits when it comes to organized group activities on the reindeer grazing land. In general, if a larger event (such as a running race or a festival) is about to take place, the organizer has to apply for permission, land lease [*markupplåtelse*], from the CAB. Until quite recently, it was also mandatory to apply for land lease if you were about to arrange some smaller form of organized event, like an organized camping trip for 30 or so people. This way the CAB could inform rights-holders, such as the RHC:s, about the upcoming event, arrange consultation [*samråd*]⁹ and the RHC:s could give their opinion if there were any issues. However, a little more than a year ago, the CAB changed the guidelines for this, and now the smaller events do not need to apply for land lease as it is covered by the right of public access. There is still a recommendation to report to the CAB so that they can give information to the RHC:s, but it is not mandatory and there are no consequences if not adhered to. Informants from the CAB are mentioning that they were forced to change these recommendations, as the Swedish Environmental Protection Agency were criticizing them for not following the right of public access. I did not have the opportunity of interviewing anyone from the Environmental Protection Agency, but from the available data I concluded that this is about different interpretations about the right of public access. Informants from the CAB also said that it is a problem that there is no official definition of what counts as “organized”. Nevertheless, this change is said to have further decreased the trust that the RHC:s has for the CAB.

⁹ This is a weaker form of consultation, usually carried out by companies in the process of extracting natural resources. See Allard (2018), 34-35.

"[...] until last year we said yes, but you also need to apply for a land grant [...] The CAB told the organized business. [...] But then we changed that assessment, and said, "No, but even if it's organized and you have a leader with you, it's part of the right of public access and then we can't demand that they apply for a land grant from us". And then we said, "no you don't have to apply for this, but we want you to report it to us".

Q: "Yes, and what if they don't?"

I: No, but then nothing happens." (I7)

Informants from the tourism industry are also pointing to this as a factor for decreased trust. *"The RHC:s are so incredibly disappointed with how the CAB handles certain issues, that their trust in the CAB is zero and nothing." (I5)*

They are as well pointing to how the change regarding the leasing of land for organized activities has caused more distrust, and how the RHC:s is experiencing less ways of influencing these issues.

Both the informants from the CAB and the tourism industry describe the non-Sámi local population's distrust. When discussing the issue of the road that leads to STF Storulvån, one informant from STF said that they would be happy if the road closed in May, when reindeer are the most sensitive. The mountain station is closed by then, in respect to the reindeer herding. But it is not up to them to close the road.

"I know with the utmost certainty that if we were to raise the issue again and pursue it, where we would hit rocky ground is with the locals, the people of Östersund and Åre. Some of them treat this area as their outdoor leisure park. And the complex thing is that this takes place mainly in Gijre-daelvie¹⁰ when we close the mountain stations so that the calving can take place in peace and quiet. We disappear from the mountains for a reason. But the road is open, the parking is there. And it's free to go."

(I5)

Other informants are also mentioning that there is a lack of trust from the local population for the reindeer herders, and that this is rooted in a lack of knowledge about Sámi culture. There also seems to be a stroke of prejudice that affects the lack of trust. *"So, if we only look at the Åre Valley and the chatter about the Sami, it's so unvarnished. People have no idea, and they have no understanding." (I2)*

¹⁰ The South Sámi word for the season between winter and spring.

Informants from the CAB are pointing to a lack of knowledge also within the agency, but as well a lack of organization. According to the data, there is a deficit in knowledge regarding reindeer husbandry at the CAB. The agency would be better off when it comes to supporting the reindeer herders with management and the cooperation between different interests in the area, if the matters regarding reindeer were better centralized and handled by people with expertise in reindeer husbandry. As the matters regarding reindeer herding is managed by the Sámi Parliament, but land use is managed by the CAB, there is a gap that contributes to the problem of distrust.

“We would need to get much better at our internal organization linked to reindeer issues. Because reindeer issues fall into so many different places. It is about small game hunting. It is about land grants. It's about outdoor life. It's about regional development... so everything falls on so many different parts. We all do a little bit, but no one really has the overall picture.” (I6)

“They [the CAB] have no knowledge anymore and are not interested in it either.”

Q: “What do they need more knowledge about?”

“What it takes to be a good reindeer owner. Under what conditions they work. When they are better and when they are worse off. Now it is almost just talking about predators and tourists. But there is so much more.” (I10)

Reindeer herders experience a lack of knowledge also among the mountain tourists. This would as well be connected to a lack of trust between reindeer herders and tourists - a distrust that goes both ways.

“The number of tourists entering this area is really bothersome. They have no mountain knowledge. Do not understand the premises of reindeer husbandry.” (I1).

Q: “How do you experience the tourists... or how is their level of knowledge?”

I: “No, but it is equal to zero. Most people don't even know that there are Sámi people in Sweden or that there are reindeer in Sweden.” (I3)

It is not possible to tell in what state the knowledge base among the tourists in Jämtland is, and that is not the purpose of this thesis either. Nevertheless, data shows that reindeer herders in the area experience a knowledge deficit, and this in itself amplifies the distrust that reindeer herders already feel towards the tourists.

5.2.4 Conflicting interests

The land use in western Jämtland is subject to clear conflicts of interest, as pointed out by several of the informants. The conflict of aims between reindeer herding and tourism also takes

place at an institutional level, as both reindeer herding and outdoor life are so-called *national interests* [*riksintressen*]. This will be expanded on below.

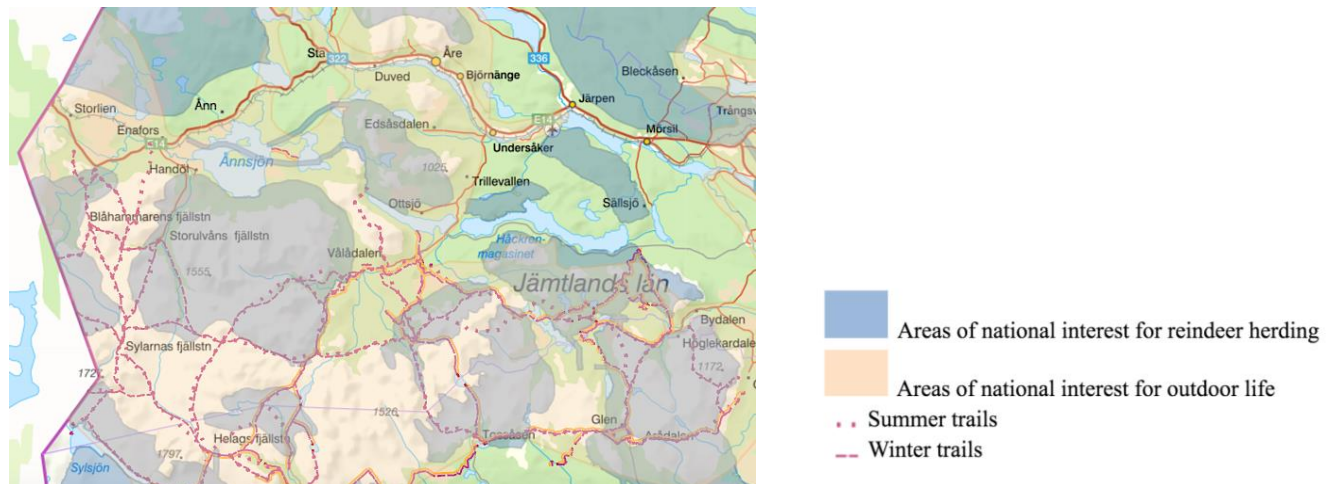
Areas of national interest [*riksintresse*]

In the Swedish Environmental Code [*Miljöbalken*] (SFS 1998:808) which regulates land use, one section contains the House Holding Rules [*hushållningsbestämmelserna*], a set of paragraphs regulating how natural resources are to be used in Sweden. Some interests are mentioned as specifically important to protect from encroachments. Reindeer herding, natural and cultural environments (including outdoor life), deposits of substances and materials, energy production and significant areas for defense can all be subject to national interests. National interests for reindeer herding have since 2008 been appointed by the Sámi Parliament, before it was done by the Ministry of Agriculture. National interests for outdoor life are appointed by the Swedish Environmental Protection Agency [*Naturvårdverket*].

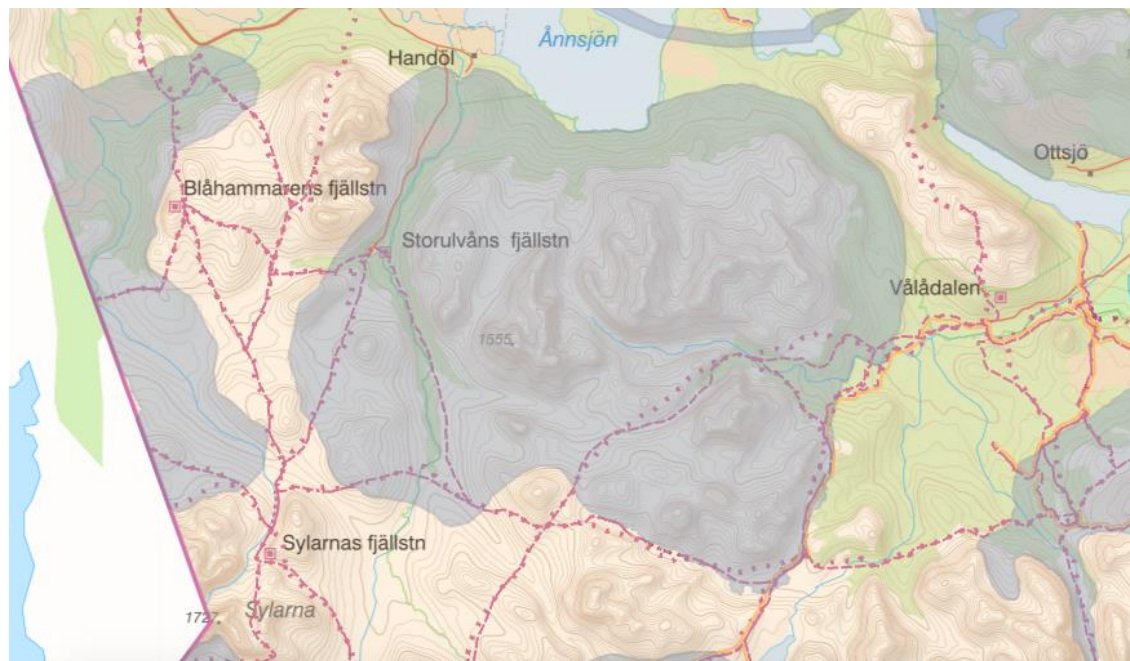
The purpose of the appointment of national interests is to assert the importance of these interests in policies and plans for land use management. If areas of national interests overlap, only areas of interest for national defense shall have priority. Claims for areas of national interests are included in the Municipal Comprehensive Planning (MCP) [*Kommunal översiktsplanering*], where both the municipality and the CAB can give their recommendations for how to handle them. Settlements of the claims, where an area of national interest receives status as such, are only made when some actor wants to change the way land and resources are used in an area and a responsible authority has to make an active decision. Until then, the areas of national interest are mere *claims* (Boverket, 2020). The municipalities decide on the MCP:s, and the CAB can give a review and disagree with the municipal decision if they consider that the areas of national interests are insufficiently protected. When an actor wants to exploit an area for some reason, the MCP and the CAB review constitute the base on which the final decision by the responsible agency or court will be taken. In some cases, these decisions can be taken by the government (see e. g Dahlin, 2021). All decisions regarding national interests are treated as separate cases, a new decision must be taken in each new case.

Large parts of western Jämtland are areas of national interest, both for reindeer herding and outdoor life (see Picture 3 and 4). The MCP for Åre municipality refers to the national interests and the conflicts that appear between them (Åre kommun, 2017, 37-38 and 53-57). The MCP states the high importance of protecting reindeer herding in these cases and refers to tools like *channeling* and *zoning* in order to protect the needs of reindeer herding. What these tools mean in practice is not explained but there is clearly an intention to protect reindeer

herding. It is also stated that consultations [*samråd*] must be undertaken in cases of land use planning that can interfere with reindeer herding (ibid, 38)



Picture 5¹¹ The blue and orange layers are overlapping



Picture 6¹² Most of the mountain area is covered with both blue and yellow, representing the two national interests of reindeer herding and outdoor life.

¹¹ Länsstyrelsen Jämtlands Län. (N.d.) <https://ext-geoportal.lansstyrelsen.se/standard/?appid=7676dcf56b5748eebf169a0b021c604d>

Map layer data downloaded from: Länsstyrelserna. (2023). Planeringskatalogen. <https://ext-geodatakatalog-forv.lansstyrelsen.se/PlaneringsKatalogen/>

¹² Ibid.

According to the Swedish Environmental Code, outdoor life is a protected national interest¹³. In sparsely populated areas, such as Jämtland, outdoor life is an important part of local development policy. As reindeer herding is also identified as a national interest, and large areas in western Jämtland are appointed as areas of national interest for both reasons, the balancing act that must be carried out by the CAB is difficult.

“I make sure that the goals for outdoor life are brought to the surface and that we try to do what we can to achieve them, but as it is, there are always interests, i.e., goal conflicts, the outdoor life goals may not always be in line with the Reindeer Husbandry Act or the stated goals for national interest for reindeer husbandry, for example [...] Working at the CAB is very often about making balances in different directions.” (I6)

Despite the challenging task of trying to balance these different interests, several informants at the state authority claim that it should be possible to find a way to compromise.

“Yes, I very much believe that it is clear that we will find a way to cooperate, and sort of use the mountains both... both industries, because they are two very important industries for Jämtland.” (I6)

Cooperation and compromise are important concepts for the informants, both from the tourist association and the CAB. The reindeer herders also mentioned the need for cooperation, this will be expanded upon in the next section. Regarding the problem definition of conflicting interests, their comments were focused on the part of the compromise where the tourism industry and the state authorities has to limit the number of visitors.

“Their goal is, like our goal, guided by market economics. And it's easy to calculate how that equation then carries away if you don't take measures and regulate how you want things, then agree on, in terms of sustainability but also financially, where this limit should be.” (I1)

The need for regulations and other suggested solutions will be further explored in section 5.2.

5.2.5 Immemorial prescription and the strong reindeer herding right

The reindeer herders specifically expressed concern that their right to grazing land, specified in the Reindeer husbandry act, is not respected. They point to the fact that the right to grazing

¹³ The government has also, since 2012, established ten *outdoor political goals* [*friluftspolitiska mål*] with different aims specified for the governments' outdoor life policy. It is the task of the CAB:s around the country to make sure these goals are followed up (SEPA, n. d).

land, on the all-year-round-land, is legally very strong, and that it should not be possible to breach it in the way that is now being done. The Sámi further experience that they are mistreated compared to other rights-holders, such as private landowners. According to the reindeer herders in the study, they should be entitled to a lot more compensation for the encroachments on the reindeer grazing lands than they currently get. They express that the reason for this is discrimination against them as Sámi, and that if Sweden want to follow the international indigenous rights instrument that it is obliged to, this must change.

“If we compare the compensation that a private landowner receives for trespassing on their land [...] It doesn't even cover our increased costs, the compensation that we get. Compared to a private landowner. Still, we have the same constitutional protection. [...] Discrimination. It is pure discrimination. It is a negative special treatment of us Sámi.”

(I1)

“We are pushed out of large parts of the mountain areas where we have the right to be with our reindeer. We have a strong right. After all, we have first dibs on these areas.”

(I3)

The problems caused by the increased tourism for the reindeer herding industry does indeed constitute a breach of indigenous rights. In the Taxed-mountain-case it was stated by the supreme court that the Sámi reindeer herding right is based on immemorial prescription and is to be viewed on the same level as other property rights. Nevertheless, there are few legal tools for authorities and other actors to handle these breaches. The last category of problem definitions addresses this further.

5.2.6 Deficit in authority control and legislation

Many informants experience a lack of authority control over these issues. The informants representing the state agency are pointing to the lack of sharp legal tools to handle the problems. This has to do with several things. One is that legally, reindeer is not viewed as a wild animal, but as livestock. The CAB does, for example, have the right, according to environmental law, to close an area to visitors with respect to wildlife. For reindeer, there exists no such tool. This is one reason why the CAB cannot close the much-debated road that cuts through the reindeer breeding grounds and carries a large number of tourists to the mountain areas in the sensitive calving period. In the light of the facts that Sweden is has signed UNDRIP, and is a party to ICCPR, this deficit in legislation is startling.

“[...] if you are talking about indigenous rights, you can think that if the Sámi are to have their given right to these lands, then there would also be legal support for closing

these areas. For a limited period. [...] (T)here is today a loophole in the legislation, so we can't really.... we can't shut down like that.” (I9)

The same informant also expressed that they experience that the general opinion about state authorities is that they do not care about indigenous rights. However, the informant did not agree with this image. There is an interest, and the authorities want to help protect indigenous and human rights, but the issues are complex and more guidance for the authority personnel would be needed.

Negotiations regarding the new land leasing deal for the STF mountain stations on Crown land were ongoing during the period of data gathering. These negotiations were being held between the affected RHC and STF. However, it is the CAB that is responsible for the land leasing deal, as the land is formally owned by the state. Some informants expressed concern that the CAB was not taking a bigger role in the negotiations. Others were simply seeing that as the RHC has so little trust in the CAB, negotiations would be smoother if the CAB stayed out of them. Some were nevertheless concerned that the land leasing deal would be so dependent on the negotiations between the actors and saw a risk that the new leasing deal might not be based on law, but on who has the upper hand in the negotiations.

“Who is strongest in these negotiations [...] will be the winner, instead of looking at the present. It may happen that STF feels a great historical debt or has bad negotiators. And then they can come up with something that has nothing to do with the legislation.” (I10)

Others were expressing that they thought the CAB were not being bold enough and that they should step up and decide over these things more firmly. *“[...] I think that both the CAB and the Environmental Protection Agency do not take the responsibility that they should.” (I2)*

When it comes to disagreements regarding land use, the CAB is responsible to initiate a form of consultation, in Swedish [*samråd*]. However, the CAB are not allowed, as state officials, to have an opinion in the matters.

Q: “[...] you are the ones who initiate that there should be a consultation because you are obliged to do so according to various laws then. But you shouldn't perhaps... the actors should agree jointly?”

I: “Exactly, and we're also not allowed to say that we think this and that, since there are several parties. We have to wait until the end, we can't say what we think in advance.” (I7)

Yet another issue with authority control was the fact that different people interpret the laws differently. Both when it comes to the Reindeer husbandry Act and the new Consultation order, informants were expressing the concern of differentiating law interpretations. *“Each CAB interprets the Reindeer Husbandry Act differently. And I think that's stupid. The law must still be interpreted equally.”* (I10)

The perceptions of the problem presented in this section will be discussed in relation to the research questions and the theoretical framework in the discussion chapter. They will also be linked to the identified prospects of reaching common ground, which will be presented in the following section, 5.3.

5.3 Understanding of prospects for reaching common ground

As formulated in the research questions, the data gathered should contain information about what the core actors see as possible common ground regarding land governance in this case. Throughout the interviews, the informants were asked about what possible solutions they wish to see in the future, and what tools they need to get there. The data shows that the actors see dialogue and cooperation as important tools to move forward, but also that a more thorough legal support and authority control is needed. A number of central themes were identified in this data section, and the data is presented through this categorization.

5.3.1 Cooperation and dialogue as tools

All the actors are to some extent talking about how dialogue is important to handle land use management in the area. They acknowledge the historical lack thereof, and thus emphasize its importance. Dialogue is mentioned as a general tool to sustain good relations and avoid more conflict. *“So, the most important thing is always the relationship, that is, the relationship we have with each other.”* (I2)

Previous cooperation projects are mentioned as important arenas for dialogue. Until 2019, a project regarding a potential national park in Vålådalen, an area south of Jämtlandstriangeln, was ongoing (see 1.3.2). The actors taking part in the process were several RHC:s, the Sámi Parliament, the concerned municipalities Kall and Åre, the CAB in Jämtland, the Environmental Protection Agency and representatives from the tourism sector. Eventually, the project was put down as the actors could not agree on the goal, purpose and orientation of the national park. Several informants did however mention the national park process as an important forum for dialogue that is no longer present.

“When the national park process was shut down, unfortunately this was lost and I personally think it was very unfortunate because we had a very good...it was a very good forum, with these parties then. But the hope is to find something equivalent, where we can talk about how... What is needed for things to be good in this area.” (I9)

Informants see that the CAB can play an even bigger role in creating such fora for dialogue.

“[...] that relationship also needs to be better there, that the CAB sits and has the baton and sort of finds a forum... dialogue network for that, so that there is an opportunity to learn and collaborate and possibly coordinate certain efforts.” (I6).

Reindeer herders also mention that dialogue is a necessary tool. *“Well, they are already here, so that is how it has to be. We have to build based on the real conditions in this area. Then we have that actor and that is STF. And then there has to be a dialogue.” (I1)*

5.3.2 Sustainability

The second category where the actors see common ground is the matter of sustainability. All actors care about this area and stress the importance of a sustainable way of using the land. Informants from STF point out that sustainability is not just about the environment, but also about social sustainability. This requires their activities to be sustainable also for the local societies where STF is present. *“If we want to be part of the Swedish mountain world and talk about sustainability, then we can't just talk about things like climate and the environment, then we also have to talk about social sustainability.” (I5)*

The informant points out that the formal aim of the association is to guide people to both natural and cultural environments, and that the Sámi culture is a part of this.

“It's actually the case that the whole basis of what STF does is about making nature and culture accessible, and it's primarily about cultural environments. And the Sámi, it's a culture, a very important culture, and then we have to guide to that as well as we guide to nature.” (I5)

The reindeer herders also see the common goal of wanting to keep a sustainable environment for future generations: *“You can collaborate with STF on that. They also have sustainability goals, an interest in the land being used in a way that gives opportunities for future generations, not devastates and destroys.” (I1)*

Informants from the CAB also note that tourism and reindeer herding have common goals in many ways, and that these two industries can form an alliance to protect the land from other industry.

“The tourism industry is a rather kind industry, because it is about people who want to do the right thing [...] it is, after all, better than, for example, the mining or wind power industry. So that the tourism industry can still support the reindeer industry based on maintaining areas, like the mountains.” (I6)

Thus, there is clearly a shared objective of sustainability between the core actors. More suggestions on what is needed to achieve this will be presented below.

5.3.3 Regulations and sharp legal tools

One prominent narrative that can be identified in the data is one where actors from all groups are accusing the CAB for not taking a clear enough leadership position when it comes to regulating land use.

“So, there is a problem with the accessibility through the right of public access here and I think that both the CAB and the Environmental Protection Agency do not take the responsibility that I think they actually should. If you look at other areas in Sweden when it comes to showing consideration, like, this road that is plowed, Vildmarksvägen. There, of course, there is a parking ban so that you don't disturb the reindeer during the period that you drive there. There are even bans on stopping in certain areas out of consideration for birds. But nothing is done here.” (I2).

The reindeer herders also mention that the CAB should regulate the right of public access, out of consideration for the reindeer herding.

“We have no choice now other than that there has to be a change. When it comes to both law and rights [...] the right of public access, the CAB can step in and regulate that, even though it is a public right. If it is too much of a disturbance for the reindeer husbandry.” (I3)

Informants from the CAB are also aware of this issue. They, however, point to the problem with, as mentioned in the previous section, the many conflicting interests that they must balance. Perhaps even more relevant, they point to the lack of sharp legal tools to actually enforce these kinds of regulations, and to the lack of clear instructions from higher instances to handle these issues. A lack of clear instructions on an institutional level can be identified. In the previously mentioned example of when an organizer has to apply for a land use permit to arrange an organized activity (see section 5.2.3), it emerged that since the CAB changed the guidelines for this, the land use becomes less regulated and this decreased the RHC:s' influence, which in turn decreased the trust between the CAB and the RHC:s. Informants from the CAB

said that they had to change the guidelines for this due to instructions from the Environmental Protection Agency:

“The Swedish Environmental Protection Agency has had opinions on how we handle it, linked to organized outdoor life on reindeer grazing mountains. [...] We had to remove the requirement because the Swedish Environmental Protection Agency had opinions on that.” (I6)

This lack of clear instructions on an institutional level also points towards the government, who can give instructions to the CAB:s. *“The government could give clearer directives to the county administrative boards.”* (I10)

Informants from the CAB are expressing frustration over the fact that they face such a complex task, but lack real, sharp legal tools to handle it.

“I still experience that there is, at the CAB as an authority, a very large amount of both knowledge about and understanding of and also an awareness of this matter with indigenous rights and the Sámi as the indigenous people of Jämtland. But I feel that it is a very complex reality to deal with and that there is also a lack, as I said, of sharp tools to deal with these, the clashes that arise.” (I9)

Ways of regulating the accessibility of the area are inquired for also from STF. One important point that they make is that STF really does try to be a good example for other tourist actors in the area. For example, STF does not provide guided backcountry ski trips in April, as this is a sensitive period for the reindeer and this activity is said to cause much disturbance. However, STF cannot stop other tourism companies and private groups from going on ski touring trips in the backcountry, and this is a concern.

“[...] [W]e have agreed with Handölsdalen that [...] we do not offer any organized activities on the summits in April. Out of respect for reindeer and the calving period. And instead, we have a phenomenon where people book accommodation with us and then another private guide company comes, drives to Storulvån, parks their cars there and then comes in and basically picks up the guest at the reception and then goes.”
(I5)

This shows the clear need for regulations applying to everyone visiting the area. Some informants are pointing to the fact that the right of public access should be reformed, as it is old and not updated with the way that people today use nature. *“Should we review the right of public access? Yes, I think so. [...] [T]he right of public access in all its glory and we must protect it, but. There are other restrictions on the right of public access as well.”* (I2)

Another point where the actors agree, which also falls under the theme of regulation, is the matter of the road between Handöl and Storulvån. Most informants expressed that they think that the road should be closed in May, when the reindeer are the most sensitive. The issue here seems, once again, to be an institutional one. The CAB did try to close the road once, on request from the Handölsdalen RHC, since the RHC experienced greater disturbance after the road was asphalted. However, this decision was appealed by the Swedish Transport Administration [*Trafikverket*], to the Swedish Transport Agency [*Transportstyrelsen*]. The Swedish Transport Agency concluded, in 2016, that there was no legal basis for closing the road. The argument was that it was not the road and traffic in itself that caused the problems, but the activities that took place around the road (i.e. ski touring). The Agency's judgment was made in the last instance, and thus it is not possible to appeal the decision any further. The Agency argued that there should be other legal tools, such as the Reindeer Husbandry Act, that are better suited for dealing with the issue of disturbed reindeer (Harning, 2016).

I did not have the opportunity to interview anyone from the Transport administration or the Transport Agency. However, this displays how the lack of sharp legal tools for protecting the reindeer and, by extension, indigenous rights, strips the core actors of the power needed to safeguard these values. The informants commented the issue as follows:

“And that means there are no tools to deal with it. Because if there was, then the CAB could have just put a trespassing ban on the lands around Storulvåvågen and then closed the barrier and said that in May it is a ban because of the reindeer calving, but we can't do that.” (I9)

“But there is nothing that says that it can be closed, out of consideration for animal life, or for reindeer husbandry. Therefore, such a decision could not be made either. You need to have support for, if you're going to make such a decision, it has to be in the law that you are allowed to” (I7)

It should be noted that in January 2023, the CAB did introduce a new parking ban, covering the entirety of the roadside of the Storulvån road. Before, there was a parking ban on parts of the road, but now, it covers the whole stretch and it is enforced from the 1st of February until the 30th of June, which is longer than what was the case earlier. The reason for the parking ban is not said to be to minimize disturbance of reindeer, but has to do with the safety of traffic, snow maintenance and accessibility for emergency vehicles. It was the Swedish Transport Administration that requested this change from the CAB. The affected RHC did support the decision. However, it is still allowed to park in the arranged parking places alongside the road,

which are said to carry an approximate capacity of 150 cars, and on the parking at the Storulvån mountain station with another 150 places (Länsstyrelsen Jämtland, 2023). There is no current data on whether this has had any effect on the disturbance of reindeer, as it was so recently introduced. One informant mentioned that this could be seen as an example of a compromise, and that the RHC probably would have wanted the road closed completely. For this, there is, according to the data, not enough legal support.

The data shows that legal tools to handle these issues are requested from all core actors. As new laws must be enacted by the Swedish parliament, this is brought to a higher institutional level. This will be further expanded upon in the discussion chapter.

The Reindeer Husbandry Act from 1971 is about to be updated. This revision was initiated after the Girjas case, to make sure that the law follows what was stated in the prejudicial case. There is currently a committee investigating what the new law should look like, and several informants were mentioning this as a possible future tool for change. The committee investigating the premises for the new law shall deliver their report at the latest on the 20th of May 2025 (Dir. 2021:35).

5.3.4 Summary

Through the data chapter, a few main findings can be summarized. The lack of national legal protection of indigenous rights is an important perception noted from many informants. Also, that the existing legal protection, the Reindeer Husbandry Act, is perceived as not being followed when tourism is allowed despite the disturbance it causes. History and geography are mentioned as important structures that create an environment prone to conflict. Cooperation and dialogue are pointed to as important tools for reaching common ground, but so are sharp legal tools for protection of indigenous rights. The main findings will be the base for the following discussion.

6 Discussion

The aim of this discussion chapter is to answer the previously stated research questions:

1. How do core actors perceive the use of the area around Jämtlandstriangeln, including the tourism industry, in light of indigenous land rights?
2. How are the land use conflicts in this area managed and what are the prospects of reaching common ground regarding land governance?

6.1 Main findings

The discussion is based on a few main findings. The first is that all the core actors seem to agree that there is a lack of protection of indigenous rights in the area around Jämtlandstriangeln, or at least that the increased tourism poses a problem for the reindeer herding in the area. However, the actors seem to have differing views on the reasons for this deficit. These different views seem to be linked to the perceptions of the actors' own role in the context, but also to the way different actors interpret the institutional framework of regulations and mandates that dictate what can be done and by whom, when it comes to land use governance. State officials mainly interpret the situation as a struggle between different interests, where their mandate is to find a balance. The indigenous community perceives the situation as if they are constantly threatened by multiple other land use interests and that more compensation and regulation is needed. Their rights as an indigenous people should in fact be protected by international indigenous rights instruments, national law and the concept of immemorial prescription. The tourism industry, represented by the large actor the Swedish Tourist Association (STF), experience that despite their efforts to have an ongoing dialogue with the RHC and measures taken to reduce the impact from their activities on the reindeer herding, this has little effect because there are so many other tourist actors in the area who does not take these measures.

Land use conflicts in the area are in general managed by the state authority, the CAB. As explained by the informants however, as a state authority, they are not allowed to have an opinion in these matters. The CAB is only obliged to initiate a process of dialogue between the actors involved, and then the parties to a conflict should preferably work out solutions themselves. If they cannot agree, the decision falls on the CAB (see Data chapter 5.2.6). Previous research has shown that a great deal of hope is put to different forms of dialogue processes that are often initiated, either by the regional or municipal authorities or voluntarily by actors (Theellbro et al., 2018). Primary data also shows that dialogue is seen as a useful tool to reach common ground. The prerequisites for a successful dialogue are, however, not always easy to fulfill. Due to a historically rocky relationship between the indigenous community and the other actors, the state and STF, there is in my case a great deal of distrust present between the actors (see data chapter 5.2.3). Even though distrust can be, as stated by Zachrisson et al. (2018), "a driver for officers to initiate collaboration", the conclusion drawn from the data in this case is rather that distrust is part of the problem.

6.2 Connecting data and theory

I will analyze the data through the theoretical framework presented in the theory section, chapter 3. Throughout chapter 5, data has been presented through a series of categories that inductively have emerged throughout the research process. In this chapter, I will discuss what was in the data chapter referred to as inductively produced categories. The most important of them will be discussed in relation to the causes of conflict presented in the theory section, thus elevating the analysis to a more general level.

I now return to the operational tools of the theoretical framework, the three questions, and discuss the most important findings based on them. The conflict between Sámi reindeer herders and tourism actors in Jämtland has deep historical roots. It is impacted by institutional conditions but also by the perceptions held by the involved actors. Thus, the conflict is framed by structural, institutional and discursive explanatory factors. These different levels of explanatory factors for conflict can both overlap and impact each other; for example, present institutions and prevailing discourses are to some degree a result of historical courses of events, but I will here discuss these factors separately.

1. What are the structural factors impacting land use in the area, and how are they perceived by the core actors?

Structural factors are by Eckerberg and Sandström (2013) exemplified by economic and political distribution of power over resources, often connected to a colonial heritage and unclear property rights. These conditions are present in my case. Even though the colonial heritage is not addressed by the state, it is to blame for much of the unclear property rights regulations that permeate discussions on indigenous land rights in Sweden (see Background, section 1 and 2 and Data 5.2.1). The geographical setting of the conflict is also, according to data, a main factor for why land use governance is challenging.

2. How do the institutions safeguard the rights and interests of the different actors?

This conflict is framed by clear institutional arrangements. As there are multiple regulations in Swedish law regarding land use and the actors are expected to follow these. They decide what can be done, by whom, and what interests should get priority over others. As was shown in chapter 5.2.5, there also seems to be an uncertainty regarding how much protection the regulations regarding indigenous land rights can provide. As these international legal

instruments are not satisfactorily incorporated in Swedish policy, this creates a situation where the state officials lack sharp tools to safeguard indigenous rights.

3. To what degree are the indigenous rights perspectives included in the land use discourse in the area and how does the current land use discourse accommodate for prospects of reaching common ground?

The conflict is framed by different discourses. What discourse is prevailing, and through what frame the actors see themselves and other actors, does also to a great extent decide the way forward (Raitio, 2013, 101; Beland Lindahl et al., 403). As the purpose of this thesis is to illuminate this conflict from an indigenous rights perspective, it is crucial to examine to what extent the indigenous rights perspectives are present in the current land use discourse surrounding the case. Reaching common ground is, as is shown in the data chapter, to some degree possible, as all actors strive towards sustainability and see dialogue as a useful tool for cooperation. However, sustainability means different things to different actors, and if indigenous land rights are not further protected in Swedish legislation, common ground regarding land use governance is hard to reach.

6.3 History and geography as structures

I will present the structural factors impacting land use in the area, and how they are perceived by the core actors. I define structural factors as large-scale background features, such as historical conditions and geographical prerequisites. These are to some extent given, and hard to change.

6.3.1 Historical struggles as explanatory factor for conflict

As has been shown in the background chapter and referred to by the informants, the historical development of the land use in the area does constitute a structure prone to conflict. The development in the area is deeply connected to the struggles of the past, that has been inherited through generations. This refers to the general development of Sámi land rights in Sweden, where the Sámi tax lands through a doubtful administrative process were transferred to the state (see Background, 2.2). It also refers to the land detachment process in the 19th century, where the Sámi were not taken into account and lost large parts of their reindeer grazing areas. On a more general level, it draws on the phenomenon where the state authorities, both past and present, have lacked proper knowledge on the industries that are supposed to coexist on a limited area, thereby increasing the risk of conflict to arise (see section 2.1 in Background and

section 5.2.3 in Data). Data shows specifically that the history permeated by conflict and colonial behavior by the state authorities has resulted in distrust, which is hindering current initiatives for cooperation to succeed (see Data section 5.2.1). All actors refer to history as a reason for why it is hard today to reach common ground regarding land governance. Even though the actors of today were not themselves part of this historical development, they experience its consequences. By the reindeer herders, this colonial heritage is perceived as something that is still ongoing, and they experience that regulations of today are based on a racist attitude. The people working for STF today are very aware of the past broken relations their association has had with the Sámi, but they firmly believe in future cooperation and that this relationship somehow will get better through a continuous dialogue and a maintained relationship. The CAB is also acknowledging the history as a background structure to conflict, even though they do not seem to address the current continuation of it, as pointed to by the Sámi informants.

Referring back to the theory chapter, the development can be viewed as a result of path dependency. Events and conflicts from the early days of reindeer herding and tourism in the area defined what choices the actors could take, and what paths are available for the future. Based on the data, it does seem as if the past conflicts have somewhat decided for today's actors that their destiny is to be each other's antagonists.

6.3.2 Geographical prerequisites as structural explanatory factor for conflict

The area in itself is by the actors understood as constituting part of the structure under which the issues with land use governance occurs. As mentioned, the area is relatively small and incredibly easily accessible. Infrastructure such as the railway, the road to Storulvån, huts, mountain stations and hiking trails and ski tracks, are all part of the structure (SEPA, 2018, 23). These geographical prerequisites are something that is mostly not possible for any of the actors to affect, the area has a certain structure and they simply have to adapt to this. Measures could have been taken to limit the accessibility, for example the suggestion of closing the road to Storulvån, but due to institutional factors this has not been done and the accessibility remains. As four of the total eight mountain stations that STF runs are located in the area of one RHC (Handölsdalen), this is experienced by the RHC as especially problematic. The reindeer herders belonging to this RHC feel targeted. The situation also creates a feeling of mistreatment in relation to other RHC:s in the area around as the problems with increased tourism have not been as apparent in the other RHC:s, at least not for as long as in Handölsdalen. It should be noted however, that tourism also has an early history in the area. The first tourist hut at Sylarna was

built in 1890 and the first mountain station was established there in 1897 (Danielson, 2019). The Sámi had been pursuing reindeer herding in the area at least since the 1600s and probably from earlier on, but at the turn of the century 1800/1900, there was a temporary break in reindeer herding in Handölsdalen. Reindeer herding was reintroduced in the area in the early 1900s by the ancestors of the Sámi that pursue reindeer herding there today, and the two industries have somewhat developed side by side (Gaalte, 2022). The crucial point here is, however, that nowadays tourism disturbs the reindeer herding, but the reverse does not apply. As was mentioned by one informant, tourism benefits from reindeer being in the area, as reindeers are seen as a nice and exotic element in the mountain visit. The structure that the area in itself, and the early established infrastructure, constitutes, provide a foundation where conflict lies closed at hand.

6.4 Institutional explanatory factors

Here I will explain to what degree the institutions safeguard the rights and interests of the actors. As the actors' interests and rights sometimes collide, institutional arrangements should provide rules on how to navigate the balancing of these interests. As will be shown, these arrangements are lacking, resulting in insufficient safeguarding of indigenous rights.

6.4.1 Institutional deficit at the legal level as reason for conflict

As the Data chapter as well as previous research has shown, there is an institutional deficit in Swedish policy when it comes to protecting indigenous rights. The reindeer herders and other Sámi are pointing to the fact that international indigenous rights instruments and the protected reindeer herding right should work as thorough institutions, but that the state actors do not implement and reinforce these. The state actors in turn, are pointing to the lack of sharp legal tools to act to protect indigenous rights, in this case, the right to pursue traditional reindeer herding. That the CAB themselves are mentioning this is an important observation, as this points to a deeper institutional legal deficit rather than a lack of ambition and agency at the actors' level.

I will illustrate this institutional legal deficit with three main themes of core importance for indigenous land rights. The themes are based on my emphasis on the indigenous land rights perspective. The chosen themes provide insight into how the Swedish legal system fails to safeguard indigenous peoples' rights, in favor of an emphasis on the balancing of all interests represented in the area.

Balancing of interests.

As illustrated by the data, the state officials working with land use management are aware that they work with an area exposed to multiple land use interests. They note that reindeer herding is threatened by tourism, and also that clashes arise when it comes to nature conservation and outdoor life. The state officials have many laws and other institutional regulations to take into account in this decision-making. For example, the right of public access is important, but also the concept of national interests. Regarding indigenous land rights, the informants mostly referred to the Reindeer Husbandry Act as the main legal tool for protecting reindeer herding, and also to the new Consultation Act. When it comes to international law and indigenous rights instruments such as UNDRIP and ICCPR, state officials said they do not use them, seemingly because these are not really legal instruments in the sense of Swedish law. Reindeer herders also pointed out the fact that the Swedish administration has failed to incorporate the international indigenous rights instruments in its policy system.

Ulf Mörkenstam (2019) has elaborated on this institutional deficit and calls the behavior by the Swedish state a case of organized hypocrisy (see 1.3.2). As Sweden is on one hand party to, and often a defender of, international human rights instruments, but at the same time neglects incorporating international customary law into its national legal system in a way that safeguards Sámi rights in practice, this description appears accurate. I argue that the lack of indigenous rights protection in the case of Jämtlandstriangeln, is one of many consequences of this organized hypocrisy. Mörkenstam specifically describes how the state, also on a national level, strives to balance between different interests (ibid, 1730). Thus, it is no surprise that this frame of what is the role of the state actors, has trickled down and is applied also by the CAB officials in Jämtland.

As mentioned in the Background Chapter, Sweden is committed by Article 27 of ICCPR. As pointed out by Cambou et al. (2021, 244), this provision implies that areas designated as national interests for reindeer husbandry will be protected against activities that may significantly interfere with the interest of the reindeer industry. The increasing tourism activity in Jämtlandstriangeln might not pose an as obvious encroachment as other exploitations such as mines or wind power plants would. However, Handölsdalen RHC has expressed that the increase in tourism and its effects threatens the reindeer industry to the extent where it is soon impossible to pursue reindeer herding in the area. This was pointed to by my informants but has also been expressed by other local reindeer herders. One example is in a motion from

the Handölsdalen RHC to SSR, the National Union of the Swedish Sámi which is the main organization for reindeer herders in Sweden (SSR, 2017).

As indigenous culture is closely connected with their way of using land (Åhrén 2016), in this case exercised through reindeer herding, not protecting the right to reindeer grazing land must be viewed as a breach of Article 27 (see Cambou et al., 2022, 54 and section 2.3.2 in Background). If it goes so far that the Sámi must quit pursuing reindeer herding, it is an obvious breach of the article, but also encroachments that *considerably restrict* an indigenous group to enjoy their culture is considered a breach (see Broderstad, 2022, 25).

When it comes to the treatment of the areas of national interests, (see Data 5.2.4) this lack of compliance becomes obvious. When an area is of national interest for more than one reason, it falls on the municipality to initially handle this. The only legal obligation is that the interests of the army have priority over others, but the areas of national interest for reindeer herding never gets priority as default. As much of the areas in western Jämtland are of national interest for both reindeer herding and the outdoor life, the balancing that must be carried out falls on the municipality and the CAB. As was explained in chapter 5.2.4, the MCP of Åre municipality states the importance of protecting reindeer grazing land. In the end, however, it is not up to the municipality alone to decide on each case of land use, the MCP is mainly a guiding document and a new decision must be taken in each case. In the case of increasing tourism, this is not an encroachment that follows one specific decision on land use, but a consequence of the combination of the right of public access, available infrastructure and a lack of tools to restrict it. Thus, a more participatory approach to MCP:s in this case (as suggested by Zachrisson et al., 2021), appears as a quite toothless tool as it seemingly cannot contribute to restricting the flow of tourism.

Depending on what land encroachment is in question, the decision-making on national interests can also end up on the government's table. This was the case of a mine in Gállok, in Jokkmokk municipality (see Lundmark, 2022 and Lawrence and Larsen, 2017). The national interest of *valuable substances or materials* stood against the national interests of *reindeer herding, nature conservation* and *outdoor life* (Lundmark, 2022). Eventually, the government decided that the interest of materials (minerals) was the most important and the mining company received permission. This decision was much debated and received criticism from both Sámi and environmental organizations. As elaborated on by Broderstad (2022, 31) and Ravna, 2022, 170), such a balancing between interests should not be carried out in cases regarding possible breaches of Article 27 of ICCPR. In these cases, there is an absolute limit to

when an encroachment on indigenous land is extensive enough to deny the indigenous people their material culture. If this limit is crossed, permission for the encroaching activity should not be granted, no matter the benefits of majority society. Sweden has received extensive criticism from international human rights organs like the OHCHR, for not protecting indigenous rights in its legislation on land use (Lawrence and Larsen, 2016; Sjöstedt, 2022). As previously discussed, the encroachment posed by the tourism in Jämtland might not appear as big a threat as a mine, but the consequence, loss of reindeer grazing land, is the same. Another difference is that there is no such extensive process of permits and examination in the aspect of tourism. Nevertheless, the case of Gállok further illuminates the institutional deficit present in the Swedish legal system.

As mentioned, Sweden recently adopted a new Consultation Act, which is meant to protect indigenous rights in matters that concern them (SFS 2022:66). The Act was mentioned by the informants as a tool that they are already using in their daily work. In the balancing of interests exercised by the state officials, there is reason to believe that this new Act might give the Sámi interests some protection in the future. However, some informants at the CAB said that the process of consulting with the RHC:s has not changed that much in practice, as they have had the obligation to consult with reindeer herders also before the Act. This brings up questions of how different actors understand the concept of consultation. The previous, weaker, form of consultations, *samråd*, differs from proper consultations (Allard, 2018). Consultations require more influence for the indigenous party and there are higher demands on who gets to participate in the process, when it is initiated and how it is finished (Sametinget, 2022b). As has also been elaborated upon by the Committee of Experts on the Application of Conventions and Recommendations, a supervisory body to ILO 169, consultations with indigenous peoples must be exercised in good faith and the dialogue be characterized by communication, understanding and mutual respect (Swepston, 2020). Consultations are, as has also been further elaborated upon within international indigenous rights law lately, based on consent, rather than just consulting (Lawrence and Larsen, 2016, 64). Even though Swedish state officials of today do not address this difference yet, the Consultation Act could provide a way for Sámi interests to weigh more heavily in the considerations of interest within land use governance.

Another factor that plays an important role in the state officials' room for maneuver is the right of public access (see Background 2.3). Even though all informants from the outset seem to be in favor of the right, and want to promote the protection of it, several are suggesting that it should be regulated in this case to reduce conflict. Reindeer herders argue that the CAB

should regulate it with support from the Reindeer Husbandry Act, as the tourism is causing “considerable inconvenience” for the reindeer herding. However, as most of the tourism takes place in a non-organized way, the CAB has no right to demand that the tourists apply for a land grant, and thus cannot use this tool in most cases.

The officials in charge of this balancing of interests do not have enough knowledge on reindeer herding or indigenous rights (see Data section 5.2.3). They also lack legal instruments to base their decisions on that will safeguard the rights of the actors in a way harmonizing with international rights instruments and customary rights (see Data section 5.2.6). As international indigenous peoples’ rights instruments are not well incorporated in Swedish law, Sámi reindeer herders often turn to the concept of Immemorial Prescription for legal protection, as this is the legal foundation upon which the reindeer herding right is based. As will be shown in the following however, also this legal foundation is not always respected.

The Sámi right to reindeer herding is defined by immemorial prescription but is not protected enough in practice.

In the Reindeer Husbandry Act, it is stated that the reindeer herding right is based on immemorial prescription, and in the Tax mountain case, it is clarified that this protection is to be treated as equal to the general civil property right (SFS 1971: 437; NJA 1981; Allard and Brännström, 2021). The reindeer herding right must thus not be restricted, and if it is, for example, in the interest of the general public, the rights-holder must be compensated. The imbalance in legal protection of the right to reindeer grazing land is also noted by Sandström and Widmark (2007, 26). When it comes to the increase in tourism in western Jämtland, it seems as if the development indeed is impeding the reindeer herding. When such a large number of people visit the area, reindeer are forced to seek other places for grazing as they need calm and quiet, especially during the calving period in May. All the visitors in the form of skiers, hikers and others force the reindeers elsewhere and the reindeer grazing lands become useless. The RHC are getting less new calves, their herds shrink, and they lose money. Reindeer herders do not receive compensation for this. They receive compensation when their animals are killed by traffic, but as this is about a general development where their grazing lands and herds are successively lost, the compensation does not cover the costs (see Data 5.2.5). Many Sámi are worried about the future for reindeer herding in the area if nothing is done to limit tourism (STF, 2019). The state authority says that they lack sharp legal tools to tackle the problem properly (See Data chapter sections 5.2.5 and 5.2.6). The right to, and protection of, areas for outdoor life seems, in practice, to enjoy a stronger protection than the reindeer herding right. This is

evident, for example, when it comes to the handling of land grants for organized group activities. The CAB no longer has the right to demand that middle-sized groups apply for land grants, as these activities should be allowed under the right of public access (see data section 5.2.3). There are also national goals for outdoor life that the CAB should work for.

Actors's role in or ability to handle land use conflict

As was presented in section 5.2.3, there is a gap in Swedish land use policy on reindeer herding land. As reindeer herding and land use management are managed by two different authorities, namely the Sámi Parliament and the CAB, a thorough way of handling conflicts that arise is hard to establish. Further, the CAB is divided and organized in a number of different units, each one responsible for their small part, but there is no unit to only handle reindeer herding issues. As indicated by the informants, this makes it hard for the officials working at the CAB to get a holistic impression of what measures are needed to manage land use in a way that is sustainable also for the reindeer herders. The tasks regarding reindeer herding were transferred to the Sámi Parliament in 2007, after the adoption of the bill *An increased Sámi influence* (Prop. 2005/06:86). However, the land use management remains in the hands of the CAB, also when it comes to handling conflicting interests between reindeer herders and other users of land. By the informants from the CAB, this is perceived as something that impedes the safeguarding of the rights of the actors, and thus is here interpreted as yet another part of the institutional deficit when it comes to safeguarding indigenous rights.

STF also has institutional factors behind their behavior, and their role when it comes to handling land use conflict. They are after all a democratic non-profit organization, with a responsibility towards its members. STF has developed a number of guidelines, adopted in 2020. One of them is *Accessible nature and culture* (STF, 2020). Under this guideline, they promote the protection of the right of public access, but also point to the importance of exercising the right responsibly. STF also refers, to a great extent, to sustainability as a guideline for outdoor life. Nevertheless, STF:s responsibilities towards its members to promote both accessible nature and a sustainable outdoor life, can be interpreted as an institutional factor to the ongoing land use conflict.

However, it does seem as if the tide is on its way to turn on the general discourse on indigenous rights in Sweden. The new Consultation Act (SFS 2022:66) that recently entered into force, the Truth Commission deployed by the government (Dir. 2021:103; Sanningskommissionen, 2021) and the outcome in the Girjas case (NJA 2020) are all signs

indicating a change in the understanding of Sámi rights. This brings us further towards discursive factors to land use conflict, elaborated upon in the section below.

6.5 Discursive factors: Perceptions of actors

Following Kaisa Raitio (2013) and Karin Beland Lindahl et al. (2018), I argue that the frame through which the actors perceive a situation plays an important role. The perception of the actors' own role in the conflict, can to a large extent affect their behavior and their understanding of the conflict, and thereby also possible solutions. As has been shown in the data, the actors present differentiating perceptions of their own and the other actors' role in the land use management in the area. These differentiating views result in differing perceptions of what needs to be done, and by whom. In line with Schmidt (2008, 314), I argue that discourse and ideas matter, and that they are capable of changing both institutions and structures, but also contribute to their sustenance.

STF as the friendly tourism actor

STF perceives themselves as a tourism actor among others, but as one that takes a larger responsibility than others by negotiating with the RHC, adapting their season to the needs of the reindeer herding and educating their staff on these issues. But they can only do so much (see data chapter, 5.2.3). Additionally, informants from STF indicate that they are aware of their history, where they have not been on a good footing with the Sámi. This historical debt makes them view themselves through a frame of *“awareness, reconciliation and self-improvement”* (see data chapter 5.2.1). STF sees that they are taking as much responsibility as they can, given the mandate that they have. Their view of the CAB is that it is their responsibility, as a state agency, to regulate and take measures to protect indigenous rights further, and to be more active in this endeavor.

The CAB as a Mediator for compromise

The CAB, on the other hand, emphasizes that they are only state officials who must follow the law. Even though there is a will to protect indigenous rights, they have to have legal support for the measures they take. They perceive that their role is to balance all the conflicting interests in the region, and that this requires compromising. I argue that the CAB are seeing the issue through a frame of *“collaboration and compromise”*. This has consequences also on the institutional level. The discursive frame through which the CAB sees their role as a mediator for compromise, hinders the implementation of international law on indigenous rights. This frame is, however, largely created by the institutional deficit referred to in the previous section.

The reindeer husbandry act of 1971 is the main instrument of regulation for reindeer herding and is according to the informants the main instrument that they use when it comes to the land use governance on reindeer grazing land. The law only regulates the industry of reindeer herding and does not serve the purpose of safeguarding indigenous rights, at least not in the manner that is required by international law and regulations, such as the ICCPR. Even further, it does not harmonize with the outcome of the Girjas case, which is one reason why the government has started the process of renewing the law (Dir. 2021:35).

Another discourse can also be discerned through the interviews with the CAB; that is one of “*Outdoor life as positive development in sparsely populated areas*”. This is both connected to the fact that the government has given the CAB:s the task of safeguarding the national outdoor life goals, but also to a general opinion that the outdoor industry is a good form of rural development. Tourism creates jobs and it makes people discover nature, which in turn can make them care more about the environment. It is also connected to a frame of *sustainability*, where the outdoor policy has the goal of protecting nature areas from other industrial exploitations, a goal that is in many ways shared with the reindeer industry. Outdoor life is also described as a good way to encourage public health and sustainable traveling, as it is possible to go to the mountains by train.

The RCH as the past and presently mistreated

The Sámi seem to see themselves through a frame of a past and present mistreatment. They express a distrust towards both the CAB and STF, and also towards the tourists in the area in general. They experience that they have been mistreated throughout history, that the state authorities have always favored other interests over theirs when it comes to land use and that this has to do with old racist attitudes and a lack of will and ambition at the CAB. Economically, they see that their industry, reindeer herding, that is supposed to be under strong legal protection, is mistreated compared to other industries in the area (see data chapter 5.2.1 and 5.2.3).

The 2022 elections to the Swedish national parliament resulted in a change of government, from one led by the Social Democrats to one led by the social conservative Moderates, with support from the nationalist right-wing party the Sweden Democrats. During the election campaign, party leaders for the Moderates and the Sweden Democrats expressed, regarding the Girjas case, that the state owns the land and in fact should have the right to grant hunting rights (Sameradion, 2022; Expressen, 2021). These opinions can obviously not change the Girjas prejudicial verdict, but it points to a discourse within the government where Sámi

rights are not necessarily prioritized. I conducted most of the interviews before the elections. The reindeer herders mentioned these expressions and said that they were worried about the results of the coming elections, as a politician with these opinions might become Prime minister. This was what eventually happened, and even though these expressions were perhaps merely empty promises to attract voters, they remain an expression for the seemingly present discourse on a government level where Sámi rights are not taken seriously.

The discussion has provided some important insights into this case. The conclusion is presented in the following chapter.

7 Conclusion

As has been shown in the previous section, the lack of legal protection of indigenous rights in Swedish law creates an uneven playing field for how the land use is managed in western Jämtland. This results in distrust and a feeling of mistreatment among the reindeer herders, but also a sense of powerlessness among the other actors. According to what was expressed by my informants, common ground regarding land governance is going to be impossible to reach if indigenous rights are not thoroughly protected in Swedish law. These main findings were identified by analyzing the data through the theoretical framework with three levels of explanatory factors for conflict: structures, institutions and discourses. Given the development in regard to the Girjas case, the Consultation Act and the Truth Commission, one can discern an emerging discourse of stronger protection of Sámi rights. How this development continues is ultimately up to the Swedish government, and by extension, the Swedish and Sámi people.

This analysis has provided means to answer the research questions:

1. How do core actors perceive the use of the area around Jämtlandstriangeln, including the tourism industry, in light of indigenous land rights?

The core actors, represented as reindeer herders, tourism actors and the CAB, perceive land use in the area somewhat differently, depending on their own framing and their respective history and understanding of indigenous land rights. The comprehensive history of Sámi land rights in Sweden, accounted for in the Background chapter, is crucial for understanding the different perceptions held by the actors. Reindeer herders perceive the land use as a continuation of an ongoing mistreatment, where their land rights are not respected, and the state does not take responsibility to safeguard them as required by international indigenous rights law. The tourism industry, represented by the biggest actor STF, perceives land use as something that has to be pursued in a sustainable way. They promote that they have taken measures to help with

safeguarding the rights of the Sámi, but that more collaboration and dialogue is key to reach this. They also demand better authority and control over the conflict management. The state authority, the CAB, perceives the land use in the area as a constant struggle between conflicting interests. Their task is to make sure all interests are respected to as great extent as possible. The indigenous land rights, manifested through the right to reindeer grazing areas, is perceived as one interest among others.

2. How are the land use conflicts in this area managed and what are the prospects of reaching common ground regarding land governance?

The land use conflicts are generally managed by the CAB, who is responsible for the land use management. They must follow the law, and thus emphasize compromises between different interests. Sustainable land use is requested from all actors, and dialogue and cooperation emphasized as important tools to achieve good solutions. However, based on my informants' statements, common ground for land use governance might be impossible to reach if indigenous land rights lack the national legal protection required by international law.

Noteworthy is that both my primary data and previous research emphasize local collaboration as an important tool to reach good compromises. Already in 2006, a national public investigation (SOU 2006: 14), suggested a mediation body on the national level for land use conflict. Why these two solutions are not connected, and one (the local) is deployed and encouraged while the other (national) seems forgotten, is not within the scope of this thesis to investigate. In 2024 however, the Consultation Act starts to apply also to regions and municipalities (SFS 2022:66). Then, also local actors must treat the safeguarding of indigenous rights as a goal in itself, on a more institutional level, rather than the current compromising of interests.

As mentioned, new tools are emerging on the national arena to further protect indigenous rights also in Swedish practice. Since the verdict of the Girjas case, the Sámi in Sweden are to a larger extent addressing the importance of safeguarding their rights as an indigenous people (Gunnholt, 2022b). As one RHC, Girjas, won the right to small-game hunting on their traditional land, it is possible that other RHC:s can achieve the same as the case is prejudicial (Tidholm, 2020). The rights established in the Girjas case were based on immemorial prescription, but also on international law. ILO 169 was even referenced, even though Sweden has not ratified it (Allard and Brännström, 2021, 71). These rights apply also in the case of Jämtland, even though the concepts of immemorial prescription and customary right to land were not enough to gain the Sámi in Jämtland rights to the reindeer grazing

mountains in the previous Tax Mountain case. Gränsdragningskommissionen [*The Border Commission*] (SOU 2006:14) noted that international customary law applies, even though Sweden has not incorporated it in national legislation (see Background section 2.3.2).

Incorporating indigenous rights law into Swedish national legislation, thus providing sharp legal tools for the state officials responsible for land use management, is one clear condition to enhance the prospects of reaching common ground in this case. Also, revising existing legislation in line with international requirements is important. As was shown in the Data Chapter 5.2.5, reindeer herders in Jämtland are aware of how strong the reindeer herding right is. Revising both the Reindeer Husbandry Act and other legislation so that this right can be accordingly protected by the authorities is required to reach a common ground.

Reaching common ground regarding land governance is however a complex task in the context of Swedish Saepmie. The committee currently investigating how an updated Reindeer Husbandry Act can be designed, has to meet the demands of both reindeer herders and other Sámi. As a consequence of centuries of administrative colonial practices deployed by the state, Sámi society in Sweden today is divided (Lantto and Mörkenstam, 2008). Reindeer herders do not want to risk losing the hard-won rights they are now struggling to protect from other encroachments. Non-reindeer herding Sámi want to be included in the group with land rights. Representatives for the Sámi party Jakt- och Fiskesamerna [*Hunting and Fishing Sámi*], are asking for a change in the law where also the non-reindeer herding Sámi can have land rights through RHC memberships (Sameradion, 2020). The task of the Committee is indeed challenging.

Despite many challenges in Swedish legal policy when it comes to Sámi land rights, there can still be ways forward. Even though the new Consultation order is new, it can provide tools to invoke international law also within Swedish policy. As previously mentioned, the prerequisites for consultations in this sense are much more far-reaching than the form of consultations [*samråd*] pursued by Swedish authorities and companies today. As was shown by Kløcker Larsen and Raitio (2022), forms of cooperative governance that are conducted in line with these requirements are possible to establish also in Sweden. Even though the Swedish policy system does not yet incorporate indigenous rights on an institutional level, practices that follow the guidelines of the Consultation Act can result in the safeguarding of the rights, nevertheless. The agency of the front-line state officials dealing with these questions can contribute to a change in discourse regarding indigenous land rights. As has been previously argued, discourse and ideas matter, and can change institutions and even structures.

The impact of the Consultation Act, the Truth Commission, but also the outcome of the investigation regarding the new Reindeer Husbandry Act, would be especially interesting areas for further research. The Truth Commission could become a way to address the issues caused by the division between Sámi groups, originally caused by the state administration. On a more local level, the outcome of the negotiations between the Handölsdalen RHC and STF will hopefully result in a new solution for the coexistence of reindeer herding and tourism in the area of Jämtlandstriangeln. If international law on indigenous land rights is respected, the new deal might constitute a new form for land use agreements that can function as a role model for future similar conflicts. This will also be an important subject for future research.

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Appendix 1

Citations in original language (Swedish). In order of publication. Sorted by informant.

Informant 1:

”Den syn som man har haft tidigare från första renbeteslagen att samerna var inte utvecklade för att själv kunna ta hand om sina egna frågor eller rättigheter. Då införde man ju lappfogdar från statens sida som skulle bestämma allting.”

”Man kan väl säga att det är trängre här i vart fall. Betydligt trängre. Och en större befolkning mängd, eller mängd turism. Är mer lättillgängligt jämfört med Norrbotten.”

”Sitter kvar i väggarna på alla departement det vill säga [...] svenska administrationen bygger omkring fördomar [...].”

”Ja, det kan ju vara alltifrån skärmflygning, helikopterskidåkning, cykling. Allt sånt där nytt som inte fanns vid lagens tillkomst. Det blir en helt annan störningsbild, med helt andra redskap.”

”Fjäll som blir ödelagt blir ju inte attraktiv heller i framtiden om man tänker på nästkommande generationer.”

”Så att mängden turister som beträder det här området, det stör ju väldigt. De har ju ingen fjällkunskap. Förstår inte renskötselns premisser.”

”Deras mål är ju som vårt mål, marknadsekonomiskt styrt. Och det är ju lätt att räkna ut att den ekvationen då bär iväg om inte man vidtar åtgärder och reglerar hur man ska ha det, komma överens om, hållbarhetsmässigt men även ekonomiskt var den här gränsen ska vara någonstans.”

”Om vi jämför den kompensation som en privat markägare får för intrång på sin mark [...] Det täcker inte ens våra ökade kostnader, de ersättningar som vi får. Jämfört med en privat markägare. Då har vi samma grundlagsskydd. [...] Diskriminering. Det är ren och skär diskriminering. Det är negativ särbehandling av oss samer.”

”Ja de är ju redan här, så så måste det ju vara. Vi måste ju bygga utifrån de reella förutsättningar som det här området. Då har vi ju den aktören och det är STF. Och då måste det ju till en dialog.”

”Det kan man ju samverka med STF om. Dom har ju också hållbarhetsmål, ett intresse av att markerna brukas på sätt som gör det möjligt för nästkommande generationer, inte ödelägger och förstör.”

Informant 2:

"Alltså, om vi kommer in liksom på relationen mellan då, samerna och oss, så har ju den inte varit bra här, det har den inte varit man har liksom inte. Man har inte pratat med varandra."

"[...] är ju det här det område i Sverige där det är i särklass flest leder, stugor och fjällstationer och renar samma område, det finns inget liknande i Sverige. Så därför har man ju inte diskussionen på samma sätt med besöksnäringen i Norrland eller Västerbotten som man har här."

"Alltså, om vi ser bara Åredalen och tugget om samerna, det är ju så, det är så onyanserat. Man har ingen koll och man har ingen förståelse."

"[...] jag tycker att både Länsstyrelsen och Naturvårdsverket inte tar det ansvar som jag tycker att man borde göra faktiskt."

"Alltså det viktigaste är ju alltid relationen, alltså den relationen vi har med varandra."

"Så det finns ju en problematik i allemansrätts-tillgängligheten här och där jag tycker att både Länsstyrelsen och Naturvårdsverket inte tar det ansvar som jag tycker att man borde göra faktiskt. Om man ser i andra områden i Sverige där man hör att man tar hänsyn, så vi kan ju bara titta på den här, den här vägen man plogar, Vildmarksvägen. Där har man ju, där har man ju satt parkeringsförbud för att man inte ska störa renarna under den period som man kör där. Man har man har till och med stannförbud i vissa områden av hänsyn till fåglar. Men här gör man ingenting".

"Bör man se över allemansrätten? Och ja, det tycker jag. [...] Alltså allemansrätten i alla ära och den ska vi värna om, men. Det finns ju andra inskränkningar i allemansrätten också."

Informant 3:

"Man fick ju bort en stor del utav den samiska befolkningen då genom...det här med samebyar och medlemskap. Men i grunden så är det ju staten. Det är ju de som har ställt till det."

"Det är ju så stora fjällstationer nu, med ett utökat sortiment och helikopterflygning fram och tillbaks hela dagarna och det är kläder och det är öl och det är färsk mat och det är allt sånt där. Som också då i sin tur skapar en störning."

"Inte ens för samer går det att friköpa mark på det sättet. Men STF, de fick friköpa."

" [...] Hur det där gick till, vi misstänker ju då att det var lappfogden [...] Han godkände det där."

A: *"Hur upplever du att turisterna... eller hur är kunskapsläget hos dem?"* I: *"Nej, men det är ju lika med noll. De flesta vet ju inte ens att det finns samer i Sverige eller att det finns renar i Sverige."*

”Vi är undanträngd ifrån stora delar utav fjällområden där vi då har rätt att vara liksom med våra renar. Vi har ju en stark rätt. Vi har ju första tjing på de här områdena.”

”Vi har inget val nu längre än att det måste bli en ändring. När det gäller både lag och rätt och liksom det här med allemansrätten, det där kan Länsstyrelsen gå in och reglera, fast det är allemansrätt. Om det är en för stor störning för renskötseln.”

Informant 4:

”När STF bildades då var ju liksom besökaren en ganska stereotyp person, man kom med ryggsäcken och så gick man lite här... Men idag kommer man med, det är med fiskespön, det är med vapen, det är med cykel, det är med kite. Det är med skidor i alla former. Det är liksom ett helt annat sätt att nyttja fjällvärlden idag som gör också att den blir mycket mer tillgänglig. Det är lättare att ta sig ut.”

Informant 5:

”Det är det som är det jobbiga tycker jag att vi som organisation har inte varit någon bra granne på fjället. Vi har inte lyssnat, inte velat lyssna.”

”[...]det är otroligt lättillgängligt jämfört med många andra fjällområden, det har ju bidragit. Tittar man rent historiskt i det här området kom ju järnvägen, nånstans i slutet av 1800-talet, (...) Och det var ju då STF grundades också, så det är ju ingen slump att de två liksom hänger ihop.”

”[...]förutom att det här området är sjukt lättillgängligt för massa människor att ta sig till, så är det också trångt. Sen tittar vi på mängden vandringsled [...] det är lika mycket statlig vandringsled i Jämtland som det är i princip i resten av fjällkedjan.”

”Och jag tror liksom att vårt sätt att agera har ju också gjort att samerna liksom känt att “varför ska vi ha en dialog med dem där?” Så det har nog varit liksom från båda sidor tror jag...”

”Samebyarna är så otroligt besvikna på hur Länsstyrelsen hanterar vissa frågor (...) att deras (samernas) förtroende för Länsstyrelsen är noll och ingenting.”

”Jag vet ju med största säkerhet att skulle vi ta upp frågan igen och driva den, där vi skulle åka på däng, det är ju lokalt. Det är ju lokalbefolkningen och det är ju liksom Östersunds- och Åreborna. Det är ju deras fritidsgård tycker de. Och det som är det komplexa är ju att det är framförallt vårvintern, när vi stänger fjällstationerna för att kalvningen ska få ske i lugn och ro, då försvinner vi från fjället av en anledning. Men vägen är öppen, parkeringen finns där. Och det är fritt fram.”

”Vill vi vara en del av den svenska fjällvärlden och prata om hållbarhet, då kan vi inte bara prata om liksom klimat och miljö, då måste vi också prata om den sociala hållbarheten.”

”Sen är det ju faktiskt så att hela grunden i det STF gör det handlar ju om att tillgängliggöra natur och kultur, och det handlar framförallt om liksom kulturmiljöer. Och det samiska, det är ju en kultur, en jätteviktig kultur, och då ska vi ju liksom guida till den likaväl som vi guidar till naturen.”

”Vi har [...] kommit överens med Handölsdalen om att vi ska inte arrangera några [...] aktiviteter på topparna i april. Av respekt för rennäringen. Och istället då så har vi fått ett fenomen att folk bokar in sig hos oss och sen kommer ett annat privat guideföretag, kör till Storulvån, ställer sina bilar där och kommer in och hämtar i princip gästen i receptionen och så kör de.”

Informant 6:

”Vi skulle behöva bli mycket bättre på våran liksom, interna organisation kopplat mot ren eller rennäringensfrågor. Eftersom rennäringensfrågorna ramlar ner på så himla många olika ställen. Det handlar om småviltsjakt. Det handlar om markupplåtelse. Det handlar om friluftsliv. Det handlar om regional utveckling... alltså allting ramlar ju ner på så olika delar. Och alla gör vi lite, men det är inte riktigt någon som har helhetsbilden.”

”Jag ser till att friluftslivsmålen lyfts till ytan och att vi försöker göra det vi kan för att nå dem, men sen så är det ju alltid intresse-, eller målkonflikter, friluftslivsmålen kanske går inte alltid i linje med rennäringenslagen eller de uttalade målen för riksintresse för rennäring då till exempel [...] Att jobba på länsstyrelsen handlar ju väldigt ofta om att göra avvägningar åt olika håll.”

”Ja, jag tror ju väldigt mycket på att det är klart att vi kommer hitta ett sätt att samarbeta, och liksom använda fjällen båda... båda näringarna, för det är två väldigt viktiga näringar för Jämtland.”

”[...] den relationen behöver också bli bättre där, att länsstyrelsen sitter och har taktpinnen och hittar liksom ett forum. dialognätverk för det, så att det ges en möjlighet att lära sig och samverka och eventuellt samordna vissa insatser då.”

”Turismnäringen är en ganska snäll näring, eftersom det handlar om människor som vill göra rätt [...] den är ju bättre än till exempel än gruv- eller vindkraftsindustri eller vindkraftnäring. Så att turismnäringen kan ju ändå stötta rennäringen utifrån att behålla områden, ja som fjällen då.”

”Naturvårdsverket har haft åsikter på hur vi hanterar det, kopplat mot organiserat friluftsliv på renbetesfjäll. [...] Men kravet var vi tvungna att ta bort för att Naturvårdsverket då låg på oss.”

Informant 7:

”Ja, fram till förra året [...], då sa vi att ja, men ni behöver också ansöka om en markupplåtelse. [...] Länsstyrelsen sa det till den organiserade verksamheten. [...] Men sen ändrade vi den bedömningen, och sa såhär att, ”Nej, men alltså även om det är organiserat och du har en ledare med liksom, så

ingår det i allemansrätten och då kan vi inte kräva att de ska ansöka om markupplåtelse hos oss". Och då sa vi att nej, men ni behöver inte ni behöver inte ansöka om det här, men vi vill att ni anmäler det till oss."

A: "Ja, och vad händer om de inte gör det?" I: "Nej men då händer ju ingenting."

A: "Men då är det mer att ni är de som liksom initierar att det ska ske ett samråd för att ni är skyldiga att göra det enligt diverse lagar då. Men ni ska inte kanske... aktörerna ska komma överens gemensamt?" I: "Precis, och vi får ju heller inte liksom säga att vi tycker så här och så här, i och med att det är flera parter så liksom, det måste vi vänta med tills slutet kommer, vi kan inte på förhand säga vad vi tycker."

"Men det finns inget som står att det kan stängas, av hänsyn till djurlivet, eller liksom, till rennäringen. Så därför kunde man heller inte ta ett sådant beslut. Man måste ha stöd för, om man ska ta ett sådant beslut så måste det stå i lagen att man får ta det."

Informant 8:

"Inte bara utifrån rennäringen. Också den biologiska mångfalden påverkas ju."

Informant 9:

"Så det fanns en osäkerhet, en misstro där, vilket ju också bygger på, återigen, den här historiken och allt som har hänt i de här frågorna sen långt, långt tillbaka."

"Det är klart att blir det för högt tryck också från friluftslivs håll och besöksnäringens håll så blir det ju också slitagefrågor. Och naturvårdsfrågor som liksom kommer in i det också."

"[...] om man då pratar urfolksrättigheter, ja, men det kan man ju tycka att om då samerna ska ha sin givna rätt till de här markerna, då skulle det också finnas lagligt stöd för att stänga de här områdena. Under en begränsad period. [...] det finns idag ett glapp i lagstiftningen, [...] vi kan inte stänga av på det sättet."

"När då nationalparksprocessen lades ner så tappade man tyvärr det här och det tycker jag personligen var väldigt olyckligt för att vi hade väldigt bra...det var det var ett väldigt bra forum liksom, just med de här parterna då. Men förhoppningen är ju att hitta tillbaka till något motsvarande, där vi kan just prata om hur... Vad behövs för att det ska bli bra i det här området."

"Jag upplever ändå att det finns en, på Länsstyrelsen som myndighet så finns det en väldigt stor både kunskap kring och förståelse för och också en medvetenhet om just det här med urfolksrättigheter och samerna som Jämtlands urfolk. Men att det är en väldigt komplex verklighet att förhålla sig till och

att det också saknas upplever jag, som sagt, skarpa verktyg att hantera de här, de krockar som uppstår.”

”[...] det finns liksom inga verktyg för att hantera det. För att hade det gjort det, då hade ju Länsstyrelsen kunnat bara kunnat sätta ett beträdnadsförbud på markerna runt Storulvåvägen och så stängt bommen och sagt att i maj så är det beträdnadsförbud på grund av renkalvningen, men det kan vi inte.”

Informant 10:

”Jag tycker att Rennäringslagen som den ser ut är till för att splittra samerna. Den som har mest ren har mest bestämmanderätt.[...]. Demokratin är snedvriden. Det blir som att samebyn är en massa aktieägare. Men allas röst är inte värd lika mycket.”

”[...] det är otroligt exploaterat. Av Svenska kraftnät, STF, friluftsförbundet, rennärings-, åre-, massa privata företag. Ett superexploaterat område. Det finns jaktguider och allt möjligt. Har i stort sett alltid varit så. [...] Det blir så komplext eftersom det är så många intressen som nyttjar det här området.”

”Sen finns ju en gammal skuld eftersom de blivit överkörda av länsstyrelsen historiskt. STF var i stort sett en myndighet, många rika gubbar med kontakter inom länsstyrelsen så de fick göra vad de ville.”

”De har ingen kunskap längre och är inte intresserade av det heller.” A: ”Vad behövs mer kunskap om?” I: ”Vad som krävs för att vara en bra renägare. Och under vilka förutsättningar de jobbar. När de har det bra och när de har det dåligt. Det blir nästan bara att man pratar rovdjur och turister. Men det är ju så mycket mer.”

” [...] den som är starkast i de här förhandlingarna som blir vinnare, istället för att man tittar på nuet. Det kan ju hända att STF känner en stor historisk skuld eller har dåliga förhandlare. Och då kan de ju komma fram till något som inte har med lagstiftningen att göra.”

”Varje Länsstyrelse tolkar rennäringslagen olika. Och det tycker jag är dumt. Lagen måste ju ändå tolkas lika.”

”Regeringen skulle kunna ge tydligare direktiv åt Länsstyrelserna.”

Appendix 2

Intervjuguide

Frågor till myndighetspersonal

1. Vad heter du?
2. Vilken är din yrkestitel och vad innebär ditt arbete i korthet?
3. Hur länge har du jobbat för XXX?
4. Vad har du för relation till området vid Jämtlandstriangeln och Jämtlandfjällen?
5. Vad tänker du om utvecklingen med ökande turism i och runt jämtlandstriangeln/Jämtlandsfjällen?
 - a. Hur upplever du turismens påverkan på rennäringen i området runt Jämtlandstriangeln? Verkar det finnas ett problem här och vad består det i så fall?
 - b. Hur upplever du att samverkan mellan turismen och rennäringen fungerar i området idag?
6. Skulle du säga att ditt arbete inkluderar frågor om markförvaltning?
 - a. I så fall, hur stor del av ditt arbete handlar om markförvaltning?
 - b. På vilket sätt är markförvaltning/markutnyttjande en del av ditt arbete?
 - c. Upplever du att bristfällig samverkan kring markförvaltning/markutnyttjande/konflikt i samband med markförvaltning/utnyttjande är ett aktuellt problem?
 - i. Om ja, på vilket sätt?
 - d. Hur ofta och på vilket sätt sker samråd/dialog mellan de lokala aktörerna?
 - e. Upplever du att du i ditt arbete kan spela en roll när det gäller att nå samförstånd mellan de olika lokala aktörerna i dessa frågor?
 - i. Om ja/nej, vilka verktyg har du/saknar du?
 - f. Vad ska till för att du ska kunna stödja aktörerna i deras eventuella strävan efter dialog/samförstånd?
 - g. Vad händer när de olika aktörerna inte kan nå samförstånd? Hur hanteras detta? Vad blir resultatet?
7. Vad tänker du om de internationellt erkända bestämmelserna om urfolksrätten? Spelar de någon roll i den här frågan?
8. Känner du till den nya konsultationsordningen?
 - a. Tror du att den kommer att vara ett användbart verktyg för dig i ditt arbete med de här frågorna?
 - b. Finns planer på att integrera konsultationsordningen i ert arbete och i så fall hur?
9. Vad tycker du om att vägen in till Storulvån inte stängs av Trafikverket i maj trots att samebyn har önskat det?

10. Är det något mer du skulle vilja tillägga som du inte fått sagt?

11. Får jag återkomma?

Frågor till anställda på STF och eventuellt andra turismaktörer:

1. Vad heter du?
2. Vad är din yrkesroll och vad innebär ditt arbete i korthet?
3. Hur länge har du jobbat med det du gör nu och hur länge har du jobbat med turism i allmänhet?
4. Vad är dina tankar om den ökande turismen i området runt Jämtlandstriangeln?
 - a. Hur upplever du turismens påverkan på rennäringen i området runt Jämtlandstriangeln? Verkar det finnas ett problem här och vad består det i i så fall?
 - b. Hur upplever du att samverkan mellan turismen och rennäringen fungerar i området idag?
 - c. Hur ser samverkansförhållandet ut? Finns dialog mellan er lokala aktörer? Hur ser den i så fall ut? Hur upplever du att den fungerar?
 - d. Vad tror du behövs för att dialogen/samverkan ska fungera bättre? Om bra dialog finns, hur ska man arbeta för att undvika att det goda samarbetsklimatet skadas?
 - i. Vad betyder dialog för dig?
5. Upplever du att ni lokala aktörer kan få stöd av myndigheter och förvaltningsorgan som till exempel Länsstyrelsen och Sametinget i er strävan efter samverkan?
 - a. Om inte, vilken typ av stöd tror du skulle vara användbart? Om ja, hur ser stödet ut?
6. Om ni inte kan komma överens genom dialog, hur hanteras detta? Vad blir resultatet?
7. Hur uppfattar du Handölsdalens sameby?
 - a. Vad tänker du om samebyns mål och drivkrafter?
 - b. Ser du att samebyn kan vara en allianspartner för er i andra frågor, till exempel gentemot annan industri?
8. Hur är kunskapsläget bland turister om rennäringen idag? Tror du att mer kunskap hos turisterna skulle hjälpa? Hur skulle det ta sig uttryck?
9. Vad tänker du om urfolksrättens roll i denna (eventuella) konflikt?
10. Vad är dina tankar om den nya konsultationsordningen?
11. Är lagar och internationella bestämmelser om urfolksrätt något som ni tar hänsyn till när ni planerar er verksamhet?
12. Vad tänker du kring arrendet av marken som Sylarna och Blåhammarens fjällstationer står på?
 - a. Vad hoppas du ska hända med det?
 - b. Vad gör ni om det inte blir förnyat?
13. Vad tänker du om att vägen upp till Storulvån hålls öppen i maj trots att samebyn önskat att den ska stängas för att ge lugn åt renarna?
14. Får jag återkomma?

Frågor till renskötare:

1. Vad heter du?
2. Vad innebär ditt arbete i korthet?
3. Hur länge har du arbetat med renskötsel?
4. Vad har du för relation till det här området?
5. Hur ser du på den ökande turismen i och runt Jämtlandstriangeln?
 - a. Hur upplever du turismens påverkan på rennäringen i området runt Jämtlandstriangeln? Anser du att det finns ett problem här och vad består det problemet av enligt dig?
6. Hur upplever du att samverkan mellan turismen och rennäringen fungerar idag?
 - a. Hur ser samverkansförhållandet ut? Finns dialog mellan er lokala aktörer? Hur ser den i så fall ut? Hur upplever du att den fungerar?
 - b. Vad tror du behövs för att dialogen/samverkan ska fungera bättre? Om bra dialog finns, hur ska man arbeta för att undvika att det goda samarbetsklimatet skadas?
 - c. Vad betyder dialog för dig?
7. Upplever du att ni får stöd av olika myndigheter och förvaltningsorgan i er strävan efter samverkan, till exempel Länsstyrelsen och Sametinget?
 - a. Om ja, hur ser stödet ut? Om nej, vilken typ av stöd tror du skulle vara användbart för er?
8. Om ni inte kan komma överens genom dialog, hur hanteras detta? Vad blir resultatet?
9. Hur uppfattar du STF?
 - a. Vad tänker du om STF:s mål och drivkrafter?
 - b. Ser ni att turistföreningen kan vara en allianspartner mot annan industri, eller en partner i övrigt?
10. Hur är kunskapsläget bland turister om rennäringen idag? Tror du att mer kunskap hos turisterna skulle hjälpa? Hur skulle det ta sig uttryck?
11. Vad tänker du om urfolksrättens roll i denna (eventuella) konflikt?
12. Vad är dina tankar om den nya konsultationsordningen?
13. Vad tänker du kring arrendet av marken som Sylarna och Blåhammarens fjällstationer står på? Vad hoppas du ska hända med det?
 - a. Vad gör ni om det ändå blir förnyat?
14. Vad tänker du om att vägen upp till Storulvån hålls öppen i maj trots att samebyn önskat att den ska stängas för att ge lugn åt renarna?
15. Är det någonting du vill tillägga?
16. Tänker du på någon annan som jag borde prata med?
17. Får jag återkomma?

