

# THE CONSEQUENCES OF STATE INTERVENTION: FORCED RELOCATIONS AND SÁMI RIGHTS IN SWEDEN, 1919–2012

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## ABSTRACT

From the late 19th century up until the post-war period, Swedish Sámi policy was dominated by an image of the Sámi as nomadic reindeer herders. As nomads, the Sámi connection to the land they used was generally considered weaker than that of the settled population, and forced relocations were part of the Sámi policy for several decades as a solution to international developments that affected reindeer husbandry. These relocations have had and still have an effect on reindeer husbandry in Sweden today. The article examines and analyses forced relocations of Sámi reindeer herders, and specifically the effects of these relocations on the situation in one Reindeer Herding District: Vapsten. Strong intra-Sámi conflicts in the District today have historical roots in the forced relocations to the area, and the article analyses these and the role of the state both in causing the conflicts as well as solving them.

KEYWORDS: reindeer husbandry • forced relocations • Sámi history • Swedish Sámi policy • governing images

## INTRODUCTION

In the 2007 United Nations Declaration on the Rights of Indigenous Peoples, article 10 addresses the issue of relocations:

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation, and where possible, with the option of return. (United Nations 2007)

This article in the Declaration was deemed necessary not least due to the interest in exploiting natural resources on land occupied by indigenous peoples, and because of forced relocations that have been carried out historically for this or other reasons. In Sweden, forced relocations of the indigenous people, the Sámi or Lapps<sup>1</sup> as they have historically been called, was a part of indigenous policy from the late 19th century to the middle of the 20th century. This measure has caused considerable conflict, both historically and today. The aim of the article is to examine forced relocations of Sámi in Sweden, and how these relocations have affected the discussion on Sámi rights in the contemporary world, with specific focus on one Reindeer Herding District, Vapsten in the county of Västerbotten. How have the regional authorities responsible for manag-

ing the relocations and their consequences, the County Administrative Board, the Lapp Administration, and the County Agricultural Board, handled the issue, and how have they viewed the Sámi in Vapsten and the relocated herders? How have the affected Sámi groups acted in the conflict that has developed?

#### DOMINANT IMAGES IN SWEDISH SÁMI POLICY

During the last decades of the 19th century, Swedish Sámi policy became more structured. It was based on a view of cultural hierarchies in which a nomadic people like the Sámi were considered inferior to Swedish agricultural and industrial society. The policy centred on a view of the Sámi as reindeer herders, endowed with a physique uniquely adapted to this industry and to this specific animal (*Riksdagstryck* 1908: 41). Images, Jan Kooiman argues, “are the main frame of reference” in a governing process, and “the way in which they are formed have an important, even decisive, influence on the unfolding of governing processes” (Kooiman 2003: 29). They form a frame of reference in the choice of instruments and strategies to reach certain goals (*ibid.*: 37–38). The categorisation of a group and normative statements about its character, defines the policy; only certain solutions are possible within the framework created by a specific image (Mörkenstam 1999: 42). The focus on the Sámi as reindeer herders led to a marginalisation of other aspects of Sámi culture and livelihoods, and in the end exclusion; the group was considered homogenous. Only herders with a nomadic lifestyle were considered to be ‘genuine’ Sámi, those who were not became invisible in the policy field. Certain objects and aspects of Sámi reindeer husbandry – for example, a nomadic lifestyle, the *lávvu* (tent hut), the *gákti* (traditional clothing) – have been used in the creation of an idealised and romanticised Swedish image of Sámi culture, an image which would have political ramifications. Instead of being internal markers of Sámi identity, these symbols became externally imposed necessary preconditions to be considered a genuine Sámi; they became producers of an ethnic identity (*Samefolket* 1980; Ruong 1981a: 15; 1981b: 20–24; Thuen 1995: 82–98).

According to this view, the so-called “Lapp shall remain Lapp” view, the Sámi should be preserved as reindeer herders, as their physical and psychological adaptation to this way of life was so great that they were unable to support themselves through other professions (*Riksdagstryck* 1913: 52). However, the livelihood and the Sámi was threatened; the expansion of agriculture limited the grazing areas and led to conflicts, and increasing contacts with Swedish culture was considered to demoralise the Sámi, undermining their nomadic character and threatening their future. If the Sámi left reindeer husbandry it would mean the end of them as a people, a development the Sámi policy was aimed at preventing. The goal of the policy was to protect the Sámi from the detrimental influences of Swedish society through segregation, thus preserving reindeer husbandry and Sámi culture. This goal harmonised with the economic interests of the state. At this time, the late 19th century, reindeer husbandry was still regarded as the only industry that could utilise large parts of the interior of northern Sweden, and was thus of national importance (Lantto 2000: 39–42). The “Lapp shall remain Lapp” view created a dualistic Swedish Sámi policy, a policy of inclusion and exclusion, of segregation and assimilation. The reindeer herders were included in the official defini-



Figure 1. Map of Sápmi by Dieter Müller.

tion of the Sámi, and through segregation, they were to be protected from the threats posed by the influence of Swedish culture. Sámi who were not reindeer herders were instead excluded from the Sámi context, and were to be assimilated. The importance of the “Lapp shall remain Lapp” view in Swedish Sámi policy has only slowly diminished after World War II (Mörkenstam 1999; Lantto 2000).

The two most important tools in the work to preserve the Sámi were the Reindeer Grazing Acts (RGA) and the Lapp Administration. To protect the grazing land of the Sámi from further encroachment, and thus protect and preserve the Sámi, the first RGA was passed in 1886 (*Svensk författningssamling* 1886, nr 38). The right to use the land for reindeer grazing was collectivised, and was to be conducted in a number of Reindeer Herding Districts (RHD),<sup>2</sup> which were created as administrative units. The act aimed at regulating the relationship between reindeer husbandry and agriculture, but also became an instrument for control over the Sámi. A physical segregation of the Sámi was not possible, but through close supervision of their actions and of reindeer hus-

bandry, the idea was that they could safely be led past the threats that loomed around them. Two new RGAs, in 1898 and 1928, strengthened the control aspects of the legislation further (*Svensk författningssamling* 1898, nr 66; 1928, nr 309). The RGA created the framework for control, but was in itself not enough; it was also necessary that a state institution focus solely on Sámi issues in order to implement the legislation and realise the goals of the Sámi policy. The Lapp Administration became the answer to this perceived need. The Lapp Administration was an independent unit within the regional state authorities, the County Administrative Boards (CAB), in the three northernmost counties in Sweden, Norrbotten, Västerbotten and Jämtland, where reindeer husbandry was conducted and where the majority of the Sámi lived. Lapp Bailiffs led the work within the Lapp Administration, and the authority grew and found its structure and purpose over the following decades through the addition of other levels of civil servants within the authority and a strengthened position within the Sámi policy field. The structure and position of the Lapp Administration remained remarkably unchanged up until 1971, when it was closed down (Lantto 2012b).

The abolition of the Lapp Administration was part of a restructuring of the Swedish Sámi policy, which included a drive to modernise reindeer husbandry and abolish some of the more negatively burdened aspects and institutions of the old regime in the policy area. New legislation, the 1971 Reindeer Farming Act (RFA), replaced the 1928 RGA. Strengthened self-determination for the herders replaced many of the discriminatory aspects of the old act (*Svensk författningssamling* 1971, nr 437). The RHDs were also reorganised in this process,<sup>3</sup> and the members had to apply to have the District registered in the new organisational structure. Another regional authority, the County Agricultural Boards, assumed the responsibilities of the Lapp Administration. In 1991, the administration of reindeer husbandry was returned to the CABs as part of a restructuring of Swedish regional state administration in general. Since 2007, the Sámi Parliament, the elected representative body of the Sámi in Sweden, shares some of the administrative responsibility for reindeer husbandry issues with the CABs (*Riksdagstryck* 1988/89; *Samefolket* 2012; Svenska Samernas Riksförbund 2012a; 2012b).

The changes in the early 1970s indicated that a partially new image became dominant in Swedish Sámi policy. Reindeer husbandry, conducted in a certain way, was no longer viewed as a necessary precondition for the survival of Sámi culture; the industry was now viewed as a business as any other and no longer the main bastion for Sámi culture and traditions. Therefore the state should no longer regulate and control the herders or the RHDs: they were now given a mandate to find their own way.

#### FORCED RELOCATIONS AS A SOLUTION IN SWEDISH SÁMI POLICY

Forced relocations were first discussed in Swedish Sámi policy in the late 19th century, as a response to international developments. The 1751 border treaty between the then two Nordic states, Sweden-Finland and Denmark-Norway, which regulated the border between Sweden and Finland on the one hand, and Norway on the other, included a special addendum addressing the situation of the Sámi; the so-called Lapp Codicil. The Codicil stated that the traditional land use of the Sámi across the new state border was

to be respected and continue unhindered. Changes in the political situation during the early 19th century, which saw Sweden lose Finland to Russia while Norway was forced into a union with Sweden, affected the legal status of the Codicil; Russia was not one of the signatory powers of the treaty and it was thus unclear whether the Codicil was still effectual. Despite the uncertain legal situation, the regulations of the Codicil continued to be respected by all parties involved during the first half of the 19th century, although due to conflicts over land use in Finland, Russian authorities decided in 1852 to close the Norwegian-Finnish border for reindeer husbandry. The decision prompted a number of Sámi herders from Norway to become Swedish citizens; as the border between Sweden and Finland was still open, the change of citizenship enabled them to continue to use their traditional grazing lands in Norway and Finland. In 1889, however, Russia closed this loophole with the closing of the Swedish-Finnish border for reindeer husbandry. Even though many of the Sámi herders from the Norwegian side regained their Norwegian citizenship, some remained in Sweden, and the CAB in Norrbotten faced a situation in which the number of reindeer in the northern part of the county was considered too high. As a response, the CAB decided to forcibly relocate a number of herders to southern Norrbotten. The herders selected for relocation were those the CAB considered to have disregarded instructions from the regional authorities, and the action could thus be regarded as a form of punishment. Due to stubborn resistance, however, those herders affected by the decision managed to postpone moving for several years. After a very harsh winter in 1893/94, during which a large number of reindeer were lost, the CAB abandoned the plan. (Lundmark 2002: 126–130; Lehtola 2004: 36–37; Pedersen 2006; Lantto 2006: 38–50; 2008: 141–146; 2010: 545–549; Udtja Lasse 2007, 15–17, 25–40; Koch 2013: 120–122)<sup>4</sup>

The closing of the Swedish-Finnish border for reindeer husbandry meant that only one state border remained open for the Sámi: the Swedish-Norwegian. The traditional land use of the Sámi across this border would not, however, be allowed to continue unchanged. From the middle of the 19th century, this issue became a recurrent theme in discussions between the two states. Norwegian authorities wanted to limit the rights of herders from the Swedish side of the border to use summer pastures in Norway, and in 1883 the Swedish-Norwegian Reindeer Grazing Act, which was a first regulation of the trans-border reindeer husbandry, was enacted. When the union between the two countries was dissolved in 1905, this issue was one of the hardest to resolve. In 1919, a Swedish-Norwegian Reindeer Herding Convention was signed which regulated the trans-border reindeer husbandry in detail. The Convention meant a reduction in the grazing lands Sámi from Sweden were allowed to utilise in Norway, which above all affected the Sámi in Karesuando, the northernmost municipality of Norrbotten, who owned a significantly higher number of reindeer than they were allowed to graze in the neighbouring country according to the new Convention. To solve this problem, a programme of forced relocations of herders from Karesuando to more southerly RHDs within the county started as soon as the Convention was signed. (*Förslag till 1918; Svensk författningssamling* 1919, nr 895; Elbo 1952: 150–155; Åhrén 1979: 112–118; Beach 1981: 145–146; 2013: 85; Marainen 1982: 64–68; 1996: 66–67; Lantto 2000: 86–89, 131–132; 2008: 147–148; 2009: 146–147; 2010: 549–550; 2012b: 40–41, 84–85, 144–145, 230–233; Lundmark 2002: 122–126; Udtja Lasse 2007: 49–52) The timing of the relocations was favourable for the regional authorities; reindeer husbandry had endured several difficult winters dur-

ing the 1910s, which had seriously depleted the herds. This meant that there was room in many RHDs for an influx of reindeer. At the same time, however, such an influx of reindeer from other RHDs meant a limitation for the herders in the receiving Districts to increase their herds to the same levels as before the difficult winters.

In 1926, after several years of steadily increasing numbers of reindeer in Karesuando, the CAB in Norrbotten considered additional relocations of herders to be necessary, this time to Västerbotten and Jämtland as there was no more available space in the RHDs in Norrbotten. However, several of the families who had been pressured by the regional authorities to apply for relocation this time around were very reluctant to move outside Norrbotten, and they tried different stalling tactics to avoid having to leave. This time the Karesuando Sámi were not as successful in their resistance as they had been in the late 19th century, but because of their obstruction the relocations were not completed until the beginning of the 1930s. Vapsten was not one of the RHDs originally designated to receive herders from Karesuando, but when some of the Sámi who were on route to Jämtland could not move to this county, a few herders moved to the District in a temporary solution that became permanent. As in other RHDs in Västerbotten, the Sámi in Vapsten protested against accepting relocated herders, with the argument that the grazing lands already were used at full capacity, but the CAB overruled their decision. The Lapp Bailiff in Västerbotten, Gustaf Lindström, had expected resistance towards the addition of herders from Karesuando, but argued that if the situation was handled appropriately, the fear of the Sámi in his county would prove to be unfounded. (RA, SA, konseljakter 20/1 1928, nr 31; HLA, LVA, A I: 2; HLA, LVA, B I: 7; HLA, LVA, B I: 8; HLA, LVA, B I: 9; HLA, LVA, B I: 10; HLA, NLLA, A 2 c: 2; HLA, NLLA, A 2 c: 3; HLA, NLLA, D 1 b: 3; HLA, NLLA, D 1 b: 4; *Samefolkets Egen Tidning* 1926a; 1926b; 1926c; Åhrén 1979: 120–123, 134–138; Lantto 2000: 132–133; 2008: 149–150; 2009: 151–152; 2012b: 233–234)

When relocations were discussed in Norrbotten during the late 19th century, both the CAB and the Lapp Bailiff were conscious of the possibility that the relocations could cause considerable problems. The Bailiff, Frans Forsström, recognised that, contrary to popular belief of the time, the Sámi herders, despite their nomadic lifestyle, were as connected to the land they traditionally used as the settled population (HLA, LNNA, B III: 1). A Sámi herder felt the move with the reindeer to a completely unfamiliar area as deeply as any other citizen who had to leave their home and familiar surroundings. The CAB emphasised that the increased number of reindeer in the recipient area could lead to conflicts with farmers, and that there was a risk that the relocated herders' right to use the land could be disputed, as they lacked customary rights in the new area (RA, CA, konseljakter 22/3 1889, nr 36; RA, CA, konseljakter 12/12 1890, nr 24). These types of insight were absent in discussions concerning the consequences of the 1919 Convention. The lack of preparation for problems would soon become apparent, as the forced relocations in many instances resulted in serious consequences.

The reindeer herding method of the Karesuando Sámi was more extensive than the intensive herding method that had traditionally been used in South Sámi areas. This resulted in problems. Many of the Karesuando Sámi had larger reindeer herds and the freer, more extensive herding methods used by them meant that their herds absorbed the smaller herds of the Sámi in the recipient areas. Despite strong protests from those affected, the regional authorities failed to address the situation. The problems, however, would not go away and continued cause friction, both within RHDs and between

the Sámi and the regional authorities. Conflicts ran rampant in several of the Districts that had received relocated herders during the 1920s and 1930s, not least in Arjeplog, in Norrbotten, where the problems would spark a resurgence in political mobilisation among the Sámi. (Beach 1981: 132–134, 148–156; Lantto 2000: 134–207; 2012b: 232–251) Initially the situation seemed less volatile in Vapsten. The relative calm would not last, however, as the following decades would be characterised by increasing tensions.

The relocations also brought the opportunity to fulfil the goals of the Sámi policy. The North Sámi from Karesuando were close to the ideal of the Sámi as reindeer herders depicted in Swedish Sámi policy. They were viewed as the most ‘genuine’ Sámi because they maintained a nomadic lifestyle. In contrast, the Sámi in more southern areas were considered to have been influenced by Swedish culture to a higher degree; they were no longer living as nomads and as a result were considered to be less skilled herders. Even though not stated as an explicit objective, there were hopes that the relocated North Sámi would serve as positive examples for the South Sámi, examples that hopefully would help improve the deteriorating reindeer herding methods in the south. This was not least true for Västerbotten. Already a few years before the forced relocations, herders from Karesuando had been used by the regional authorities in an effort to improve herding methods in Västerbotten. In 1914, herders from Karesuando were brought to Västerbotten to demonstrate their herding methods and way of life, and on a return visit the following year, two herders from Västerbotten travelled to Karesuando to experience first-hand the life in a North Sámi RHD. (Lantto 2012a)

#### A STRICTER REGULATION OF MEMBERSHIP IN REINDEER HERDING DISTRICTS

In 1931, during the time of relocation of the Karesuando herders to Vapsten, the number of reindeer in the RHD was a little over 3,100. Four years later, this had more than doubled to almost 6,800 animals. This marked a temporary peak in the reindeer herds, as harsh winters during the middle of the 1930s would lead to large reductions. The number of reindeer fell more or less steadily until the 1950s, when the herds began to increase again. The development in Vapsten during the 1930s followed a national trend of declining reindeer herds, and many herders were forced to leave their livelihood during this period (*Statens offentliga utredningar* 1966: 52–53; Lantto 2000: 159–161, 221–222). This was also true in Västerbotten and Vapsten, but the development was aided by the actions of the Lapp Administration.

In the first half of the 1940s, the Lapp Administration initiated a number of highly publicised court cases in Norrbotten and Västerbotten. During this period, it was becoming increasingly clear that the authority had lost the struggle to prevent changes in reindeer husbandry organisation and the herders’ way of life. More and more herders lived in permanent houses and thus no longer lived up to the official image of the Sámi. In an effort to clarify and refine the reindeer herding group, to differentiate it from the rest of the Sámi population, the Bailiffs in the two counties initiated what can be described as a campaign to more clearly define the criteria for membership of the RHDs. In Västerbotten, it was Sámi from the county and not relocated Karesuando Sámi who were the focus for the authorities.<sup>5</sup>

The first two RGAs had not contained a definition of who was considered a reindeer herder and hence had legal access to specific Sámi rights. This meant that the Swedish authorities had no formal legal tool to prevent non-reindeer herding Sámi from exercising their traditional rights. What the right to herd reindeer contained, apart from using land for grazing reindeer, was the right to hunt and fish on that land. The 1928 RGA did, however, contain a definition of who could exercise these rights:

The right of reindeer herding [...] belongs to persons of Lappish descent, if his father or mother or anyone of their parents pursued reindeer herding as a permanent profession or assisted within this profession [...]. (*Svensk författningssamling* 1928, nr 309, § 1)

However, membership in an RHD was a necessary condition to exercise this right, and a member was a Sámi who worked actively in the industry, or who had “pursued or assisted in a permanent manner in reindeer herding, but who has ceased with it and not permanently pursued any other profession” (*Svensk författningssamling* 1928, nr 309, § 8).

The definition of the group that could exercise Sámi rights thus became firmer, and Sámi who did not comply with these criteria were to be excluded. The key phrase concerning who was to be included within the Sámi group was that reindeer herding must be pursued as a *permanent* profession. But how should this be interpreted? Could a herder have complementary employments, or should reindeer herding be pursued exclusively? And when would a herder lose these rights? Was it immediately after seeking other employment, or could a herder return to reindeer husbandry within a few years? The line separating active herders from those forced to seek employment elsewhere was thus rather diffuse. Many of the Sámi forced to leave reindeer husbandry viewed this as a temporary solution; they often continued to participate in reindeer herding activities from time to time and maintained the long-term goal of returning to their traditional livelihood as soon as their herd had grown sufficiently in size. The Lapp Administration wanted to address the ambiguities of this paragraph, in order to more clearly define who held Sámi rights; only fully active herders were to be members of the RHDs, there was no room for part-time participation in the industry. The actions of the authority would lead to courtroom battles and conflicts.

The first of the court cases, concerning illegal fishing, was brought against Axel Andersson Vinka at the District Court of Lycksele, Västerbotten in 1942. Vinka had been an active reindeer herder in Vapsten until 1923, when a decline in the number of reindeer he owned had forced him to seek other employment. Since then he had mainly performed roadwork, farming and forestry. He still owned reindeer, however, around 90 at the time of the trial, and he also participated in reindeer herding activities from time to time. He lived part-time with his wife and parents-in-law on their farm, and participated in running the farm. He had also recently purchased a homestead, but it lacked necessary buildings, and so far he had not used the land for any purpose. The prosecutor, supported by the Lapp Bailiff, argued that it was clear that Vinka could no longer be considered a member of the RHD and thus had lost his rights as a reindeer herder. He had permanently pursued other professions and therefore lost his membership in Vapsten and with it the right to hunt and fish according to the RGA. That he periodically assisted in work with reindeer did not alter this fact, and in the register of

the RHD he was categorised as a reindeer *owner* but not an active herder, and was thus excluded from the right to hunt and fish. The defence argued that Vinka only lived and worked at the farm of his parents-in-law during parts of the year, not on a permanent basis. As far as his own homestead was concerned, it was irrelevant as long as he did not erect buildings and start farming on the land. Since he did not pursue any other profession on a permanent basis, and since he still participated in reindeer herding from time to time, he should be considered an active herder, which was also how he described himself. (FRAU, SHA, rättegångshandlingar, akt A 5710)

The District Court agreed with the line of argument presented by the defence that Vinka was of Sámi descent, that he had herded reindeer as a permanent profession, and that he still owned reindeer and participated in reindeer herding from time to time. Even though he now pursued other professions, he fulfilled the demands of the RGA to be considered a Sámi and have the right to fish according to the RGA. The District Court, however, did not discuss the question of whether he permanently was pursuing another profession, and the prosecution concentrated on this in the appeal to the Court of Appeal. The prosecutor argued that it was unreasonable to view Vinka as an active herder simply because he owned a small number of reindeer and participated in reindeer herding from time to time. The fact of the matter was that Vinka permanently pursued other professions and was therefore no longer an active herder according to the RGA. In its ruling, the Court of Appeal agreed with this line of reasoning and stated that Vinka had been a reindeer herder up until 1923, but had since pursued other professions and thus permanently left reindeer herding. This had led to him losing his membership in Vapsten, and the Court of Appeal fined him for illegal fishing. (FRAU, SHA, rättegångshandlingar, akt A 5710; HÖNA, Kriminella utslag 1942, nr 113; HÖNA, Akter till kriminella utslag 1944, nr 74) Gustav Park, a leading Sámi activist at the time, regarded the ruling of the court as an infringement of Sámi rights. He argued that it was clear that the Court of Appeal did not realise the changes that were occurring in the lifestyle and organisation of the work of the herders (RA, YK 1009:2). The court's interpretation of the RGA was based on a way of life that was disappearing. The Supreme Court, however, did not see his point, and confirmed the sentence in 1944 (*Nytt Juridiskt Arkiv* 1944).

The second case, against Sivert Stångberg for illegal hunting, was brought before the District Court of Lycksele in 1943. In many ways, it resembled the case against Vinka. Stångberg had been an active reindeer herder in Vapsten until 1939, when he was forced to seek other employments due to a decline in the number of reindeer he owned. He had since worked in the forestry industry, on road work and as a postman. The arguments from the prosecution and the defence followed the lines drawn up in the Vinka case. The prosecution stressed that Stångberg's departure from reindeer herding was definite and that he no longer had the right to hunt according to the RGA. The defence argued that he still participated in reindeer herding activities every year, that his other occupations were on a temporary basis only, and that he still owned reindeer and considered himself a member of the RHD. The District Court, with the ruling of the Court of Appeal in the case against Vinka as a precedent, ruled in favour of the prosecution and Vinka was fined. (FRAU, SHA, rättegångshandlingar, akt A 6292) The case was also brought before the Court of Appeal, and Stångberg pleaded to be acquitted:

The fact, that I only have a few reindeer and therefore from time to time have to seek employment outside reindeer husbandry to support myself, should not lead to a loss of the right to hunt and fish which belongs to the nomadic Lapp population. It cannot be reasonable to interpret the Reindeer Grazing Act in this manner, so that the poorer among the Lapp population are given a weaker position than the more wealthy. (HÖNA, Akter till kriminella utslag 1944, nr 74)

However, his arguments were to no avail; in 1944, the Court of Appeal confirmed the ruling of the District Court (HÖNA, Akter till kriminella utslag 1944, nr 74; HÖNA, Kriminella utslag 1944, nr 74).

The campaign to define the boundaries for membership in the RHDs can be regarded as a precursor to a change in how the herders were viewed, which started during the end of the 1950s, signalling a transformation in the Sámi policy. Reindeer husbandry was now viewed as any other profession, and as such, it was important that it be conducted rationally, effectively and with a sound economy as the main goal. To maintain traditional methods and lifestyles was no longer a priority; from an economised perspective on reindeer husbandry, such aspects were instead viewed as obstacles to modernisation and rationalisation. An increased standard of living for the herders was one important goal in this new view of reindeer husbandry, and since it was impossible to increase the herds greatly, this was to be achieved through a considerable decrease in the number of herders. This would lead to a strengthened economic situation for the remaining group. The Sámi policy was still focused on reindeer husbandry and on supporting it, but it was no longer based on a perspective of cultural preservation and protection. The herders were now depicted as the primary carriers of Sámi culture and so the state had a responsibility to support them and their livelihood. (Lantto 2012b: 307–320)

#### NEW LEGISLATION – OLD CONFLICTS

The new legislation regulating reindeer husbandry, the 1971 RFA, and the subsequent reorganisation of the RHDs, came at a time of increasing tensions in Vapsten between relocated and ‘original’ Sámi. As a result of the development during the previous decades, the registry of the Vapsten RHD no longer contained any Västerbotten Sámi families; only North Sámi were among the active herders. However, a process had now begun whereby several Västerbotten Sámi, whose families had been members in Vapsten, tried to gain the status of active herder. Conflicts ensued, both between the Västerbotten Sámi and the relocated herders, and between the Västerbotten Sámi and the regional authorities. These conflicts have not been resolved in the decades since the RFA was enacted, and the contemporary situation is as complicated and fraught with conflict as it was in 1971. Let us look then, at how this conflict has developed.

A first clear signal of the rising tensions was two reports to the Parliamentary Ombudsmen filed by Västerbotten Sámi in 1968, in what appears to have been a joint action. Only one of the plaintiffs had been a member of Vapsten, but both presented arguments that spoke to the general situation in the county. Jonas Barruk, who had belonged to Vapsten, claimed that he had been forced to leave reindeer husbandry due to disruptions in the industry caused by changed herding methods following the relocation of herders from Karesuando to the area. He argued that these disruptions had

led to a decrease in his number of reindeer, which had necessitated him to seek supplementary incomes. When the problems grew worse the decline in reindeer continued, and lacking alternatives Barruk was forced to make his supplementary incomes his main income, effectively leaving reindeer husbandry. However, he underlined that this had not been an active choice, but something he had been forced to do. From 1941, the regional authorities had categorised Barruk as a reindeer owner, thus depriving him of the right to hunt and fish. In the mid-1950s, Barruk was removed completely from the register in Vapsten, but in 1960 was granted continued rights to hunt and fish and live in his parents' old cottage for a period of ten years. Barruk was now on the verge of losing those rights as well. In the report to the Parliamentary Ombudsmen, he argued that it was wrong that he should lose his rights to utilise land which his family had used for generations, a situation which was applicable to many Sámi in Västerbotten. (RA, JOA, F IV: 78)

Barruk also claimed that the undemocratic leadership and control of the Lapp Administration was the reason why relocations of Karesuando Sámi to Vapsten had been facilitated in the first place. The authority had then used its "dictatorial" position to deprive the original herders in the RHD of their membership, forcing them to leave the industry. The newcomers, on the other hand, had been given preferential treatment; Barruk claimed that even though members of these families had taken up other permanent professions they remained registered as active herders. The process of categorising the Sámi as active herders or not was described as arbitrary. (Ibid.)

The CAB argued that Barruk effectively had left reindeer husbandry decades back, indicated by his change in status in the district registry in 1941, and that the rights he had been granted in 1960 was an exception due to his heritage. The situation for herders with few reindeer was an issue which was monitored by the regional authorities, but the forthcoming revision of the RGA was regarded as a solution to the problems this group faced. The CAB acknowledged that the relocations had led to some conflicts between the newcomers and the Sámi in Västerbotten concerning herding methods, but denied that these problems had been severe enough to force any from the latter group to abandon reindeer husbandry. The authority instead argued that the opposite was true; the influx of herders from Karesuando had led to a positive development which benefitted those Sámi in Västerbotten who had the "interest and ability" to adapt to new methods. The CAB also argued that the number of active herders in the county currently was at a suitable level, as all herding families had sufficient income from their work. The authority even indicated that a further influx of herders from Norrbotten could be discussed in the future, as the number of herding families in the latter county was too high in relation to the maximum number of reindeer. (Ibid.) This view reflected how the CAB described the state of reindeer husbandry in the county in general (HLA, LVA, B I: 41, 44, 51; RA, JorA, konseljakter 26/2 1971, nr 37, del 4).

That the CAB argued for the potential to recruit new herders from Norrbotten rather than Västerbotten indicated the respect shown to the reindeer herding skills of the North Sámi. It was, however, no longer a nomadic lifestyle and adherence to the old traditions that gave them this position, although their expertise in reindeer husbandry was considered superior to the Sámi in Västerbotten. The remarks made by Lapp Bailiff Hilding Johansson in 1936, when describing the situation in the county a few years after the relocations had been completed, painted a very different picture. He argued that

the “dislocations had not been a blessing for reindeer husbandry in Västerbotten”; the addition of new herders had caused considerable problems due to the clash between different herding methods, and Johansson feared that these problems would continue. (HLA, LVA, B I: 15)

A re-evaluation of the effects of the forced relocations in general, and in Vapsten in particular, would soon come, but this time by authorities other than the CAB. In 1975, the National Board of Agriculture, the central authority responsible for issues concerning reindeer husbandry, argued that historical experiences showed that the addition of herders into a RHD against the wishes of its members “has been followed by strong and more or less lasting tensions” between previous members and those relocated (quoted in *Regeringsrättens årsbok* 1975: 279). The County Agricultural Board agreed with this assessment, arguing that such tensions had occurred in Vapsten and that tensions had remained (HLA, LbnVA, A I g: 2). This was in obvious contradiction to the CAB description of the matter just a few years earlier.

The second report to the Parliamentary Ombudsmen was filed by Bertil Wiinka, former member of Umbyn (today Ubmeje tjeälddie) RHD. In 1961, the Lapp Administration had changed his status in the District registry from active herder to reindeer owner, and he now demanded that this decision should be reversed. Wiinka argued that it was wrong that the Lapp Administration could make such a decision without even contacting the people who were affected by it or examining whether they wanted to remain members. If the latter was the case, they should be given reasonable opportunities to act to fulfil the demands of membership. Like Barruk, Wiinka argued that these decisions were made arbitrarily, and that the loss of rights was so great that anyone who was removed as an active herder should receive some form of compensation. He also accused the civil servants in the Lapp Administration of lacking knowledge about reindeer husbandry, something which had contributed to the problems the industry faced. The claims made by Wiinka were addressed by the Lapp Bailiff, Börje Pekkari, who simply stated that the plaintiff had pursued other professions permanently since 1959, and could thus no longer be categorised as an active herder. He no longer had any connection to reindeer husbandry, and lived far removed from the Sámi area, in the capital Stockholm. The Parliamentary Ombudsmen left both reports without action. (RA, JOA, F IV: 78, 104)

With the upcoming revision of the reindeer husbandry legislation, Pekkari stressed that it would be of even greater importance to continually and closely examine and decide who the members of the RHDs were. This was significant, as the new act would grant the RHDs themselves the power to decide on membership and other issues. If someone was denied membership, they could appeal against this at the CAB, which could reverse the decision, but only if the planned reindeer husbandry was “of considerable benefit for the District and did not cause major inconveniences for the members of the District” (RA, JOA, F IV: 104). This issue would come to be central in Vapsten. As mentioned, the new RFA demanded that the reorganised RHDs applied for registration. This process started somewhat later in Vapsten than in the other Districts in the county, but in 1973 two separate applications were filed; one made by the North Sámi herders, and one by Västerbotten Sámi. The process surrounding these actions is somewhat unclear, but it was the application from the North Sámi that was approved. A group of Västerbotten Sámi appealed against the decision, but the Administrative

Court of Appeal upheld it in 1975. (HLA, LbnVA, A I g: 3; Beach 1985: 29, 32; *Samefolket* 2011a; 2011c; 2011f) This cemented a situation in which no Västerbotten Sámi remained as active herders in the District registry for Vapsten; some had moved to other RHDs, while others had left the livelihood.

The exact details of this process, however, and whether those who had left reindeer husbandry had done so voluntarily or been forced out by the new administrative authority, the County Agricultural Board, would come to be a contentious issue. One allegation is that the Board removed the remaining Västerbotten Sámi as active herders in the registry from Vapsten when the RHD applied for registration. Göran Lundvall, who served as Lapp Bailiff in the Lapp Administration and then continued his work in the new organisation from 1971, has vehemently denied this. He has repeatedly argued that the process was correct and in accordance with the RFA. The allegation, however, does not only come from the Västerbotten Sámi; one of Lundvall's former colleagues in the reindeer husbandry administration, Folke Grubbström, accused him of acting inappropriately in the process, and of furthering the interests of the North Sámi. (HLA, LbnVA, A I g: 3; *Samefolket* 2011b; 2011e) It is thus a situation of word against word concerning the registration of Vapsten as an RHD under the new legislation. The result was a District registry that only contained North Sámi as active herders, and through the changes implemented in the new legislation, they controlled membership in the RHD. This issue has been very contentious over the last four decades.

The Västerbotten Sámi used a number of different strategies over the following years to be accepted as active herders in Vapsten. The most straightforward approach was to apply for membership, a strategy used several times. The County Agricultural Board addressed the first application in December 1971, when Stig-Harry Johansson presented complaints about a decision by Vapsten to deny him membership. The Board pointed out that this was an issue that the administration no longer controlled; membership was decided by the RHD, but if dissatisfied he had the option to appeal against the decision to the CAB. (HLA, LbnVA, A I g: 1) Even if the statement by the Board, that it had no official decision-making powers concerning RHD membership, was correct, it still exerted influence and was very much involved in these matters. When an appeal over denied RHD membership was to be resolved by the CAB, the Board was regularly asked to give its opinion on the matter. Even though the CAB made the final decision, the stance taken by the authority responsible for administering reindeer husbandry weighed heavily.

The clarification by the Board that it did not decide in membership matters did not stop the authority expressing opinions on the issue. During the discussions concerning Johansson's application, the Board argued that the current high number of reindeer in the District made an increase inadvisable. A redistribution of reindeer ownership between the current members of Vapsten would be necessary to facilitate an increase in the number of active herders. The possibilities for establishing new family businesses were thus limited at the time, and such changes must take place through consultation and cooperation with the members of the District. (HLA, LbnVA, A I g: 1) Data from 1976 indicate that the structure of reindeer ownership was different in Vapsten compared to the other RHDs in Västerbotten. The average number of reindeer owned by each family business in Vapsten was 1167, while the county average was 453, and the number of herders in Vapsten was only six, while there were between ten and twenty

in the other RHDs (*Rennäringen* 1976: 7). Four years later, the number of reindeer had decreased in Vapsten and was close to the county average, but the number of herders was still fewer than in the other RHDs (HLA, LbnVA, A I g: 2). Without changes in the structure of reindeer ownership in the District, it was thus difficult to include new members.

Several new applications for membership were filed during the 1980s, after some family businesses in Vapsten were liquidated and some members moved out (HLA, LbnVA, A I g: 2; HLA, LbnVA, A I g: 3). This development would seemingly create opportunities for the inclusion of new members in the RHD. According to the Board, however, the liquidations did not affect the status of the herders as active members; as long as they did not pursue any other professions they maintained their status as active herders and members of the RHD (HLA, LbnVA, A I g: 2; *Regeringsrättens årsbok* 1975). The membership applications all had one thing in common: Vapsten denied them and all appeals failed. This remained unchanged until 2010, despite numerous applications for membership, when the Administrative Court, in a surprise decision, stated that Lars-Johan Johansson, the son of Stig-Harry Johansson, was a member of Vapsten (*Västerbottens-Kuriren* 2007a; 2007b; 2010a; 2010b; 2012a). Subsequent decisions in courts and by the Sámi Parliament have left the situation as uncertain as before.

During the 1970s and 1980s some Västerbotten Sámi initiated a new strategy: fencing in areas to start a form of reindeer 'farm'. The Board, however, clarified that the farming of reindeer was illegal, as those involved lacked RHD membership; the enterprise had to be discontinued and the fences dismantled, as they would pose unlawful obstacles to reindeer husbandry. As they did not comply, three Västerbotten Sámi were charged with illegal reindeer herding. The defendants argued that they should be considered members of Vapsten, but also that the right to exercise their immemorial rights should not be dependent on membership of an RHD; it was wrong that this was a necessary precondition in the RGA. Tage Östergren, one of the defendants, described this as racial discrimination by the regional authorities. Anthropologist Hugh Beach, who wrote about the case, characterised it as a serious challenge to Swedish Sámi policy as it questioned the foundation of the policy area: the focus on reindeer husbandry. The courts, however, convicted the defendants of illegal reindeer herding and did not broaden the case to include an evaluation of the legality of the Sámi policy. (Beach 1985; 1986: 14–15; *Samefolket* 1986)

Despite this, some Västerbotten Sámi still pursue small-scale reindeer husbandry today on the grazing lands of Vapsten and have revealed plans to expand (HLA, LbnVA, A I g: 2, 3; Isaksson 2001: 99–101; *Samefolket* 2011c; *Västerbottens-Kuriren* 2012b; *Västerbottens Folkblad* 2012). Alternative strategies that have also been used by the Västerbotten Sámi are applications to have the entire RHD reorganised, and reporting civil servants within the Board for malfeasance (HLA, LbnVA, A I g: 3, 4).

During the 1980s, the Board became more involved in the conflict. In 1981, the Board and Vapsten District came to an agreement that the RHD would make an "impartial assessment" of the possibilities of accepting new members (HLA, LbnVA, A I g: 1). The following year, the Board argued that the addition of new members in Vapsten should be tried as soon as possible, but that the conflicts between the two Sámi groups were a cause for concern. To force a decision on the RHD would most likely have negative effects, but the Board expressed hopes that an active collaboration between itself, Vap-

sten and the national Sámi organisation, the Swedish Sámi Association (Svenska Samernas Riksförbund) could lead to improved relations. With the current number of reindeer and herders in Vapsten, there were no real obstacles towards adding new members, and if youth from families which previously had been active herders could be granted membership, such a measure would most likely lessen tensions. (HLA, LbnVA, A I g: 2) However, with the continued pressure for change from the Västerbotten Sámi, the view of the Board became increasingly negative. In 1984, in response to renewed applications for membership in Vapsten, the authority stated that if new members were to be accepted, transferring active herders from other RHDs with high numbers of reindeer should be prioritised, as this would be in the best interest of reindeer husbandry and the herders. To allow non-reindeer herding youth from the area to become members could only be considered after a close evaluation of the situation in the entire county. The Board also argued that Vapsten was the target of malicious slander from the local population, both Sámi and Swedes. The activists among the Västerbotten Sámi were described as individuals from families that had not been active herders for several decades. According to the Board, their claims had no support in the RFA, and the authority argued that “jealousy over successful and very profitable reindeer husbandry” was an important reason to the current conflict. (HLA, LbnVA, A I g: 3)

Today, when those involved on both sides were born and raised in the area, the situation continues to be marked by conflict and difficulties in finding solutions that would allow those involved to benefit and herd reindeer. The two Sámi groups are a long way from finding common ground to stand on, as the distrust between them is seemingly too deeply embedded. The current families that are members of Vapsten argue that reindeer husbandry was in decline in the area before the relocations. The Västerbotten Sámi who were members have subsequently left the industry and thus lost their membership of the RHD. It is necessary to work actively herding reindeer to continue to be a member, which the Västerbotten Sámi did not do, and the RFA supports their position. The Västerbotten Sámi argue that the North Sámi families have more or less stolen their reindeer herding rights, and thus the right to use their traditional lands. This has been facilitated through active support from the regional authorities. The current members of Vapsten are also accused of working to prevent Västerbotten Sámi from becoming members of the RHD. (*Samefolket* 2011b; 2011c; 2011d)

The Västerbotten Sámi are today represented by their organisation Vapsten sijte,<sup>6</sup> which actively questions whether the current members of the RHD have any customary rights to herd reindeer in the area. This was most noticeable in connection with the so-called Nordmaling case, which was decided by the Supreme Court in 2011. The case concerned whether three of the RHDs in Västerbotten had customary rights to graze their reindeer on certain privately owned lands in Nordmaling, a municipality at the east coast of the county (*Nytt Juridiskt Arkiv* 2011). The case was ground-breaking for the Sámi in Sweden as it was the first major court case concerning land rights that they won. However, Vapsten sijte tried to have Vapsten RHD removed from the decision, arguing that the customary rights to herd reindeer in Nordmaling belonged to the members of the organization and not the members of the RHD, as their families came too late to the area to have any such rights (*Samefolket* 2011c; *Västerbottens Folkblad* 2011; *Dagens Nyheter* 2011). The Supreme Court did not acknowledge the claims by Vapsten sijte, but the action of the organisation illustrates the depths of the conflict.

## CONCLUDING REMARKS

From the end of the 19th century, the dominant governing image in Swedish Sámi policy was of the Sámi as nomadic reindeer herders. As nomads, they were viewed as less developed than the rest of the population working in agriculture and industry, and unable to realise what was best for them. It was therefore generally viewed as a responsibility of the state to protect and guide the Sámi, helping them reach their potential as reindeer herders while limiting negative external influences. Lacking a permanent home, the nomadic lifestyle of the Sámi also contributed to a view that they had a weaker connection to the land they used than the settled population. Relocation of the Sámi was thus regarded as less invasive and problematic.

When Swedish authorities, following the signing of the 1919 Reindeer Herding Convention with Norway, enacted forced relocations of Sámi reindeer herders from Karesuando, this was justified by the governing image in the Sámi policy. However, this action would come to have some very unexpected deeply felt and long-term effects. One obvious effect for the relocated herders was that they had to leave their traditional lands and adjust to a completely new and unfamiliar environment. The consequences of the relocations did not stop there, however; the Sámi in the RHDs that received relocated herders were also affected, through changed herding methods and increased internal competition within the Districts. One further effect was that the influx of new reindeer limited the opportunities for the original members to increase their herds, which had been depleted during the 1910s. Grazing land was limited and could support only a certain number of reindeer; subsequent industrial exploitation of the land has since further limited the possibilities to expand herds.

A second wave of relocations started during the second half of the 1920s, this time to Västerbotten and Jämtland. Vapsten was not targeted to receive any relocated herders, but due to unforeseen circumstances, the District became the unintended destination for a few. This unexpected turn of events, combined with the following development in which more and more of the original members of the RHD left the reindeer husbandry or moved to other RHDs, led to the unique situation in which today all active herders in the District are descendants of relocated herders, something that has been the case now for four decades. These circumstances have created a volatile situation, with strong conflicts between the descendants of the two groups, the original reindeer herding families and the relocated Sámi.

When the new RFA was introduced in 1971, at the same time as the Lapp Administration was disbanded, one of the arguments often used was that the previous legislation and state administration had been too controlling and repressive. The reform indicated a changed governing image within Sámi policy, where reindeer husbandry was viewed as a business like any other. The RHDs were granted a greater degree of independence and self-determination, and the state should no longer play an active role in internal issues in the District. One of the areas where the herders could now make independent decisions was membership in the District. While this was a positive development, it created conflicts in the case of Vapsten when Västerbotten Sámi were denied membership. The state authorities were unwilling to get involved directly in the conflict, as membership was now an internal issue within the RHD. This position,

however, did not address the fact that the problems stemmed from the previous repressive and controlling system, creating a collision between the two governing images dominating Sámi policy during the 20th century. The non-interference position is difficult to combine and motivate when the previously interventionist agenda has created the problems. The passivity of the authorities has further contributed to a worsening of the conflict.

State decisions and actions laid the foundation for the current conflict, which has left the two Sámi groups unable to find common ground for discussions to try to resolve the issue. Accusations are much closer at hand than compromise, in a situation where both sides consider themselves right, which creates additional bitterness and moves the parties even further from each other. Tage Östergren has argued that the situation, in which Sámi groups are pitted against each other, only benefits external interests while weakening the Sámi (*Samefolket* 1986: 25). While the analysis is correct, both sides in this Sámi conflict have been unable or perhaps unwilling to seek compromise and find common ground. This unwillingness to seek any solution other than complete victory makes the conflict hard to resolve. The deadlocked positions indicate an even greater necessity for the state to address the actual problem and its causes, and not simply try to handle the conflict. That the regional authorities since 1971 has used the RFA as a form of shield to deflect responsibility for the situation is well within the letter of the law, but does not take the historical development into account. The current conflict is the result of historical state intervention in reindeer husbandry, and a solution can only come if the state actively engages in the situation and try to find a way forward through mediation.

The responsibility of the state for the situation is thus clear, as is the need to address the issue actively. The two Sámi sides, however, also have a responsibility for the continued problems. The refusal of Vapsten to accept Västerbotten Sámi as members in the district, with the argument that active participation in reindeer husbandry is necessary for membership without allowing any path for individuals who are not members to participate within the RHD, locks the relations between the two groups in history; a history in which Västerbotten Sámi left as members of Vapsten district in what the North Sámi interpreted as disinterest in the industry. As the contemporary situation is clearly very different, this strategy is unproductive and serves to heighten conflict. The strategy of the Västerbotten Sámi in Vapsten sijte, on the other hand, to question whether Vapsten RHD has any customary rights to the grazing lands seems hazardous. In Swedish legislation, the indigenous rights of the Sámi have been viewed as a collective right since the first RGA in 1886. Individual indigenous rights are not acknowledged, and if successful in undermining the customary rights of the RHD, the Vapsten sijte group would then face a long and uphill battle to have their rights recognised instead. They run the risk of contributing to undermining Sámi rights in general. The situation is thus seemingly deadlocked, without a clear solution. To avoid a further escalation of the conflict, and in order to shoulder its responsibility, the state must become more active in handling the situation. Not through making a decision for the Sámi parties, but rather through the appointment of an external actor with a mandate to address the issue.

## NOTES

1 Up until the 1960s, the Sámi in Sweden were officially referred to as Lapps, a term that was first used in Russia. The Sámi perceived Lapp as derogatory, and their critique of the use of the term contributed to a change to the endonym Sámi. The term Sámi will be used consistently throughout the article, except for some quotations and expressions in which the old term Lapp occurs. For some background on the naming of the Sámi, see for example Hansen, Olsen 2004: 45–51.

2 The Swedish term for these districts was *lappby* (Lapp Village).

3 In this process, the name of the RHD was changed from *lappby* to *sameby* (from Lapp Village to Sámi Village).

4 A few years later, some Sámi in Karesuando voluntarily moved with their reindeer herds to other RHDs in Norrbotten (Beach 1981: 122; Lantto 2012b: 124–125).

5 Only the two court cases in Västerbotten will be discussed here, for an analysis of the court case in Norrbotten, see Lantto 2000: 251–252.

6 The organisation, founded in 2010, is described as a recreation of the original Vapsten RHD, which was the group behind the application for registration of the RHD filed by Västerbotten Sámi as a response to the RFA (*Västerbottens-Kuriren* 2010c).

## ABBREVIATIONS

CAB – County Administrative Board  
RFA – Reindeer Farming Act  
RGA – Reindeer Grazing Act  
RHD – Reindeer Herding District

## UNPRINTED SOURCES

FRAU – Folk Rörelsearkivet i Umeå  
SHA – Sven Hallströms arkivsamling  
Rättegångshandlingar  
HÖNA – Hovrätten för Övre Norrland arkiv  
Akte till Krim. utslag  
Krim. utslag  
RA – Riksarkivet  
CA – Civildepartementets arkiv  
Konseljakter  
JorA – Jordbruksdepartementets arkiv  
Konseljakter  
JOA – Justitieombudsmannens arkiv  
F IV – Akte i avgjorda mål  
SA – Socialdepartementets arkiv  
Konseljakter  
YK – Yngre Kommittéarkivet  
1009 – 1939 års lapputredning  
HLA – Landsarkivet i Härnösand  
LbnVA – Lantbruknämndens i Västerbottens län arkiv

A I g – Protokoll förda i rennäringsdelegationen  
LNNA – Lappfogdens i Norrbottens norra distrikt arkiv  
B III – Årsberättelser.  
LVA – Lappfogdens i Västerbottens län arkiv  
A I – Protokoll  
B I – Brevkoncept  
NLLA – Norrbottens läns landskanslis arkiv  
A 2 c – Brevkoncept i lappärenden.  
D 1 b – Ankomna brev i lappärenden.

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