

Regular Paper

# Fatal Accidents in Outdoor Recreation and Nature-Based Tourism in Norway: A Discourse Analysis

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## Abstract

The purpose of this research is to investigate how the Norwegian outdoor-safety discourse developed between 2005 – 2015. Second, I examine the creation of meaning and understanding about risk and safety in the outdoors. The research affirms that important elements of opinion formation are discursively negotiated. The main line in the negotiations revolves around how to relate to ‘the mountain common sense line’, based on the code of conduct of ‘touring at your own risk’. The legal discourse, the energy industry safety discourse and the professional struggle draw towards less individual responsibility for own safety, and more towards institutional responsibility for people’s safety, more public regulation and more physical facilitations to reduce risk. On the other hand, lax regulatory legislation, the administrative apparatus, ‘the layman tradition’ and the *friluftsliv* discourse draws on individual responsibility for one’s own safety, limited institutional responsibility and public regulation, and moderate physical facilitations aimed at keeping people safe.

KEYWORDS: *Outdoor recreation, nature-based tourism, accidents, safety, discourse*

As Norwegian mountaineering grows in popularity, it takes on new forms. Better equipment enables more people to seek ski climbs and terrain that is more challenging. At the same time, fatal accidents associated with recreational and nature-based tourism attract media attention. The media influences the way we talk about these accidents, how we understand them, and how we think they ought to be prevented. In this article, the discourse associated with fatalities in outdoor recreation and nature-based tourism in Norway is analysed. First, I investigate how the Norwegian outdoor-safety discourse developed between 2005–2015 in relation to fatal accidents in outdoor recreation and nature-based tourism. Second, I examine the creation of meaning and understanding about risk and safety in the outdoors. This is relevant to the broader industry because through insight into other cultures, one can gain new perspectives on how to understand risk and safety in one’s own culture.

The understanding and emphasis of safety and risk is a product of knowledge and consensus, and therefore prescribes different practices (Douglas, 1992). Understanding and emphasis are of great importance for practitioners, for the government, as well as for the regulations and laws governing outdoor recreation and nature-based tourism. Understanding is the foundation of how industries handle safety and risk, how the authorities manage it, how the courts rule when fatal accidents strike within organized activities, and in relation to how legislation is designed and interpreted.

The sources are texts related to four outdoor fatalities from 2005 to 2015. The criteria for the selection of the accidents are the severity (loss of life), extensive media coverage (several national articles), and the ensuing legal or administrative fallout. The sources include printed media coverage that is available on the Internet, as well as public documents produced in the wake of a 2008 incident in which a woman on a private and individual trip fell off a cliff in the mountain region of Jotunheimen. The other incidents include a Norwegian man who drowned on a gorge-walk lead by a professional guide in 2006; four Swiss men and their French guide who died in an avalanche while on a professionally guided ski touring trip in 2012; and a German man on a private and individual ski trip who died in an avalanche in 2015.

### Discourse and Critical Discourse Analysis

My theoretical perspective is Foucault's (1989) concept of discourse. My methodical approach is critical discourse analysis in the tradition of Norman Fairclough (1995a; 1995b). By discourse, I mean a form of regulated, meaning-defining language. When the media cover accidents, they often borrow descriptions from other safety-related discourses. For example, the phrase a "zero vision" for avalanche-related accidents (Holtet, 2016), borrowed from the discourse of traffic safety. Foucault describes this discursive link, the borrowing of descriptions from other discourses on the same subject, as "the field of presence (Foucault, 1989, pp. 56-58). According to Foucault, our discourses can derive resources from other discourses that may seem irrelevant, by borrowing their metaphors and analogies. For example, after a death in an avalanche, media coverage cites the "cowboy mentality" in nature-based tourism in the north (NRK Troms, 2017d). In this context, the cowboy mentality is associated with irresponsibility and recklessness. In Foucault's terminology, when one borrows descriptions from discourses that may initially seem irrelevant, we have "a companion field." A third field of discourse that can inform our analysis is one that Foucault describes as "the remembrance field," which refers to discourses of the past that are somehow connected. For example, the media might attribute the increased number of fatalities to people breaking the rules of mountaineering and violating the tradition of Norwegian *friluftsliv* (outdoor recreation, pronounced free-loofts-leev)<sup>1</sup> (Bø, 2016). Using this example, a Norwegian *friluftsliv* discourse (Tordsson, 2003), can be understood as a field of remembrance, which has created Norway's *friluftsliv* tradition.

The premise of critical discourse analysis is that language can never be neutral. The user of the language will always have a certain perspective. Through discursive practices, social practices are reproduced and changed (Fairclough, 1995a; 1995b). A media's discursive practice means that the media produces texts that its audience receives and interprets. Discourse as social practice is thus both constitutive and constituted. It is constitutive in the sense that it shapes and reshapes the social world. It is constituted by reflecting other social practices, standing in a dialectical relation to other social dimensions. A discourse can thus function ideologically and help to create and reproduce power relations among groups. Critical discourse analysis focuses on the ways in which discursive practices, along with power relations, venture into a larger social context, together with power relations (Jørgensen & Phillips, 1999).

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<sup>1</sup> Literally free-air-life or free-life-under-the-open-sky

Methodologically, critical discourse analysis views language as a communicative event that incorporates three dimensions: the text, the discursive practice, and the social practice. In the analysis I ask about the relationship between the speakers, who sets the agenda, how identities are constructed, and how metaphors and words are used. I do the same with the transitivity of the text; how events and processes are connected, or not connected, with subjects and objects. More importantly, I focus on the level of discursive practice. I have analysed the production of the texts and identified which discourses it draws upon. Finally, I have analysed whether the discursive practice reproduces or restructures the existing discourse order, and what social consequences it has on a social practice level. This has led to a hermeneutic mapping of aspects of the non-discursive social, which makes room for the discursive practice (Jørgensen & Phillips, 1999).

I will present two areas that constitute an important non-discursive, social background for the analysis. I begin with an overview of the Norwegian legislation that regulates safety and responsibility in organized outdoor recreation and nature-based tourism, including a historical review of the legislation's origins in safety work in Norway's energy industry. I follow this with a historical overview of an encounter between groups, struggling for status and power within the professional Norwegian outdoor recreation and mountain sports industry. The main body of the article, with a chronological analysis of the four fatal accidents, follows this.

## Norwegian Laws and Regulations

The Product Control Act, under the supervision of the Directorate for Social Security and Emergency Management (DSB)<sup>2</sup>, regulates safety with products and consumer services in Norway. In addition, the Internal Control Regulations require continuous safety work in all businesses that provide consumer services (Klima-og miljødepartementet, 1976; Arbeids-og sosia-ldepartementet, 1997)<sup>3</sup>. Helge Ryggvik (2004), a researcher in the oil sector, shows that the oil industry introduced internal control in the mid-1980s. The Norwegian Petroleum Directorate<sup>4</sup> had found it impossible to enact safety rules that kept pace with technological developments in the sector. Internal control became a combination of self-control and government control. "Internal control emphasized that it was always the companies or the person who had operational responsibility who had overall responsibility for safety" (Ryggvik 2004, p. 57). The comprehensive research program, "Safety on the Shelf" initiated by the Research Council in 1978,<sup>5</sup> has had a major impact on risk theory and risk analysis methods across Norway (Rausand & Øien, 2004, p. 102).

In 2007, in the wake of the before mentioned 2006 gorge-walk accident, the DSB clarified that this internal control system also applied to providers of consumer services that we associate with outdoor recreation.<sup>6</sup> In a paper, the DSB recommended that outdoor companies use the *Risk and Vulnerability Analysis* (ROS-method)<sup>7</sup> in their work with internal control. The aim of this method is to be "... able to properly identify risk factors and assess the overall risk associated with the implementation of the service you offer, and to make necessary and adequate measures that make the risk to consumers and others acceptable" (DSB, 2007, p. 4). The ROS method launched in 1998 is a technical, quantitative risk analysis model, developed by the nuclear power industry and oil industry. This knowledge supports a hypothesis by Ryggvik (2004) that safety expertise from the oil and energy industry has had a hegemonic role in Norway's safety work.

<sup>2</sup>Direktoratet for samfunnssikkerhet og beredskap (DSB)

<sup>3</sup>Ministry of Climate and Environment (1976); Ministry of Labor and Social Affairs (1997)

<sup>4</sup>Oljedirektoratet

<sup>5</sup>Forskningsprogrammet Sikkerhet på sokkelen, igangsatt av Forskningsrådet

<sup>6</sup>Temaveiledning i risikoanalyse for risikofylte forbrukstjenester

<sup>7</sup>Risiko- og sårbarhetsanalyse (ROS)

This glance has shown how legislation, as a social space, encloses what I will call “the legal discourse” and how the legislation has been influenced by what I term the “energy industry safety discourse.”

### **Professional Struggles within Norwegian Outdoor Recreation**

Issues raised in the media, in relation to two of the accidents, have their background in a professional struggle within Norwegian outdoor recreation and nature-based tourism. One of the main players is the trade union Norwegian Mountain Guides<sup>8</sup> (NORTIND, affiliated UIAGM/IVBV/IFMGA since 1982), with its forerunners and support-organizations. The other is the Norwegian Mountain Sports Forum,<sup>9</sup> with The Norwegian Tourist Association<sup>10</sup> and the Norwegian Climbing Association<sup>11</sup> as important members.

The main lines of the contradiction are a disagreement over who has the right to be a professional guide in the Norwegian mountains. This was not controversial until 1968 (Eikje, Horgen, & Arnegård, 2017). In that year, Nils Faarlund established the Norwegian Alpine Center.<sup>12</sup> Under Faarlund's leadership, the Center immediately identified so-called “pirate guides” as a “problem in Norwegian mountain life” (NAC, 1968, p. 19). The “pirate guides,” basically guides from outside the “Faarlund-circuit,” were the reason for the establishment of the Norwegian Association of Mountaineers and Climbing Instructors (NFFK)<sup>13</sup> in 1968, with Faarlund in a central position (NFFK, 1968). NFFK added that “Norway has no laws yet that regulate the opportunity to operate climbing instruction or guiding guests for payment on climbing trips [...]” (NFFK, 1969, p. 17). Until the authorities took up the matter, they set their own requirements for mountain guides and climbing instructors.

In 1969, the NFFK applied for membership in what would become the IVBV/UIAGM/IFMGA<sup>14</sup> (henceforth IFMGA) and was rejected. However, the association immediately began authorizing instructors and guides in Nordic mountain skiing and mountain climbing. The following year, Faarlund stated the association's ambition was to establish cooperation with both Norwegian and foreign organizations to solve their shared challenges (HNA, 1972). The NFFK was disbanded in 1974 due to constant conflicts within the organization, but the idea of establishing a Norwegian union for guides, with alliances abroad, remained. Norwegian Mountain Guides was established in 1978, with Faarlund as president, and the trade union gained IFMGA membership in 1982 (Einang, 2007).

Norwegian Mountain Guides' membership in IFMGA has been one of the seeds of the struggle in Norwegian outdoor recreation and mountain sports (Eikje, Horgen, & Arnegård, 2017). In 1988, an initiative came from an independent group of glacier hikers<sup>15</sup> within the Norwegian Tourist Association. In 1990, this initiative resulted in 40 organizations collaborating to establish the Norwegian Mountain Sports Forum (Hagen, 1992). Five years later, after resolving several internal disagreements, the Norwegian Mountain Sports Forum established a national standard for all providers of mountain sports courses. The Product and the Electricity Authority, later DSB, recognized the national standard as meeting safety requirements within organized mountain sports (Dahl, 2009, p. 57).

Despite the agreement on a national standard, conflicts within the Norwegian Mountain Sports Forum continued after the establishment of the Norwegian Climbing Association in

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<sup>8</sup>Norske tindevegledere (NORTIND)

<sup>9</sup>Norsk Fjellsportsforum (NF)

<sup>10</sup>Den Norske Turistforening (DNT)

<sup>11</sup>Norges klatreforbund (NKF)

<sup>12</sup>Norsk Alpincenter (NAC)

<sup>13</sup>Norsk Forening for Fjellførere og Klatreinstruktører (NFFK)

<sup>14</sup>International Vereinigung der Bergführerverbände Union/Internationale des Association de Guides de Montagne/International Federation of Mountain Guides Association

<sup>15</sup>Breggruppen

1992 (Dahl, 2009; Grimeland, 2004). In 1996, there was an ambition to expand the Norwegian Mountain Sports Forum into a "Mountaineering Council of Norway," which should include the Norwegian Climbing Association. However, the Norwegian Climbing Association opposed these plans. The core of the conflict was Norwegian Mountain Guides role within the Norwegian Mountain Sports Forum, as a trade union with membership in IFMGA. The Norwegian Climbing Association and most other members of the Norwegian Mountain Sports Forum wanted a binding collaboration around the national standard. This was impossible for the Norwegian Mountain Guides to accept, because, through its membership in IFMGA, it could not collaborate with amateur organizations around training and certification. At the same time, the Norwegian Mountain Guides pointed out that eventually, through EU regulations, a system similar to those used in other Alpine countries would apply for Norway, where only guides connected to IFMGA could take paying customers into alpine high mountain terrain. This would eventually undermine the national standard, because the national standard opens up the market for a number of players who are not affiliated with IFMGA. However, an EU regulation with such consequences has failed to become applicable in Norway. In short, this is the reason why the Norwegian way of regulating mountain sports looks different than in other parts of Europe (Eikje, Horgen, & Arnegård, 2017).

The Norwegian Mountain Guides is still a member of the Norwegian Mountain Sports Forum but offers courses and certifications within IFMGA's international standard. The other member organizations offer courses and certifications within the national standard (Dahl, 2009). As we shall see from the analysis of the four fatal accidents, the same conflicts have continued. Who should have the right to do what in Norwegian mountains?

### **The Drowning at Dorgefoss (2006)**

In 2006, a Norwegian man died on a professionally guided gorge walk at Dorgefoss situated southwest in Norway. The newspaper *Stavanger Aftenblad* reported the incident and that there had been a near-accident at the same place two years earlier (Stavanger Aftenblad, 2006a; 2006b). The newspaper reported that the police had initiated an investigation. However, the investigation was not only about clarifying what had happened. The investigation was concerned with the internal safety protocols of the company, Out in Nature. The newspaper cited the Internal Control Regulations, based on the Product Control Act, which requires:

... documentation of risk factors and preparedness in case something happens. ... That something similar to the fatal accident happened on Saturday will be an important element in the investigation of what Out in Nature has later done with such a risk factor, if anything. (Stavanger Aftenblad, 2006b)

The same newspaper stated that a full investigation, against current legislation, would be implemented when a fatal accident like this had occurred. In my interpretation, the media here draws upon a legal discourse, by refereeing to investigation and current legislation.

There was a lawsuit, and the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime's<sup>16</sup> trade magazine *Miljøkrim (Environmental Crime)* (2016) covered the progress of the case in the legal system. The court prosecuted the CEO and owner (the same person) for negligent manslaughter. In the court's view, security measures should have been implemented on the spot. In addition, the provider had violated the Internal Control Regulations (The Product Control Act) and lacked an approved HSE plan. The fact that accidents had occurred twice before in the same place was central to the court's assessment. In an aggravating direction, the court emphasized that the negligence was committed during the exercise of business. The lawsuit resulted in the Dorgefoss verdict. The court set the agenda, and the

<sup>16</sup>Økokrim

case constructed identities such as the victim, relatives, the defendant, the prosecuting authority, the defence attorney, and expert witnesses. The CEO got a 45-day suspended sentence for negligent manslaughter and violation of the Product Control Act. The court noted that safety measures should have been in place. In addition, the court found violations of the Internal Control Regulations. Here the court emphasized that the negligence had been perpetrated: "... in pursuit of business, where the convicted offered organized arrangements for payment" (Ibid, p. 2). For the first time, section 239 of the Penal Code<sup>17</sup> was applied in a risk sports conviction in Norway.

*Miljøkrim* (2016) argued that the verdict "...may have transfer value in future cases where the boundary between acceptable and unacceptable risk must be drawn within this type of outdoor activity" (p. 1). Probably as a consequence of the Dorgefoss verdict, the DSB issued *Thematic Guidance in Risk Analysis for Risky Consumer Services* in 2007 (DSB, 2007). Both the verdict and DSB's booklet received considerable attention from service providers concerned with organized outdoor recreation. Observations from conferences and networks indicate this. It is likely that many groups of actors in the industry realized that the requirement for internal control also applied to them.

In Fairclough's perspective, we have a communicative act in which the media reports the events and, in sober language, links the accident to investigation and later trial. The media provides a factual and objective presentation that draws upon a legal discourse. The courts and legislation constitute the non-discursive social framework that makes room for the discursive practice. The discursive practice both reproduces and restructures, in the sense that the legislation is not new, but that renewed attention is drawn to it, and not least to the consequences of breaking the law. The choice of words and rhetorical structures is likely to help maintain and strengthen the law and the courts as power-bearing institutions.

In relation to the Dorgefoss verdict, two experts appointed at the request of the prosecutor assessed the accident from the Human, Technology and Organization (HTO) model,<sup>18</sup> a model developed by the Institute of Energy Technology.<sup>19</sup> It originated from the international nuclear program at the Norwegian Halden atomic reactor. The institute has argued that the HTO model "... can contribute to strengthening safety in a wide range of activities, from nuclear power and oil recovery to transport and health. Problems and solutions are largely transferable between different industries" (Institutt for energiteknikk, 2004, p. 1). According to *Miljøkrim*, the experts should be specialists in health, environment, and safety in risk sports (Miljøkrim, 2016), but they nevertheless chose a model taken from the energy industry to describe their way of thinking in the courtroom, and to understand how and why the accident happened. *Miljøkrim* draws on the energy industry safety discourse in addition to the legal discourse to frame this analysis.

The Product Control Act and the Internal Control Regulations are understood here as the non-discursive social that makes room for the discursive practice. The historical backdrop showed how the legislation encloses the legal discourse and how the energy industry's safety discourse and the legislation intertwine, in the legal discourse and now in nature-based tourism. This is materialized, by the experts, when they emphasize that on-site safety measures should be taken, by installing a metal grate at the place where the accident occurred. The court presented this view in sentencing (*Miljøkrim*, 2016).

From a Foucauldian perspective, we can describe the legal discourse and the energy industry's safety discourse as "a accompanying field." The two external discourses have had an influence on the professional discourse, and thus on practice, because they affected the Dorgefoss verdict, which would set a precedent for similar cases in the future. In this way, the energy industry's safety discourse has restructured the way in which Norwegians think about, talk about

<sup>17</sup> Straffelovens § 239

<sup>18</sup> MTO modellen (Menneske, Teknologi, Organisasjon)

<sup>19</sup> Institutt for energiteknikk ved det internasjonale kjernekraftprogrammet ved Halden-reaktoren

and relate to safety in nature-based tourism and outdoor recreation. Observations indicates that HSE-practice has changed as more service providers within Norwegian outdoor recreation and nature-based tourism take HSE work more seriously. However, this has not been scientifically investigated and is outside the scope of this study.

### The Fatal Fall at Knutshø (2008)

In 2008, a Norwegian woman on a private and individual trip died when she fell from a cliff on the Knutshø mountain ridge in the mountain region of Jotunheimen. The headline of the article in the newspaper *Verdens Gang* (VG) was “Dead woman found in Jotunheimen” (VG, 2008a). A few days later, VG and the *Norwegian Broadcasting Company* (NRK)<sup>20</sup> announced: “The state will investigate the hiking facilities in Jotunheimen” (VG, 2008b; NRK, 2008). According to the reports, the county governor<sup>21</sup> asked the Norwegian Environment Agency<sup>22</sup> to “... go through popular marked and unmarked trails and routes in Jotunheimen [and] ... suggest any measures to improve safety” (SNO, 2008). In the wake of a fatal accident, action is required, and someone designated as accountable. In this context, Environmental Protection Manager<sup>23</sup> Lars Eide in the county governor’s office stated: “People have a responsibility for themselves in the mountains. However, there has been a trend where people want better marking of the mountain trails” (Fylkesmannen i Oppland, 2008, p. 2). Until 2008, the route across Knutshø had not been marked to protect eagles’ nests. The county governor, however, had signage placed to warn people that only experienced mountain recreationists should take the trail. Eide emphasized that it is not desirable: “... with more marking, wires or chains to help people stay on their feet in the mountains of Jotunheimen... But dangerous and vulnerable points may in some places be better marked...” (VG, 2008b; NRK, 2008).

In the summer of 2008, the Norwegian Environment Agency commissioned a report to identify “... marked and unmarked trails in Jotunheimen that are used by a large number of people and assess them for safety” and to “suggest any measures to improve safety” (SNO, 2008 p. 1). In the fall of that year, the report was submitted to the county governor in a joint meeting with the mountain surveillance authorities, the affected municipalities and the Norwegian Tourist Association (Fylkesmannen i Oppland, 2008). Based on the report, the county governor concluded:

The ... trails in Jotunheimen are generally proper when it comes to safety considerations. ... There is a need for some supplementary warnings at exposed points as well as some refreshment of red marking. ... A couple of places railings or ropes on bridges should be considered. Safety measures as chains or wires occurs only in two places. These measures are in proper order and work well. (Ibid, p. 1)

In the letter with the resolutions, the county governor made a statement linked to the principles of the Norwegian *Friluftsliv Act: Right of Access*,<sup>24</sup> the right to roam freely on uncultivated public and private land, and the individual’s responsibility for their own safety:

An important principle for the Right of access is the individual’s independent responsibility for their own safety, whether on a marked trail or in unmarked terrain. Neither the National Park Administration nor the person responsible for the marking (for Jotunheimen’s part, the Norwegian Tourist Association) has any legal responsibility for accidents that should occur on marked trails (Ibid, p. 2).

<sup>20</sup> Norsk Rikskringkasting (NRK)

<sup>21</sup> Fylkesmannen i Oppland

<sup>22</sup> Miljødirektoratet, ved Statens naturoppsyn (SNO)

<sup>23</sup> Miljøvernsjef hos Fylkesmannen

<sup>24</sup> Allemansretten

We see that the county governor is very restrained in relation to establishing fixed safety-facilities.

This seems consistent with the traditional approach to *friluftsliv* and “mountain common sense” in Norway, which is based on the understanding that *friluftsliv* is done at one’s own risk, the prevailing attitude in relation to risk and outdoor safety since the 1970s (Horgen, 2017). This attitude is rooted in the layman tradition established in the 1950s and 1960s. According to this tradition, each Norwegian mountaineer and *friluftsliv*-enthusiast should be able to fend for themselves (Eikje et al., 2017). The individual’s responsibility for his or her own safety is rooted in the *Friluftsliv Act, Right of Access*. Facilitation, in line with this custom, finds its foundation on such traditional codes of conduct as trips according to one’s abilities and touring on your own responsibility. This attitude leads to limited marking of trails by cairns, red Ts painted on rocks and trees, and virtually no fences or barriers. The “mountain common sense line”<sup>25</sup> stands in contrast to the rejected “mountain facilitation line,”<sup>26</sup> which focused on physical facilitation and safeguarding of natural areas (Horgen, 2017, p. 473). Just as the environmental protection officer at the county governor’s office stated to the media ahead of the report, installations could not protect falls:

We also do not consider it natural to initiate more fixed facilities to safeguard the traffic than the two previously allowed in the national park (wire at the Bukkelægret, chain at Vesleløyfti on the Besseggen trail). The proposal for a new management plan does not allow new such facilities. (Fylkesmannen i Oppland, 2008, p. 2)

Nor was the county governor interested in expanding any facilitations on the Knutshø mountain ridge where the fatal accident happened, despite pressure from the municipality<sup>27</sup> to improve the marking. The report concluded: “The county governor will not open for marking of the route at Knutshø” (Ibid, p. 2). Statskog (the government forest, Norway’s largest landowner) supported the county governor’s decision. However, the measures that were to be implemented at Knutshø were “[...] some more marking at the spot where some people have lost the trail... [and], to meet the municipal’ty’s wishes, the County Governor will allow red paint on a couple of cairns nearby the place where accidents have happened” (Ibid, p. 2). The need for a warning sign was also part of the conclusion: “[...] new information signs have been raised in 2008” (Ibid, p. 2).

Based on the county governor’s conclusion, it appears that the mountain common sense line still stands strong in Norwegian nature- and outdoor recreation management when it comes to safety. The mountain common sense line finds its foundation in “the layman tradition” and in a hegemonic understanding of *friluftsliv* as a modest and environmentally friendly way of outdoor recreation (Horgen, 2017a). This *friluftsliv* discourse (Tordsson, 2003) becomes a historical or external discourse that belongs to the remembrance field, though it is still active. This discourse frames the understanding and opportunity room of the administration and appears to affect decision-makers’ assessments of safety. This corresponds with Flemsæter et al.’s (2014) findings, in “the Norwegian moral landscape,” an understanding of *friluftsliv* that becomes morality in the management establishment. The landscape and how one travels are given meaning and morality through the *friluftsliv* discourse. The managers draw (consciously or unconsciously) normative boundaries around the places of *friluftsliv*, practitioners and practices along normative axes. The managers include and exclude, and decide what are people’s rights and obligations. This is done according to normative, intricate rules that will never be written down.

Flemsæter et al. (2014) are critical to the hegemonic understanding of *friluftsliv* as a particularly modest and environmentally friendly way of outdoor recreation, becoming a morality

<sup>25</sup> Fjellvettlinjen

<sup>26</sup> Fjellsikringslinjen

<sup>27</sup> Vågå kommune

project in outdoor management. Their main criticism is about the moral beliefs that lead to a narrow understanding of how to organize outdoor recreation. I believe that their criticism is valid in their field, but not necessarily in the safety field. I believe that the code of conduct—touring at your own risk—on which the mountain common sense line is based, is valuable. That said, the mountain common sense line is not immune to criticism. The growth of nature-based mass tourism in the Norwegian mountains, and an increase in the number of mountain rescue missions in recent years, has challenged the approach.

### **The Fatal Avalanche in Lyngsalpene (2015)**

In 2015, a German man died in an avalanche on a private and individual ski climb in the mountain region Lyngsalpene. The *Norwegian Broadcasting Company* (NRK) issued a descriptive, straightforward account of the incident (NRK Troms, 2017a). Later, NRK actualized the professional struggle, under the headline “Cowboy mentality in nature-based tourism in the north” (NRK Troms, 2017d). In this context, the term “cowboy mentality” was associated with irresponsibility and recklessness. In the article, the business association Arena Lønnsomme Vinteropplevelser (Arena Profitable Winter Experiences), called for control systems and certification schemes within the tourism industry. The media here conveyed demands from the tourism industry to abolish unscrupulous service providers and stop unqualified foreign guides. However, the journalists failed to mention that the German tourist was on a private, individual tour without a guide. This exemplifies how the mountain common sense line is challenged. Someone other than the tourist himself should be held accountable according to the media.

According to the media, 30 people died in avalanches in Troms County in the past 10 years. None of them had been participants in an organized tourism product delivered by a Norwegian company. Five of the 30 died in a tourism-related event with a guide: the four Swiss and the French guide who died in an avalanche on the mountain of Sorbmegaisa in 2012. The French guide had his certification from IFMGA. Through NRK’s coverage of the case, Arena Profitable Winter Experiences set the agenda and promoted their interests. Without critical reflection on the relevance of linking the accident with the German tourist and the 30 avalanche victims, they demanded a Norwegian control system and certification schemes. To understand the media coverage, one has to relate it to the 2012 incident with the foreign, professional service provider at Sorbmegaisa.

### **The Fatal Avalanche at Sorbmegaisa (2012)**

The newspaper *Verdens Gang* (VG) covered the avalanche at Sorbmegaisa (VG, 2017a). The acting mayor of Kåfjord Municipality<sup>28</sup> stated: “The locals refer to this as a dangerous mountain. This proves the importance of local guides and utilizing local knowledge of the area” (VG, 2017b). In addition, the *Aftenposten* (2017) pointed out that the skiers did not use local guides. The journalist referred to the Briton Graham Austick, IFMGA guide and resident of Lyngen since 2008: “One should be familiar with the area and one should be a professional mountain guide” (*Aftenposten*, 2017). The media coverage of this accident largely expresses the professional struggle. The crucial point was questions of local knowledge and degree of professionalism, and indirectly, local affiliation as a prerequisite for professionalism. A form of localism seems to apply. For example, NRK reported: “The tourists that were taken by the avalanche in Kåfjord in Troms on Monday, must have run an extremely steep route that no local off-piste skiers use” (NRK Troms, 2017b). They cited a local guide who stated: “[...] the guide and the group was in a very steep area and had chosen a different route than normal” (Ibid). “I would never have skied in that area myself,” stated Eirik Bræin Gikling, manager of the Far Out Company, which

<sup>28</sup> Kåfjord kommune

organized ski climbs in the area. In addition, statements from sources outside the community came. For example, under the headline, “Don’t know enough about Norwegian winter,” *NRK* interviewed avalanche expert Kjetil Brattlien from the Norwegian Geotechnical Institute<sup>29</sup> (*NRK Troms*, 2017e). Brattlien stated: “Many tourist guides from abroad do not know winter conditions in Norway well enough.” Brattlien perceived this to be a challenge for Norwegian ski tourism, stating further: “A guide from the Alps knows winter in their mountains very well, but not necessarily how winter is in Norway, from year to year” (*NRK Troms*, 2017e). This critique of visiting guides, and the emphasis on local knowledge, undermines IFMGA’s international reputation and universal status. By pointing out local knowledge as a prerequisite, an IFMGA guide from The Alps, for example, cannot necessarily guide ski trips in northern Norway in a safe way.

The media coverage draws upon the legal discourse when *NRK* reported that there would not be any prosecution after the fatal avalanche (*NRK Troms*, 2017f). First State Attorney in the county of Troms and Finnmark had ordered investigations to determine the cause of the accident. He concluded: “There are no laws that allow anyone to be punished for such accidents” (*Ibid*). The professional struggle is referred to, when *NRK* published an article under the headline: “It is important that skiing in Norway does not become like the Wild West” (*NRK Troms*, 2017g). Like the cowboy metaphor, the Wild West-metaphor is associated with irresponsibility and lack of control. In this context, the media highlighted that “The police are considering demanding local knowledge requirements of guides” (*Ibid*). *NRK* referred to a professor of tourism,<sup>30</sup> who had stated: “Tourism operators, operating in Norway, must give their clients better information about the dangers of skiing” (*Ibid*). He claimed that it should consider introducing requirements, of using guides with good local knowledge, for companies conducting this type of tourism business. He also predicted more accidents in the future, if extreme sports tourists can do whatever they want: “It is important that we do not release such extreme sports completely, this will lead to Wild West conditions” (*NRK Troms* 2017g).

Managing director of Nord-Norsk Reiseliv (Northern Norwegian Tourism), stated to *NRK*: “Following such accidents, many more, both in the industry and in the authorities, will ask some questions [...]. However, I cannot comment on the requirements and rules for guides, it will be a matter for the authorities” (*NRK Troms*, 2017g). The Chief of Staff of the Tromsø police district believed that local knowledge, especially about avalanches, would always be an advantage: “We have not discussed the requirements for local knowledge with the guides, but it is clearly interesting to look at” (*NRK Troms*, 2017g). In an article published on the *NRK* website titled “May be necessary to regulate ski tourism,” sanitation manager Jon Halvorsen of the Norwegian People’s Aid<sup>31</sup> stated: “If the industry does not improve safety itself, it may be necessary to regulate that part of tourism who focus on powder-skiing” (*NRK Troms*, 2017c).

The debate surrounding the death of the German skier in 2015 is in many ways an extension of the 2012 debate, even though the German was not on an organized ski climb. The turning point in 2015, as in 2012, was the notion of local knowledge as a prerequisite for professionalism. In 2015, Ola Einang, president of Norwegian Mountain Guides (IFMGA), also claimed: “In Norway there is no requirement for approval or qualification to work as a guide”. He mentioned “[...] foreign guides who come to Norway as guides even if they do not have good enough qualifications” (*NRK Troms*, 2017d). The avalanche at Sorbmegaisa, which killed a French colleague, did not change the ability of the federation to enable its members to guide both in their home country and in other countries (NORTIND, Norske Tindevgledere, 2017). When Einang calls for requirements and qualifications from the authorities, he probably assumes these are requirements and qualifications met by the Norwegian Mountain Guides. When he talks about unquali-

<sup>29</sup> Norges Geoteknisk Institutt

<sup>30</sup> The School of Marketing (Markedshøyskolen)

<sup>31</sup> Norsk Folkehjelp

fied foreign guides, he is most likely thinking of guides outside IFMGA. In this way, Norwegian Mountain Guides has a dual role in the question of local knowledge. On the one hand, they endorse local interests' desire for control and certification. On the other hand, they have their obligations as a member association of IFMGA. This membership commits them to promoting only guides affiliated with IFMGA. Consequently, guides are unprofessional, whether they possess local knowledge or not, unless they are members of the IFMGA. Leif Magnussen, president of Norwegian Mountain Guides, confirmed this in the *Dagens Næringsliv* in 2016: "Our challenge is that a good number of those who work in the mountains today do not have the necessary expertise, professional level and our values." He adds, "We have become a dumping ground for mountain tourism. Those not allowed to work in Europe can work in Norway. So, then those who are not qualified, according to international requirements, come to Norway with their own guests to work" (Mangelrød, 2016). That there is a problem with accidents, related to foreign guides without IFMG certification working in Norway, is not documented.

When control systems and certification schemes were called for in 2015, it was probably because of the incident at Sorbmegaisa. As I have noted, media coverage from 2012 emphasised local knowledge as a prerequisite for professionalism. Some of those who argued for the importance of local knowledge had obvious self-interest in regulations that could give local service providers a competitive advantage in the tourism market. Media coverage created discursive constructions that promoted the interests of different groups. Local interests received far-reaching support from "the outside," from Norwegian Geotechnical Institute, the School of Marketing and the chief of staff, Tromsø police district. Norwegian Mountain Guides also endorsed demands for control systems and certification schemes, but this interest clashed with the local interests over visiting IFMGA guides' lack of professionalism.

In Fairclough's perspective, we have a communicative act in which actors from the tourism industry set the agenda and the media acts as an uncritical voice. Several identities are constructed. The local guide—in opposition to the visiting guide. The local companies—in opposition to foreign, visiting companies. The IFMGA guides—in opposition to the unorganized guides. And the local IFMGA guides—in opposition to the visiting IFMGA guides, as well as experts and government officials. The choice of metaphors associates the events with irresponsibility and unprofessional management. The accidents are associated with legal processes, possible regulatory processes and with professional struggles about who should be ski guiding in Norway. For Fairclough (1995a; 1995b), the concept of hegemony may involve negotiations in which consensus is created through discursive practices. Through constructions of meaning, groups can advance their interests through production, reproduction and transformation of power. Words and rhetorical structures such as cowboy, Wild West, dumping country, unserious actors, not qualified enough, no requirements for approval and qualifications can help affect power-bearing relationships.

The explanation of lack of legislation, authority control and regulations are rooted in the historical presentation of the Norwegian internal control system. The legislation as a social space, encloses both the legal discourse, the energy industry's safety discourse and the professional struggle, and intertwines with safety and risk discourses in connection with Norwegian outdoor recreation and nature-based tourism. This analysis reveals that the Norwegian Mountain Guides, Arena Profitable Winter Experiences, and other actors are dissatisfied with the system. This dissatisfaction is not new; Faarlund introduced it in 1968, before Einang raised it again in 2015 and Magnussen in 2009 and 2016. All three have served consecutively as presidents of the trade union Norwegian Mountain Guides. They are dissatisfied primarily because they want a system similar to that in the Alpine countries and Sweden, with the advantages this would provide their own union (Eikje et al., 2017).

## Discursive Negotiations

The media coverage of the four fatal accidents shows discursive negotiations related to meaning and understanding regarding safety in outdoor recreation and nature-based tourism in Norway. The media negotiates which discourses and practices will emerge and become hegemonic. The analysis of the accidents reveals that the main line in the negotiations is the mountain common sense line, whether it meets challenge or defence.

Particularly important for the direction that challenges the mountain common sense line is the legal discourse on which the media coverage of all the accidents draws. As mentioned before, the individual's responsibility for his or her own safety is rooted in the *Friluftsliv Act, Right of Access*. While the Product Control Act regulates safety with products and consumer services. This, however, is not evident in the media coverage. Media coverage tends to emphasize the accountability of people when outdoors. This applies both to incidents in which the person was injured on a private tour and those in connection with the incidents involving service providers. As shown, one event (in 2015) related to a private tour and a commercial tour with a guide, intertwines in questions related to responsibility. The analysis shows a significant media interest in the legislation and the consequences of breaking the legislation. Media emphasizes the transfer value of a judgment for future events. The analysis also reveals uncertainty about the legislation in the media. The media also targets alleged deficiencies in legislation and demands for change from different actors. The discursive practice both reproduces and restructures, in the sense that the legislation is not new, but that new attention is directed to the legislation, and not least to the consequences of breaking the law.

In addition to the legal discourse, the energy industry's safety discourse challenges the mountain common sense line. Its underpinning is the internal control regime derived from the oil and energy industry. Media coverage is focussing more closely on internal control regulations, and on demands for the use of risk analysis tools, also sourced from the energy industry. The analysis shows that the media coverage of the Dorgefoss accident focused on experts from the oil industry; the models used to describe the experts' way of thinking in court were taken from the oil industry; and that the recommended safeguards were industrial—the form of a metal grate. The discursive practice restructures by raising awareness of the requirements for the use of risk analysis tools, as well as physical facilitation, in outdoor recreation and nature-based tourism. However, there were no changes in the broader principles of safety, in the Norwegian outdoor industry, as a result of this case.

In addition to the legal discourse and the energy industry's safety discourse, the ongoing professional struggle challenges the mountain common sense line. The backdrop has several facets. Primarily, a loose and less regulatory legislation in Norway without the requirement for specific certification schemes for relevant activities and industries. Secondary, a historic professional struggle that has been going on since the late 1960s and the fact that the individual's responsibility for his or her own safety is falling away when you pay someone for a guided tour. People who join a tour organized by a company are the responsibility of the company. The analysis of media coverage reveals a conglomerate of identities and conflict lines around the question of who can do what in Norwegian professional outdoor recreation and nature-based tourism. Words and rhetorical structures reveal a power struggle over who should have authority as a professional in the Norwegian mountains. Not least, there are power struggles over local hegemony within this field. These power struggles are understood as negotiations through discursive practices. It is not clear, from my material, whether the power-bearing relationships are maintained, strengthened or weakened. The trend in media coverage is in the direction of demands for more specific control systems and certification schemes that will help regulate the industry.

For the direction that defends the mountain common sense line, the somewhat lax regulatory legislation is a relevant backdrop. Equally important is the practice of the management ap-

paratus. The analysis has shown that the media coverage of the incident at the Knutshø mountain ridge helped trigger an evaluation of the safety of the trails in Jotunheimen. The reason was probably when someone dies, action is required, and someone is designated accountable. The backdrop was probably the mountain common sense line, which finds its foundation in the idea that in Norway, people are traveling in nature at their own risk. As mentioned, this has traditionally led to less facilitation of natural areas for safety, which in turn is rooted in a hegemonic *friluftsliv* discourse. Words and rhetorical structures within the management apparatus help to maintain the mountain common sense line as a power-bearing structure for the safety of people traveling in the mountains. In this way, both the management apparatus and a hegemonic *friluftsliv* discourse are active in the field.

In an international context, this case study highlights that how certain discourses emerge and become hegemonic during discursive negotiations is culturally conditioned. The words and rhetorical structures in power struggles related to rights to act as a professional in the outdoor recreation industry is culturally conditioned. Against this background, handling of risk and safety in outdoor recreation will probably be different in different cultures. As of today, the mountain common sense line is so strong in Norway that monopoly schemes in favour of IFMGA or of “Custodial group policy” as we know it from Canada, will hardly be relevant. The strong belief in the importance of local knowledge and personal responsibility, rooted in “the layman tradition,” are preventing significant changes in near future in Norway. On the other hand, importation of ideas between countries and cultures is continuously ongoing. A major mountain sport accident, which arouses great emotional commitment (e.g., affecting children and young people can lead to change), also in Norway.

## Conclusion

In this article, the discourse related to fatalities in outdoor recreation and nature-based tourism in Norway, between 2005 and 2015, is analysed. The media generally reports the circumstances surrounding fatal accidents in an objective, informative language. Through its publicity, the media sets the agenda and often focus on accountability and legality. In some contexts, however, some media appear critical mouthpieces for various interest groups. Use of metaphors, such as cowboy and Wild West, as well as lack of source criticism, combined with a lack of overview of the field, is problematic in the media’s coverage of some of the accidents.

The media helps to create meaning and understanding about safety within the field, both locally and regionally, by extracting resources from various discourses and from non-discursive social practices. The legal discourse and the legislation appear particularly important. The analysis reveals how these intertwine with the energy industry’s safety discourse, which has had an impact on both the legal discourse and the legislation. The professional struggle, the management apparatus, and a hegemonic *friluftsliv* discourse also appear to have a significant impact on the creation of meaning and understanding about safety within outdoor recreation and nature-based tourism in Norway. Some form of localism may play a significant role when local knowledge trumps international certifications.

An important element of opinion formation is discursive negotiations in the media. The main line in the negotiations revolves around how to relate to the mountain common sense line. The legal discourse, the energy industry safety discourse, and the professional struggle draw toward less individual responsibility for own safety, and more toward institutional responsibility for people’s safety, more public regulation, and more physical facilitations to reduce risk. On the other hand, lax regulatory legislation, the administrative apparatus, “the layman tradition” and the *friluftsliv* discourse draws on continued individual responsibility for one’s own safety, still limited institutional responsibility, and public regulation, as well as moderate physical facilitations aimed at keeping people safe while in nature.

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