

Public Right of Access in Finland

North Karelia Forestry Center

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Public right of access means everyone's right to use nature regardless of the ownership or occupancy of the area. The utilization of nature goes with the responsibility for nature. In Europe, the full public right of access to nature does not occur outside the Nordic countries. The content of the public right is not uniform in the Nordic countries, and the proper public right of access has been implemented only in Finland, Sweden and Norway.

The essential difference between these countries and the rest of Europe is that in these countries, no distinction is drawn between public and private areas with respect to the use of nature. In these three countries, everyone who moves in nature has certain responsibilities for nature. The public right of access, responsibilities and restrictions apply also to foreigners living in Finland.

The public right of access as a public right to use forests has been internalized in the course of time. When the first settlers began to populate Finland their right to use nature was virtually unlimited. Everyone was allowed to bring land into cultivation, to use forests the way he liked and to hunt and to fish freely. The usufruct and ownership of an area were attained by working on the area. Burning-over of woodland for cultivation was in the days of yore an important form of public right of access and assigned the land burned over to them who did the work.

The forests were apportioned among the farms in the 18th century in the general parcelling out of land, which had little effect on the public use of forests. Later, the principle of public use was criticized. At present, as the density of population has risen and proprietary conditions have changed public rights to use nature have reduced. Since the economic value of forests became emphasized the exclusive rights of landowners increased.

There are no general regulations on the public right of access in the Finnish legislation. Public right of access is based on partly unwritten established custom, partly criminal or other legislation. The position of the public right of access in the Finnish society is rather peculiar. Almost everyone knows what this right includes. The public right of access is an old and traditional consuetudinary law, which lives as popular tradition and is passed from generation to generation. The function of the public right of access has changed, but it is still an important right.

The most significant right that can be included in the public right of access is the right to move and stay on somebody else's land without the landowner's permission. This right enables for example berry picking and gathering of mushrooms. Though movement is allowed it is assumed that yards are avoided and forests and hinterland preferred. The

criminal code regards yards, gardens and other areas in special use to be under domestic peace. Breaking into these areas is trespassing in principle, but interpretation of the law is not quite unambiguous: for example, it is considered that berries may be picked nearer a yard than one may camp.

The right to stay on somebody else's land is considered to include the right to stay overnight, although this is not based on the law. A common opinion is that camping should not last longer than one or two days. According to the law, lighting a campfire or other naked fire without the landowner's permission is prohibited. This is because of danger of forest fire. If the Meteorological Institute has declared a prohibition on lighting fire in the open due to danger of forest fire the prohibition applies to landowners, too. No permission is needed for using a camping cooker. Rubbish or refuse must not be left to spoil the landscape or to harm nature. A person guilty of littering is obliged to tidy up the area littered. If this person eludes his obligation he or she can be ordered to pay the expenses of clearing up. Trees have to be let alone. One must not gather branches, leaves, bark, resin or cones of trees that grow on someone else's land.

The use of a motor vehicle outside the road network without the landowner's permission is prohibited. Thus the landowner's permission is required when using a snow mobile unless driving takes place on a marked snow mobile route. Moving on water is allowed. Anchorage is allowed, if neither disturbance nor nuisance is caused. One may walk on ice. It is allowed to swim, water animals and scoop out water. Brooding or feeding birds or other animals must not be disturbed.

Everybody has a right to pick berries and wild flowers and to gather mushrooms. Endangered species must not be picked or gathered. Certain species have been placed under protection.

Berry Picking and Gathering of Mushrooms

Berries have been eaten in Finland for a long time past. There are about 50 berry species in Finland, but only the following have economic significance: the cowberry (*Vaccinium vitis-idaea*), the bilberry (*Vaccinium myrtillus*), the raspberry (*Rubus idaeus*), the cloudberry (*Rubus chamaemorus*), the cranberry (*Oxycoccus quadripetalus*) and the arctic bramble (*Rubus arcticus*). These occur in the whole country.

The use of mushrooms as nourishment came to Finland from the east. Orthodox Karelians used to eat mushrooms. As lately as in the 19th century, mushrooms were gathered only in the East Finland. The use of mushrooms spread to the western parts of Finland in the beginning of the 20th century. Spore-producing bodies, or mushrooms, of about 2000 species of fungi are found in Finland. About 200 species have edible fructifications. The most important fungi with edible fructifications are the cep (*Boletus edulis*), the chantarelle (*Chantarellus cibarius*) and one of the milk caps, *Lactarius flexuosus*. 30 edible species are utilized commercially. Mushroom poisonings are rare: in

1936-1978, six people died of mushroom poisoning. The low number of fatal accidents results from good knowledge of mushrooms and the fact that people usually gather only well-known mushrooms.

The North Karelians are eager to pick berries and to gather mushrooms. According to a study done in 1998, 83% of the households of the province picked berries and 56% gathered mushrooms. Wild berries were picked about 60 litres per household and mushrooms over eight litres. Despite the active picking and gathering, great amounts of berries and mushrooms are left in the forests. In a good berry season, the total crop of berries is 100 million kilogrammes, 6.6 million kilogrammes of which is picked.

Hunting and Fishing

Hunting has played an important role in the prehistory and history of Finland. Hunting and fishing were the principal industries before the time of agriculture and cattle industry. Many petroglyphs from the stone age describe hunting. Trading in furs and the export of them were at their largest in the 14th century. Later, hunting was a subsidiary industry. Nowadays, it is chiefly a hobby and the products of game husbandry are luxury. At present, hunting is very strictly regulated. Every would-be hunter has to pass an examination, which measures his or hers knowledge of hunting, preservation of game and of rules and regulations concerning hunting. For example, one has to know when it is allowed to hunt and which animals, for each animal has a shooting season which is determined with an accuracy of a day. The examination is also part of firearms control. Before hunting, one has to pay a game management fee.

A prerequisite for hunting is a hunting permit. According to the Hunting Act, a landowner has a right to hunt on his or her land. A landowner can hire out his or her right or give a hunting permit. A majority of the Finnish hunters belong to hunting clubs, which carry on e.g. preservation of game.

In Finland, professional fishery is mainly practiced on sea and coastal waters. Amateur fishermen catch nearly as much fish as professional fishermen. Amateur fishing is mainly practiced on inland waters. Pearches (*Perca fluviatilis*) and pikes (*Esox lucius*) are most frequently caught. The draught can also include roach (*Rutilus rutilus*), bream (*Abramis brama*) and fishes of the genus *Coregonus*. Salmon (*Salmo salar*) populations are tried to be secured by transplanting and by regulating fishing.

Fishing is a right of an owner of waters. If one is under 18 years or over 64 years old one may angle without paying a statutory fishery fee everywhere in Finland, in winter through a hole in the ice. The statutory fishery fee is 20 € per year (2007). In addition, everyone who wants to fish otherwise than by angling is liable to buy a fishing card. The owner of the waters on which one wants to fish may sell the card, or the seller may be a statutory local fishery association, which sells joint area permits. It is also possible to buy a card applying to a province. Such a card gives the right to fish with one rod and with

one lure in a whole province except for the rapids and currents and the areas on which fishing is prohibited. An extra sinking lure is allowed in this case.

A fisher under 18 or over 65 years old needs not a fishing card, if he or she uses one lure. In that case, without a fishing card, fishing is prohibited in the rapids and the currents that are rich in salmons and fishes of the genus *Coregonus*.

Hunting and fishing are more popular in North Karelia than in the rest of the country. Hunting is a hobby to 14% of the adults in the province, that is, to 20,000 persons. About 100,000 North Karelians have an interest in fishing by their own statements.

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