The Wilderness Act, Finland - A Successful Tool to Conserve the North Together with People

Wilderness in Law and Practise

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The Wilderness Act, Finland

A Successful Tool
To Conserve the North
Together with People
A successful tool

- The Finnish wilderness concept has its roots in ancient hunting and fishing culture. “erämaa” (wilderness) is a vast uninhabited area abounding in game
- Finnish wilderness debate can be dated back to 1950s when modern forestry gradually made its way to Inari, to the timberline region
- Planning process late 1980’s, 12 areas were designated 1991 covering almost 15 000 km²
- All areas are manged by Metsähallitus NHS
Wilderness areas were established:

1) to protect the wilderness character of the areas,

2) to safeguard Sámi culture and traditional subsistence uses, and

3) to develop the potential for diversified sustainable use of nature
The borders of the wilderness areas reflect the idea of protecting both the natural environment and cultural values. Some of the criteria applied:

- Min. 15,000 hectares, over 10 km wide
- Mostly roadless and uninhabited
- Distance from the road was not strictly applied, more important was to create ecological entities with natural borders

Unlike borders of areas protected by Nature Conservation Act, borders of wilderness areas are not marked on the terrain.

- The Wilderness Act prohibits heavy development that would change nature significantly, yet it aims at improving possibilities for traditional uses of nature.

- In addition to the Wilderness Act, numerous other laws and statutes relating to hunting, fishing, reindeer herding, off-road traffic etc. regulate the management and use of wilderness areas.
The major challenge to Finnish wildernesses is to find a balance between conservation and the intensity of use, e.g. reindeer herding, hunting, fishing, off-road traffic, tourism.

When passing the Wilderness Act, it was thought that the law would solve the major issues regarding land use conflicts of northern Lapland. Even though this did not fully happen, wildernesses and their management planning have significantly contributed to conservation and sustainable use of the natural resources in the northern timberline region.
In the sparsely populated north, the areas officially designated as wilderness are *not isolated islands*, but rather parts of larger areas with a wilderness character.
To Conserve the North
To conclude the concept of statutory Finnish wilderness areas:

- Wilderness areas are protected areas, but not protected by the Nature Conservation Act; they have a number of characteristics of different PA Management Categories by IUCN.

- Finnish concept of wilderness is somehow different from the Anglo-American one; human subsistence use is an essential part of the Finnish wildernesses, part of the wilderness character of the areas.

- After thorough work involving international experts and all relevant stakeholders, Finland will be assigning the Wilderness areas to **IUCN Wilderness category Ib**.

- The core is about the intensity and sustainability of the use.
The Wilderness Act and the European Union

• Once Finland had joined the European Union (year 1995), Finland proposed all the wilderness areas to become part of the European Union's Natura 2000 network (year 1998), some of them as a part of an even larger area.
• Therefore, also two sections (65§ and 66§) of the Nature Conservation Act concerning evaluation of impacts apply also to wilderness areas.
• The protection of Natura 2000 habitats and species in wilderness areas is implemented by the Wilderness Act. Thus, new legislation was not promulgated.
• As the Wilderness Act in itself protects the areas’ nature in a close to pristine state, Natura 2000 decision has not caused and is not likely to cause any changes in wilderness area practices.
Together with People

- Metsähallitus has a long history on participatory planning
- Vast toolbox in use
- Also international initiatives, e.g. PAN Parks and European Charter for Sustainable Tourism
- In wilderness areas indigenous Sámi people and Sámi Homeland is the key issue
Sámi people in Finland, some basic facts

• Sámi are the only indigenous people of the European Union.

• The status of the Sámi was written into the constitution in 1995. They have, as an indigenous people, the right to maintain and develop their own language, culture and traditional livelihoods. There is also a law regarding the right to use the Sámi language when dealing with the authorities.

• There are about 9 000 Sámi in Finland. More than 60 per cent of them now live outside the Sámi Homeland, which brings new challenges for the provision of education, services and communications in the Sámi language.

• The total Sámi population is estimated to be over 75,000, with the majority living in Norway.
Sámi Homeland

- Since 1996, the Sámi have had constitutional self-government in the Sámi Homeland in the spheres of language and culture. This self-government is managed by the Sámi Parliament, which is elected by the Sámi.

- The Skolt Sámi also maintain their tradition of village administration, under the Skolt Act, within the area reserved for the Skolt Sámi in the Sámi Homeland.

- The Sámi Homeland is legally defined and covers the municipalities of Enontekiö, Inari and Utsjoki and the Lappi reindeer-herding district in the municipality of Sodankylä.
Convention on Biological Diversity (CBD) and Sámi people; Article 8(j)

Akwé: Kon Guidelines: “the voluntary guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.

….how to take into account traditional knowledge, innovations and practices as part of the impact-assessment processes and promote the use of appropriate technologies.”

http://www.cbd.int/traditional/guidelines.shtml

Photo: Pirjo Seurujärvi
Akwé: Kon

In Finland, the guidelines of Akwé: Kon are meant to be applied in the assessment of cultural, environmental and social impacts of projects and plans, which are implemented in the Saami Homeland and may influence the Saami culture, livelihoods and cultural heritage.

The Ministry of Environment set up a national group of experts in 2009 to determine how the Akwé: Kon Guidelines of the Convention can be applied to environmental impact assessment in the Sami Homeland.
Hammastunturi Wilderness Area

- 184 000 ha
- rugged fells and forests
- nearly roadless wilderness
- important for Saami culture and reindeer herding
- history of placer gold mining from 1870

Photo: Ariel Ilmakuva Ltd.

Photo: Seppo Alatalo

Photo: Veikko Vasama
Application of Akwé: Kon Guidelines in management planning

• Application of Akwé: Kon Guidelines in the development of the Management Plan of Hammastunturi Wilderness Area

• Working group appointed by the Saami Parliament
  – Support for the whole planning process
  – Looked at the implications of the Management Plan to land use practices of the Saami people
  – Values and threats from the point of view of Saami cultural practices
Results

• Valuable information about current situation in the area from those who use the area
• Recognition of potential problems
• Akwé: Kon a valuable tool in determining how Metsähallitus as a public authority can better safeguard rights of the Saami people
• Akwé: Kon model of work has been successful
• Metsähallitus will use these guidelines in other management and natural resource planning processes in the Homeland of the Saami people

http://julkaisut.metsa.fi/julkaisut/show/1641
Wildernessa Act, Finland: Overall picture is very positive, however, there are some concerns

The Constitutional Law Committee of the Eduskunta, the national parliament, noted in December 2004 that modern ways of practising nature-based means of livelihood are part of Sámi culture. This means that modern technologies are allowed in wilderness areas when they are related to preserving Sámi culture, and Metsähallitus has little or no way of controlling this development.

Some new ways of using wildernesses have already caused problems and will cause more in the future. For example, sled dog safaris are increasingly popular in northern Finland, and current legislation regarding them is ambiguous. Also, one of the most central issues especially in fell wildernesses is the acceptability of motorised recreation and activities organised by tour operators. The growing popularity of these activities was not anticipated when the Act was being drafted.
Thank You