



National Parks and Business – Legal Aspects in Finland

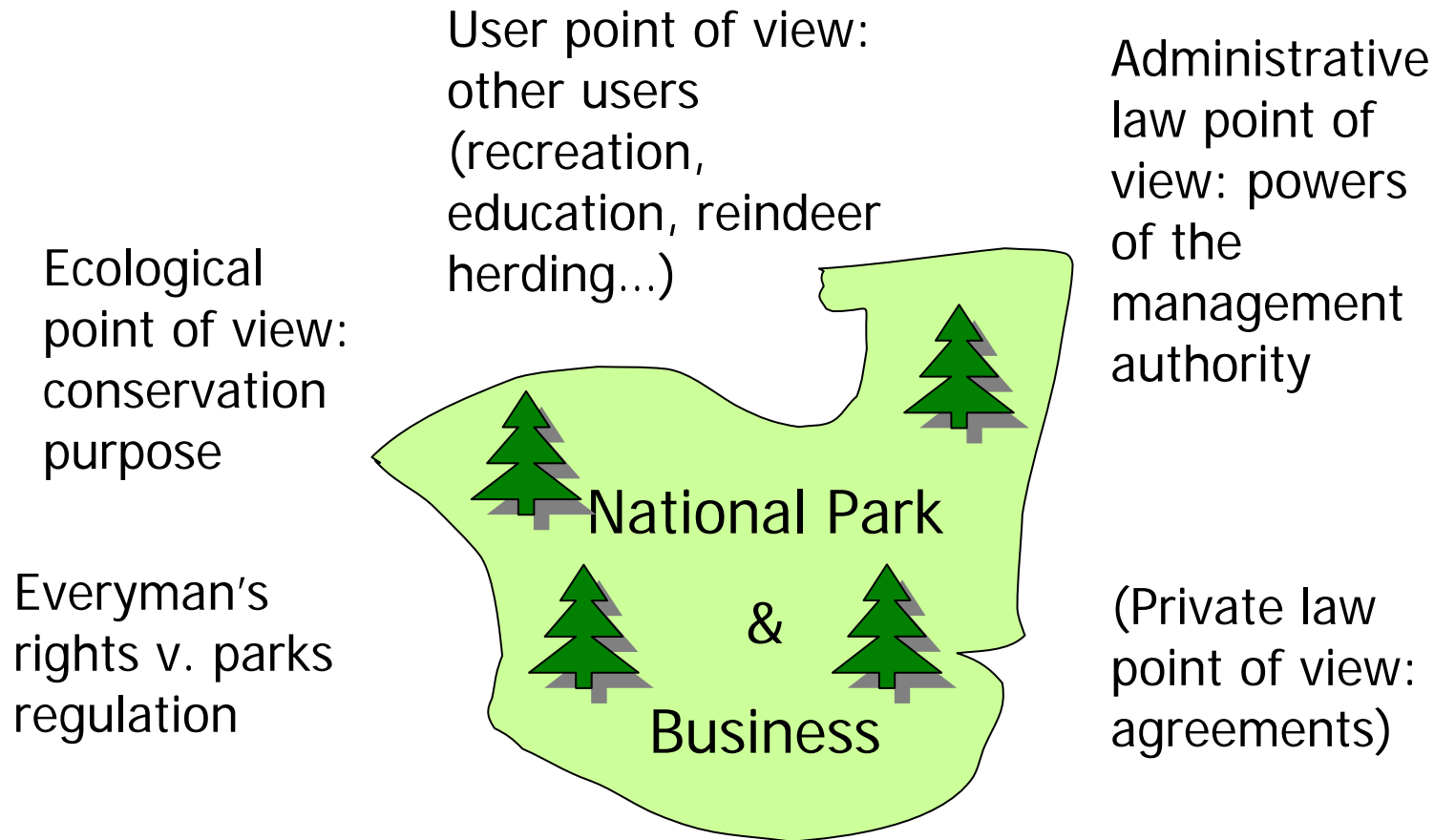
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National Parks and Business

- No provisions in the Nature Conservation Act (1096/1996) in Finland.
- Both a question of interpretation of the provisions of establishment of the park and a question of policy (what is the role of national parks).
- Several legal aspects.

Legal Aspects: the Framework



Business Activities Options

- Outside the park – unproblematic, while supported by the park
- Outside the park, with activities within the park – activities (guided tours, activity events) controlled by the management authority
- Within the park
 - exceptional in Finland, mainly souvenir shops, nature shops
 - Major business activities allowed and specified in the establishment act (Koli downhill skiing, Pyhä Luosto amethyst mine and tourism)

Park's Purpose

- Purpose sets limits to the allowed activities: national parks are established for
 - 1) nature conservation values; and
 - 2) sites value as a natural attraction, for nature education or general nature recreation.
- To be taken into account: rights of the local population, reindeer herding ...

Conservation Purpose

- Listed restrictions (completely restricted): e.g.
 - building for other purposes than management, control, research, guiding, hiking, visiting
 - Soil extraction, mining, ditching ...
 - Taking, killing, disturbance of animals
 - Taking or harming of plants
- Listed allowed activities (or subject to permit)
- In addition restricted: *any other activity with unfavourable effects* on the natural conditions, the scenery or conservation of species of the area.

Everyman's Rights and Parks

■ Everyman's rights

- Defined *e contrario*: not forbidden (in e.g. Criminal Code), thus allowed (customary law).
- May not cause harm to the owner and are not subject to fee
- Walking, skiing, short camping, berry picking ...
- Not taking of living trees, soil and specified substances, close to housing.
- Interpretation problems: horse back riding, mountain bikes, dog sleigh.

■ In national parks all activities regulated as allowed or forbidden: everyman's rights do not apply?

■ Business activities are not everyman's rights.

Administrative Powers

- The management authority may grant listed permits.
- Within powers to explain the limits of allowed / forbidden activities.
- Without specified authority no other permits can be granted.
- Without specified authority no power to enter agreements with no direct link to the management of the park.
- (Gentlemen's agreements)

Policy Aspects

- Weighing of different interests: recreation, utilisation, business...
- Conservation not negotiable; If necessary, status or borders can be changed to accommodate other interests.
- International coherent parks network: visitors' expectations met