**Replies by the Government of Finland to the questionnaire by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

**29 May 2020**

The Government of Finland presents the following replies to the questionnaire on *Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life* sent by the Special Rapporteur on 30 March 2020.

**Question 1:**

The loss of natural habitats is not such an urgent issue in Finland, but the qualitative degradation of habitats continues to be a serious threat.

The Sámi people has a constitutional right to maintain and develop their language, culture and livelihoods in the Sámi homeland area. The traditional Sámi livelihoods are fishing, gathering, handicrafts, hunting, reindeer herding, and the modern ways of practicing them. Climate changes the fastest in northern areas such as the Sámi homeland area, and this has already had a negative effect on practicing traditional livelihoods through increased unpredictability of the weather, as well as snow and ice conditions. The Government initiated a research project on the effects of climate change on the Sámi people. The cross-sectional project also incorporated traditional knowledge. The results of the project were published in January 2020 and the whole report in April 2020 (available at: <https://www.oulu.fi/cerh/saami>).

The Government is committed to guide land use in the northern wilderness and protected areas, and business based on nature tourism and biodiversity, to provide incentives for safeguarding biodiversity, while reconciling various interests. The Government strives to promote comprehensive land use planning in arctic fell areas, utilizing the Akwé: Kon Guidelines, in order to reduce conflicts between reindeer husbandry and other forms of land use, and to alleviate detrimental impacts on arctic fell environments.

**Question 2:**

Finland is a party to over one hundred environmental agreements, which have the status of the law incorporating them. Finland was one of the first countries to sign the Convention on Biological Diversity (CBD). National Biodiversity Strategies and Action Plans (NBSAPs) are key means for implementing the convention. The current plan for 2013-2020 (available at: <https://www.biodiversity.fi/actionplan/home>) lists 105 actions to stop the decline of biodiversity in Finland and provide information on their current phase of implementation.

**Question 3:**

Section 20 of the Constitution of Finland (731/1999) establishes that nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.

The constitutional responsibility for the environment entails both active measures to protect the environment and passive refrainment from acts that harm the environment. The provision directing the public authorities to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment is primarily meant to be implemented through legislation and not to confer directly applicable rights to individuals. However, the constitutional provisions do provide for access to justice in environmental matters when a person’s rights or duties are at stake. Additional provisions on access to information, public participation, and access to justice in environmental matters, can be found in environmental legislation in line with the Aarhus Convention.

**Public access rights, or so-called every man's rights**, refer to the right of anyone resident of Finland to roam the natural environment, regardless of the owner or holder of the land in question. You do not need the landowner's permission, and there is no charge. However, you must not damage the environment or disturb others while exercising public access rights.

Public access rights are granted, guided or restricted by various laws. With the freedom to enjoy the countryside hence comes the obligation to leave the environment undisturbed and preserve Finland's rich natural heritage. This right and the corresponding obligations to preserve biodiversity are likely one of the best known among the population, and taught to children early on, including in school.

**Question 4:**

Section 20 of the Constitution of Finland has indeed been interpreted as recognizing the right to a healthy environment. As mentioned above, it is generally not applied directly by the court, and acts in contradiction with the provision are not as such punishable. The right is specified in environmental legislation. This does not mean that the provision is only of proclamational nature. The provision has increasingly been used in the decisions of the Supreme Courts and the Parliamentary Ombudsman as well as in the statements by the Constitutional Law Committee of Parliament. The provision has steered interpretation for example when applying older legislation in a context where the constitutional provision reflects the increased importance of environmental values, and when justifying a broader right to appeal for environmental organizations.

**Question 5:**

**The Natura 2000 network**

Stretching over 18% of the EU’s land area and almost 6% of its marine territory, Natura 2000 is the largest coordinated network of protected areas in the world. It is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types, which are protected in their own right. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats.

The Natura 2000 Viewer is an online tool that presents all Natura 2000 sites. It provides key information on designated species and habitats, data on population sizes and information on conservation status.

Natura 2000 is not a system of strict nature reserves from which all human activities would be excluded. While it includes strictly protected nature reserves, most of the land remains privately owned. The approach to conservation and sustainable use of the Natura 2000 areas is much wider, largely centered on people working with nature rather than against it. However, Member States must ensure that the sites are managed in a sustainable manner, both ecologically and economically. EU provides funding for actors in Member States for management (protection, restoration, public awareness) of Natura 2000 sites. For instance, in Finland several projects have been implemented:

[LIght&FireLIFE (2014-2020)](https://www.metsa.fi/web/en/lightandfirelife) [Freshabit LIFE IP (2016-2022)](https://www.metsa.fi/web/en/freshabit) [WildForestReindeerLIFE (2016-2023)](https://www.suomenpeura.fi/en/wildforestreindeerlife.html) [FinvasiveLIFE (2018-2023)](https://www.sll.fi/viekas-life-en/) [CoastNetLIFE (2018-2025)](https://www.metsa.fi/web/en/coastnetlife) [FlyingSquirrelLIFE (2018-2025)](https://www.metsa.fi/web/en/flying-squirrel-life) [BorealwolfLIFE (2019-2025)](https://susilife.fi/en/)

**Forests and forestry**

Maintenance and enhancement of biological diversity of forests is an integral element of the Finnish forest policy, legislation and practices. The backbone of forest biodiversity conservation is the network of protected areas. These are supplemented by voluntary forest protection and biodiversity conservation in commercial forests. In Finland certification systems (PEFC, FSC) drawn up in participatory processes which are independent of any public authorities are widely used on a voluntary basis to ensure the sustainability of forest management.

The National Forest Strategy 2025 aims to achieve the 2030 Agenda goals related to forests and takes into account climate sustainability and the safeguarding of forest. A large number of stakeholders have been closely involved in the preparation and further development of the strategy. The regional objectives are written down in the Regional Forest Programmes. The Forest Council follows the implementation of the Strategy. Ministries, forest administration, research and education, forest owners, forest industry, energy sector, environmental organisations, employer organisations and entrepreneurs as well as youth and leisure-time organisations, are represented in the Forest Council.

Finland has succeeded in mainstreaming biodiversity protection as part of the sustainable use and management of forests at the level of legislation, strategies and recommendations. Finland’s strengths include a good knowledge base on forests and nature and distribution of this information as well as cooperation between administrative branches, researchers and practitioners.

The Best Practices for Sustainable Forest Management have guided the Finnish forests management for several decades. These guidelines gather scientific and practical knowledge of sustainable forestry and the best forest management methods.

**Agriculture**

Environmental measures in agriculture have gained a more prominent role in the different schemes under the EU common agricultural policy. The schemes include various conditions aiming at environmental protection and sustainable agricultural production. In Finland, several measures to promote biodiversity are funded under the Rural Development Programme.

The management measures are funded under environment contracts in the environment payment scheme. Environment contracts can also be used for the management of border strips and wetlands with significant biodiversity. Many sites need renovation or other establishment measures before maintenance measures can begin. Restoration activities may be supported through funding for non-productive investments.

**Game animals**

Hunting is regulated taking into account the size and development of game animal populations. The Natural Resources Institute Finland uses various game monitoring methods to produce up-to-date information to serve as a basis for decisions concerning the regulation of hunting.

Management plans are an essential part of the Finnish Wildlife Consortium’s strategy (Wildlife Consortium of Public Organizations) and key tools in implementing game policy. The objective of management plans is to reconcile the views of different stakeholders concerning the management and protection of game animal populations. The plans enable the long-term, goal-oriented management of game animal populations.

In Finland, for poaching of wolves, there is a working group preparing the Management Plan for the Wolf Population and discussing illegal hunting of wolves and measures to improve the social acceptance of the wolf. Local communities and hunting associations play an important role in creating negative attitudes towards the illegal killing of wolves and other large carnivores and in communicating information about illegal killings to the police.

**Fish species and fishing**

The Finnish Fishing Act (379/2015) requires to ensure the good status of fish stocks. The objective of managing fish stocks is to use fish resources in an ecologically, economically and socially sustainable manner. Multiannual plans help maintain the viability of fish stocks and ensure their natural life cycle.

There are different strategies and programmes to secure the conditions for recreational fishing, commercial fisheries and the management of fishing waters. Strategies and programmes concerning specific species take into account the special management needs of each population. The key objective of the Finnish Fishing Act is to regulate fishing rights and methods, the management of fish stocks and the fisheries administration in terms of the use and management of fish resources.

**Invasive alien species**

Both the EU Regulation as well as Finland´s national Act on invasive alien species aim to reduce the environmental, social and economic damage caused by alien species and to prevent new invasive alien species from spreading. The measures introduced by the regulation are targeted at the most harmful invasive alien species.

The Finnish Advisory Board for Invasive Alien Species (including 28 different stakeholders, organizations and interest groups) follows the implementation of the invasive alien species legislation and awareness raising of the impacts and management measures concerning invasive alien species.

**Question 6:**

As described above the Constitution of Finland in principle makes biodiversity the responsibility of everyone, but it also gives a responsibility to authorities to endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment. In practice, authorities have to balance this right with other constitutional rights. The property of everyone is protected. Provisions on the expropriation of property, for public needs and against full compensation, are laid down by an Act. Everyone has the right, as provided by an Act, to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. Sometimes seeking balance between these rights in individual cases may lead to complicated court cases. There have been some cases where conservation programs have caused difficult decision-making processes as well as controversial plans to use natural resources.

**Question 7:**

In Finland, cooperation between the Government and the Sámi people in environmental matters is well established and based on both law and practice. For example, the Ministry of the Environment has since 2002 regularly organized meetings concerning environmental conservation with the relevant authorities: the Sámi Parliament (established by law as the representative institution of the Sámi people), Metsähallitus (administrator of State-owned land in the Sámi homeland area) and the Centre for Economic Development, Transport and the Environment in Lapland. The Ministry involves representatives of the Sámi Parliament in preparation of matters concerning protection and sustainable use of biological diversity in the Sámi homeland area. In addition, there is a legal obligation for authorities to negotiate with the Sámi Parliament in all far-reaching and important measures, which may directly and in a specific way affect the status of the Sámi as an indigenous people.

National positions for meetings and working groups under the CBD are prepared in cooperation with the Sámi Parliament, and representatives of the Sámi Parliament are included in the national delegations. Article 8j of CBD concerns utilization of traditional knowledge in the protection and sustainable use of biological diversity. Finland has established a working group for the implementation of Article 8j, with representatives of the Sámi Parliament (as Chair, members and experts), relevant ministries, authorities and research institutions.

One of the tools developed under CBD is the voluntary Akwé:Kon Guidelines. In Finland, Metsähallitus applies these Guidelines in the planning of management and use of protected areas. This is significant, since most of the Sámi homeland area is protected. The national implementation guide for the Akwé:Kon Guidelines was renewed in 2019 as a collaboration between the Sámi Parliament and Metsähallitus.

**Question 8:**

The EU Directive on Whistleblower Protection (Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the Protection of Persons Who Report Breaches of Union Law) entered into force in December 2019. It must be transposed into national legislation by 17 December 2021. The Ministry of Justice is currently preparing new legislation in this regard. The material scope of the directive includes environmental protection. The scope of the national legislation is under consideration.

Finland’s international human rights policy places particular importance on the protection and support to human rights defenders (HRDs). Finland has adopted in 2014 Guidelines for the implementation of EU’s policy on defending the defenders (available at <https://um.fi/documents/35732/48132/protecting_and_supporting_human_rights_defenders___public_guidelines_of>). These guidelines are based on the UN Declaration on Human Rights Defenders. Finnish Embassies across the world are using the national guidelines actively and meeting HRDs.

**Question 9:**

Article 20 of the CBD entails a duty for the developed country Parties to provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures, which fulfil the obligations of this Convention following provisions of Article 21 on Financial Mechanism.

Finland´s financial support to the United Nations Environment Programme (UNEP) during 2013–2107 totaled EUR 23.5 million. Approximately 70% of the support was core funding and 30% funding to projects focusing on green economy and women’s role in natural resource governance and in resolving environmental conflicts. Finland´s financial support to the Global Environment Facility (GEF) during the same period totaled EUR 58.5 million. Approximately one third of this amount was directed to biodiversity related projects and activities. The combined annual support to UNEP and GEF remained rather constant until 2014 when it peaked at approximately EUR 30 million. After this, the support has decreased due to cutbacks in the funding of development cooperation and is now at EUR 10 million annually.

Finland also channels development cooperation funding to support developing country delegations’ participation in multilateral environmental agreement negotiations.

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