

Accessing nature in the Nordic region Estonia, Finland, Norway and Sweden¹

by

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Preface

This paper deals with public access to nature in general and for walkers in particular. I have been following access development in Sweden in particular over the decades but also the other Nordic countries to some extent. I was one of those responsible for the study of access made by the European Ramblers' Association (ERA) in 1998, resulting in an access program for ERA in 1999. I was also part of the ERA group which prepared the ERA Code of good walking 2002. Earlier I edited the booklet *Walking in Europe* for ERA, now on the ERA web. I have been a member of the board of the Swedish Tourist Association (STF) and of the Praesidium of the ERA. I have an extensive experience of walking in most European countries, thus getting a hands-on experience of public access for walkers. Professionally I have been professor of business studies at Uppsala university, Uppsala, Sweden.

Conclusions

*** Finland, Norway and Sweden have very good rights of public access, and Estonia fairly good rights.**

*** Notwithstanding the good access rights there are problems and challenges, sometimes of new kinds.**

*** At present the intrusion of motorised traffic into nature is an increasing problem which must be tackled.**

*** Also the pressure in urbanised areas to use lake and sea sides for building houses is an increasing problem.**

*** Solutions are not easy and there has to be a constant effort to put the importance of access rights on the agenda in the public debate and in schools.**

*** It is necessary to constantly actively make use of the ERA action programme for access as well as the ERA code for good walking.**

*** The ERA action programme for strengthening public access in Europe from 1999 will remain an important programme for all countries in Europe, including the Nordic countries.**

¹ This paper was prepared for the international seminar on *Rambling and the Countryside in Europe – Access Issues for Ramblers in Europe*, Malaga, Spain 5-7 June 2008. The task given to me was to cover Estonia, Finland, Norway and Sweden. Iceland, having similar access rights as the other Nordic countries is thus not included. This is a revised version (10 June, 2008) of the paper.

Introduction

The paper is structured as follows.

First, a European perspective is presented.

Second, a summarizing section for the Nordic countries as a whole.

Third, four country reports for Estonia, Finland, Norway and Sweden. The report for each country has the following four sections:

- Access and non-access nature
- Regulatory framework
- Problems and challenges
- Methods and sources.

A European perspective

In 1999 the European Ramblers' Association (ERA) adopted an Action programme for public access in Europe. The action programme was based on an investigation of the situation in the ERA member countries which showed a lack of public access rights in many countries and a need to strengthen such rights in Europe. The study showed that access to nature meant very different things in different countries.

The 1998 study showed a high degree of access for Finland, Norway, Sweden, a medium degree of rights for Austria, Czech republic, Denmark, England, Estonia, France, Germany, Ireland, Poland, and a low degree for Belgium, Greece, Hungary, Italy, Netherlands, Portugal, Spain (Catalonia)

The situation has improved in some countries during the first decade of the 21st century. At the same time new kinds of problems and challenges appear. The 1999 Access programme recognises countries can have very different traditions which should be respected. The programme continues to be very relevant when it states that the ERA

- will support movements to make private paths for walkers
- will encourage campaigns for getting greater access
- will stand for the principle of no payment for access
- will promote way-marking in order to promote access
- will promote codes of good walking
- will act to prevent conflicts with nature protection interests
- will seek dialogue with institutions and organisations to promote access

It was noted that it is important to keep marked footpaths in good conditions. Footpaths have to be maintained in order to preserve respect for access rights. Also dialogue with private owners is important for promoting respect for access rights.

Some years later, in 2002, the ERA adopted A European Code of Good Walking stressing responsible walking and respect for traditions in the different European countries. The code is not meant to replace national codes. It emphasises the differences in walking between different countries. A main rule is that we as walkers should respect the property of others, avoiding any disturbance and destruction.

We can conclude that both the Action program and the Code of good walking are relevant and important for the future, and are needed as guidelines for the ERA, its member organisations and walkers in Europe.

Sources

Right of public access for walkers – existence and threats by Ingemund Hägg and Geoffrey Williams, ERA memo 1998

ERA Action programme 1999: *Strengthen the rights of public access for walkers in Europe!*

See www.era-ewv-ferp.org under “Declarations”

A European code of good walking. See www.era-ewv-ferp.org under “Walking code”

The Nordic countries.

In Finland, Norway and Sweden there are great similarities in the way public access to nature is handled. There are also similarities with Estonia but not to the same extent.

The Nordic countries are sparsely populated as the following table shows.

Country	Area (square kms)	Population (milj)
Estonia	45000	1.6
Finland	338000	5.0
Norway	387000	4.5
Sweden	450000	9.0

There exist old traditions and habits of walking around everywhere. People travelling on foot were allowed to enter nature and also collect nuts and berries and light fires during their travels. This has not disturbed or damaged owners in such ways that the habits have been seriously challenged. One can also note that there is no law of public access in Sweden while at the same time the right is mentioned in the Swedish constitution without explanation of what is its content.

With the urbanisation in the countries and increase in standard of living since the second world war population concentration to urban areas has tended to cause conflicts between landowners interests and the outdoor recreation interests. But the conflicts have not been serious threats to the basic rights. Some of the conflicts are based on walkers lack of knowledge about what the right implies and its duties of care and consideration.

Another conflict element is the rapid increase in the use of motorized vehicles used off-road. This is a serious and controversial conflict. In Norway there are now renewed efforts to come to grips with this problem, which however meets resistance from some local and regional authorities.

An area of conflict is rights of access to lake and sea borders. In Sweden there is now a proposal to make it easier to build dwellings close the lakes and the sea in certain parts of the country. This might be a threat to outdoor recreation and access.

The Nordic council of ministers (with Finland, Iceland, Norway and Sweden) has dealt with rights of access a couple of times. A report from 1996 finds that even if there are great similarities the differences are anyhow of such a magnitude that common Nordic rules and legislation is not possible. But there should be more cooperation between the environmental agencies in safeguarding the rights in each country. The countries could learn from each others' experience. In addition information to school children and the public should get high priority. In a more recent report the relations between owners and users have been dealt with and with an optimistic tone that possible conflicts could be solved peacefully.

We can also notice that in all Nordic countries the trend of giving high priority of the health of the populations leads to high priority for out-door recreation arrangements. In contrast to earlier times the populations in the Nordic countries are now very urbanised without a natural connection to nature. There is a need for, among other arrangements, more footpaths close to towns and cities for the inhabitants.

Method and sources

I have, apart from national material used two reports produced by the Nordic council of ministers (www.norden.org) and sections from a forthcoming book in Swedish by Ingemar Ahlström.

Allemansrätt i Norden. (Public access in the Nordic countries) A report in Swedish from the Nordic council of ministers, Stockholm 1996. Summary in English

Samspil mellem jordejere og friluftsliv (Interrelations between landowners and outdoor recreation). A report in Danish from the Nordic council of ministers, Copenhagen 2007.

Estonia

Access and non-access nature

In Estonia nature is open for walkers, cyclists, skiers, horse riders, boaters unless it is legally forbidden. This means that publicly owned land is very open. Private land is open from sunrise until sunset. If a private landowner has fenced his land or set up signs prohibiting access the walker or other passer has to get the landowners permission. If the fence is just for cattle, permission is not needed. Roads meant for public use are always open for access. Land with crops and agricultural land where access can cause damage to the owner is not open for access. In summer it is allowed to walk between agricultural lands on non-harvested border lines. In winter it is also allowed to walk on all fields and in addition use historical winter roads (including all water bodies unless it is prohibited by The Rescue Office restrictions). In summer The Rescue Office has the right to prohibit going to national forests in case of high risk of forest fires.

Shores are open for access if the water is public or open for public use. Shore paths can be located in areas from 4 to 20 meters from the shore depending on particular circumstances. In case private owners have land in such areas and they are fenced there have to be gates for passing.

Smaller lakes do not have shore paths and landowners' permission has to be acquired for access. Further, waters for use for fish farms or for drinking water do not have shore paths.

There are about 300 marked footpaths covering 2700 km in Estonia. A number of different kinds of organisations and public institutions mark footpaths, including rambling clubs, centres for nature conservation and forest management, and private companies. In national parks the responsibility lies with the park authorities. Most of the funding for foot path creation comes from the state (through different European and other projects) and a smaller part from local and regional authorities. In 2004 material for marking footpaths was created by a working group from the Estonian Ramblers' Association. 111 footpaths were then evaluated according to a number of criteria and were certified by a group of specialists gathered by the Estonian Ramblers' Association. Unfortunately many of them have not properly maintained.

Regulatory framework

In Estonia right of public access is recognised. These are individual rights developed over the centuries and based on custom. The right does not apply to organizations or companies organizing walks and other events in nature. In such cases permission of the landowner is required. Permission is required for all public activities where more than a certain number of persons gather (the number depending on local government decision, but usually from 30 persons).

Some rights have been regulated in different laws and such laws also stipulate conditions for access. The laws valid today have been decided upon from the 1990s, since the independence of Estonia. The following laws have relevance for access:

Property law 1993, Forest law 1998, Water law 1994, 1996, 1998, Rescue office law 1994, Administrative infraction law 1992, Protected nature objects law 1994, 1998, Subsoil plots law, Fishing law 1995, Hunting law 1994, Waste law 1998.

It should be noted that footpaths in Estonia are not protected by law unless they are constructed in areas under laws of nature protection.

The existing conditions for public access are presented in the following way in the State Portal: Moving around in nature. Right of public access.

“In nature it is allowed to

1. Travel on foot, by bike, on skis, by boat and ride on a horse, unless it is prohibited by law or on the basis of law
2. Stay everywhere where travelling is allowed. (In case of private land or state forests, where there is no marked camping site, permission has to be gained)
3. Pick wild berries, mushrooms, flowers, hazelnuts and other gifts of nature not subject to nature conservation
4. Fish with one single hand line on a public body of water, a body of water which is designated for public use.
5. Make fire in specially prepared places. Use fallen branches of trees to make fire.

It is not allowed to

1. Move around in home yards, in plantations, in apiaries, on sown crop, in crop and elsewhere on agricultural land, where damage is caused to the owner by that.
2. Camp and make a campfire without the permission of the landowner or the possessor of land.
3. Make fire on neither beach sand nor peat.
4. Hunt and fish without the relevant permit, except with a simple hand line.
5. Damage trees and bushes.
6. Disturb the domestic peace of local inhabitants.
7. Damage the habitats and nests of wild animals and birds, to collect their eggs, to bring them home and cause any other damage to them.
8. Damage nature conservation objects and protected species.
9. To use motor vehicles, where it is prohibited to do so.
10. Pollute nature.”

Problems and challenges

There are problems of different kinds. Not all landowners like to have footpaths created on their land. When there is a footpath on their land they might take away markings and try to fence off. And not all protected nature objects are open for access.

Another problem is that there are people who want to create footpaths but then do not see to it that they are maintained. So many footpaths in the country deteriorate.

Not all users of access behave properly – there is vandalism, trash left, camp fires without permit, There is a difference between devoted ramblers and people not used to nature.

Further there are problems in relation to management of protected areas, nature parks and national parks when it comes to trails and walking. Unfortunately communication is lacking between walking organisations and nature protection organisations.

There are no easy solutions. Government bodies giving money for creation of footpaths should be more careful so as to get guarantees that the paths are maintained. Local governments should not keep quiet when landowners illegally close access which is public. Local people and organizations should try to influence local government in order to promote an understanding of the situation. Summing up, one of the most urgent problems is the confusing situation with ownership and maintenance of walking trails in the country. There is no legal basis for an overall treatment of this situation.

Method and sources

I have used material available in English, most of it with help from Guido Leibur and Silja Möllits from the Estonian Ramblers Association, including a filled in questionnaire from Silja Möllits.

- Leibur, Guido, *Footpaths in Estonia – service quality*. Presentation with slides at the ERA conference in Estonia, September 2007

- www.eesti.ee/eng/teemad/environment_nature/nature_protection/ 2008-03-11 The state portal for Estonia

- www.rec.org/REC/Publications/PPManual_Baltic/Estonia.html Estonia The context of public participation in Estonia. 2008-03-12

- www.lk.ee/index.php?main=411 *Nature Conservation Act* 21 April 2004

Finland

Access and non-access nature

”The age-old concept of everyman’s right gives everyone the basic right to roam freely in the countryside, without needing to obtain permission, no matter who owns or occupies the land.” (Brochure Finnish Ministry of the Environment). You are allowed to walk, ski, cycle and ride on horseback everywhere but not on agricultural ground and close to people’s homes. You are thus not allowed to disturb people by entering their gardens around their homes. There can be restrictions in nature reserves and national parks and for example areas where birds stay during nesting season.

Everyman’s right includes the right to stop, rest, picnic and also camp for a short period irrespective if the land is private or public. In public recreation areas camping is often limited to certain parts of the area. Everyman’s right is an individual right and does not apply to large groups and organisations. Events involving larger numbers of people should be discussed with the land owner in advance.

There are about 11000 km marked footpaths in Finland. Most of them are developed and marked by municipal authorities, commercial and voluntary organisations. Those in national parks are marked by the park authorities. Special principles have been developed for footpaths in and close to urban areas, principles building on close communication and cooperation between interested parties.

Regulatory framework

Everyman's right is based on age-long customs. Legal bases have been developed in different laws, in particular the penal code, the water act and the nature conservation act. In the nature conservation act it is stipulated that "No sign prohibiting trespassing, mooring and landing or otherwise restricting public access is to be erected on land or water in so far as there are no legal grounds for doing so". The penal code stipulates that whoever without permission uses another person's yard or garden shall be sentenced "for criminal trespass to a fine or to imprisonment". The penal code states that legal restrictions do not apply to collecting twigs and branches, cones and nuts from the ground or the picking of berries, mushrooms, flowers. The water act allows swimming and bathing in rivers, lakes and the sea. The fire and rescue services act restricts camp fires. The waste act prohibits littering.

Summarising everyman's right (see brochure from the Finnish Ministry of the Environment)
You may

Walk, ski or cycle freely in the countryside, except in gardens and the immediate vicinity of people's homes, and in fields and plantations which could easily be damaged

Stay or set up camp temporarily in the countryside, a reasonable distance from homes

Pick wild berries, mushrooms and flowers, as long as they are not protected species

Fish with a rod and line

Row, sail, use a motorboat, swim or wash in inland waters and the sea

Walk, ski, drive a motor vehicle or fish on the frozen lakes, rivers and the sea.

You may not

Disturb people or damage property

Disturb breeding birds, their nests or young

Disturb reindeer or game

Cut down, damage, or break branches off trees on other people's property

Collect moss, lichen or fallen trees from other people's property

Light pen fires on other people's property except in an emergency

Disturb the privacy of people's homes, by camping too near them or making too much noise, for example

Drop or leave litter

Drive motor vehicles off road without the landowner's permission

Fish or hunt without the relevant permits."

Problems and challenges

According to a study presented by Finland's environmental administration everyman's right is working well. And there is agreement on this among landowners, walkers and authorities. It is felt that this right is very important for Finland. There are however a few conflicts and problems. There are users who by negligence disturb or destroy, that is, exceed the limits of the right. And there are users who do not know that the right does not apply to motorized vehicles. There are users who camp too long and pass too close to homes and have campfires

where that is not allowed. There are landowners who put up illegal signs and barriers to access.

The solution to problems is to improve knowledge about everyman's right and organize fora for communication between different interest groups in society. In such ways attitudes to the right can be made more positive. All interest groups have to be involved when new footpaths are to be created. Possibly also economic compensation to landowners could be considered.

Method and sources

I have had good help with material from Eero Hämäläinen from Suomen Latu who has also filled in a questionnaire.

- *Everyman's right in Finland*. Brochure published by the Finnish Ministry of the Environment.
- www.environment.fi Finland's environmental administration. Different documents, including "*Everyman's right working well*"
- www.metsa.fi State enterprise managing state-owned land. Different documents, including "*Sustainable nature tourism in protected areas*"
- Principerna för planering och genomförande av friluftsleder. (Swedish language) Principles for planning and implementation of foot-paths by Suomen Latu
- www.saunalahti.fi/eeromari/ramblinginfinland. Information about walking in Finland, about European long-distance footpaths and on the Grading system for Finnish hiking routes

Norway

Access and non-access nature

"Any person is entitled to access to and passage through uncultivated land at all times of year, provided that consideration and due care is shown" "Any person is entitled to access to and passage through cultivated land when the ground is frozen or snow-covered, but not in the period from 30 April to 14 October. However, the right of access does not apply to farmyards or plots around houses and cabins, fenced gardens or parks or other areas fenced in for special purposes where public access in winter would unduly hinder the owner or user." (Outdoor recreation act). It should be noted that the right to access cultivated land only refers to winter. In summertime the walker has to use roads and paths- also private ones.

Key words are cultivated (innmark in Norwegian) and uncultivated (utmark in Norwegian). In addition to what is mentioned in the quotation above, cultivated land refers to "tilled fields, hay meadows, cultivated pasture, young plantations and similar areas". Uncultivated land refers to much of shores (sea and rivers and lakes), forests, mountains (fjell in Norwegian) and water in the country. It is often but not always clear what should be regarded as cultivated or uncultivated land. The enumeration of cultivated is not exhaustive. It should be noted that there is no difference if land is privately owned or public. Nor is it, in principle, a difference if a land is fenced or not.

We can see that public access (allemansrett in Norwegian) gives access to large parts of the Norwegian countryside, irrespective of existence or non-existence of footpaths. The right is for individuals (also coming in groups and similar) and for moving around on foot. But also with some limitations on bicycle and on horseback and wintertime on skis. but never for use

of motorised vehicles. In the country Den Norske Turistforening (DNT) marks about 20000 km walking paths (summer use) and about 7000 km skiing paths (winter use).

Bicycles are allowed on roads and paths in uncultivated land but on cultivated land only with permission of the owner. In the mountains (fjell) you can use a bicycle freely with due care, that is, also outside roads and paths.. The same rules apply to horse riding.

To stop and take breaks, and camp is allowed on uncultivated land but on cultivated land there has to be permission from the owner. Camping on uncultivated land is permitted for two days at a time but not more, apart from in the fjell where there are no time limitations. Camping must not take place close to houses and cabins.

Use of boats (not motor boats) in the sea and fjords and rivers is allowed with some limitations. Hunting and fishing are not part of public access but fishing in the sea is free.

You are allowed to pick nuts, wild berries, flowers and mushrooms. It should be noted that as regards nuts they have to be consumed on the spot!

Regulatory framework

Public access is based on the Outdoor recreation act from 1957 (Friluftsløven in Norwegian).

The act is based on old customs and culture followed in practice since ages.

The quotations given in the beginning of this report are taken from this act.

It is stipulated in the act that the walker has to “behave considerately and with due care in order not to cause damage or inconvenience for the owner, user or others or damage to the environment.” That is, there has to be a culture of good behaviour on part of the walker and other persons entering an area.

In the act it is stipulated that a person “who wilfully or negligently contravenes any provisions made in or pursuant to this Act... is liable to fines unless the matter is subject to more severe penal provisions.”

Even if the public access is mainly for individuals the Outdoor recreation act also refers to organised activities in terms of “outdoor meetings” involving many individuals. If damage or inconvenience to the owner might occur there has to be permission from the owner. There is then no difference between commercial and non-commercial activities.

The act also makes demands on the owner who is not allowed to make it difficult or impossible to enter an area where public access is allowed. An owner is not allowed to ask for a fee for public access but allowed to ask for payment for service arrangements for out-door activities (for example a camping site) but not for using a foot-path and similar. When an owner wants to charge a fee for a service there has to be permission from the municipality. A fee can only cover the costs for the provider.

There are a number of other laws that relate to public access. Important examples are laws for environmental protection, for cultural heritage preservation, plan and building legislation, fishing law.

Marking of footpaths have to be based on permission from the owner. In general voluntary agreement is sought for. For uncultivated land the Ministry of environment can give permission to municipalities and voluntary organisations to mark trails in a defined area of uncultivated land.

Problems and challenges

There has to be a constant attention to both old and new types of problems and challenges. Even if there is in Norway an almost 100 percent agreement of the importance of preserving public access in accordance with the Outdoor recreation act there can come up conflicts of different kinds.

In urban areas the competition for use of land and in the fjell increased, sometimes uncontrolled, building of huts might affect public access negatively. Illegal gates and fences are erected and have to be challenged. Marked trails in the fjell do not yet have a legal right to be safeguarded. Even if new types of outdoor activities are welcome, like mountain biking, gliding, dog-sledging etc there might be the need for different kinds of restrictions, while preserving the basic right of public access. Privatization along the coast line can also affect public access negatively.

Motorized activities in the countryside are increasing, be it motorbikes, four-wheel vehicles, motor boats, snow-scooters. There is a constant and increasing disturbance and damage arising from such activities. The Norwegian Agency for environment (Direktoratet for naturforvaltning in Norwegian) has recently published a proposal for regulating motorised traffic in uncultivated land. The regulation from 1977 which was very strict has in practice been weakened by more and more exceptions. And the number of snow scooters are now 60000 and the number of other motorized vehicles 200000. The new regulation, which has led to strong opposition from local and regional authorities and organizations makes a clear distinction between leisure time driving and driving related to necessary transportation. In principle leisure time traffic should be prohibited apart from use on designated tracks.

Method and sources

I have had good help from Torfinn Evensen, The Norwegian Trekking Association (DNT).

Act of 28 June 1957 No 16 relating to outdoor recreation.(www.regjeringen.no)

Om lov om friluftslivet av 28 juni 1957 Nr. 16 – rundskriv T-3/07. (Memorandum to municipalities etc on the situation with the Outdoor recreation act in law and in practice. In Norwegian).

Allemansretten och reiselivsnaeringen. Brochure in Norwegian directed to tourism business. Published by Direktoratet for naturforvaltning

Forslag till regelverk for motorferdsel I utmark og vassdrag. Höringsdokument. DN rapport 2007-3. (Proposal for regulating motorised traffic in uncultivated land from the Agency for environment. In Norwegian.)

Sweden

Access and non-access nature

In Sweden a right of public access (Allemansrätten in Swedish) allows everyone to be out in nature. It is a long-standing tradition, not regulated in laws. It can, however, be noted that it has a prominent place in the Swedish Constitution in chapter 2 on Fundamental rights and freedoms: “There shall be access for all to the natural environment in accordance with the

right of public access". This is stated in Article 18 where property rights are defined in the first part of the article.

You are allowed to walk, go on bicycle, go on horseback, ski in the countryside irrespective of who owns the land. You must not damage plantations, crops and horseback riders and mountain bikers must be especially careful. You must keep a distance from homes so as not to disturb the inhabitants, even if the house is not fenced off. When pastures and similar are fenced off you may anyway pass, closing gates after you. You are allowed to put up your tent for a day or two without permission of the owner but not too close to homes. In doubt you should ask the landowner. You can light a camp fire if there are no risks. During periods of dry weather the authorities can prohibit fires. Swimming and boating in lakes and the sea is also open to access. You can pick wild berries, flowers and mushrooms and fallen tree branches. Some flowers are however protected. Hunting and fishing are not covered by the right of access but you are allowed to fish with a rod in the largest lakes and along the coasts.

This widespread right with no clear emphasis on marked footpaths probably has made interest in creating marked footpaths a recent phenomenon in the lowlands where such paths started to be created in the 1970ies. Many of the marked footpaths use old tracks and small roads. Most of them are planned and built by regional and local authorities. Some of them are, however, served by voluntary organisations who get some financial assistance for this work.

In the mountains in the north – fjällen – the situation is very different from the Swedish lowlands. The Swedish Tourist Association (STF) started to create footpaths more than one hundred years ago, where also bridges were built and rowing-boats provided to facilitate for tourists - walkers. The state owns most of the fjäll and the state, without conflicts with STF, took over the marked footpaths in the fjäll in 1977 and keeps them, bridges and shelters in order. It is the regional state authorities who take care of the practical work. STF has, however, kept the huts and also owns and runs a number of mountain stations. Even if you can walk everywhere in the fjäll most walkers tend to stick to the marked footpaths, even if they carry tents and do not need hut accommodation.

Regulatory framework

There does not exist an access law in Sweden. But as the right of access implies both rights and duties a person can be subject to the penary code and other laws when the walker has caused damage or disturbance. The rule is "Do not disturb and do not destroy!" The right is individual and does not apply to groups as such. Nor does it apply to motorized traffic. In national parks and nature reserves special rules might apply, sometimes restricting public access, for example with restrictions on camping.

Organised outdoor recreation is not covered by the public access right, be it commercial or not. The right only applies to the individuals in such groups and gatherings. Here the environmental law enters into force. And the organiser of group activities should make sure that no disturbance and damage is caused to the owner. Often it is preferable to consult with the owner in advance. And municipality or regional authority can forbid an activity that can be expected to cause damage to the owner.

When there is a wish to create a new footpath a process of dialogue with owners is initiated. Often land owners agree to the creation but when no agreement is reached the planners try to redirect the path. It should also be noted that landowners do not get a financial compensation for footpaths on their ground.

The state is taking an increasing responsibility for out-door recreation in order to guarantee possibilities for people to use nature which is felt to be of great importance for the well-being and health of the population. The National environment agency produces guidelines in order to facilitate regional and local planning and can also provide some financial support. But the main responsibility for out-door recreation and financing facilities lies with the regional and local authorities.

Problems and challenges

There are problems with walkers and others doing damage by littering and being careless with fires. Campers can come too close to dwellers. Large groups can cause damage just by their concentration on particular spots. There is sometimes a lack of knowledge when people believe that the right also applies to motor vehicles. Such vehicles are (not as a part of public access rights), however allowed off-road on ice and snow-covered ground if no damage is exerted and where special protections do not prohibit such traffic. Such traffic is a problem because of noise for skiers in the northern mountains (fjäll in Swedish). There is an effort to lead snow scooters to particular tracks in fjäll areas attractive to skiers.

Recently a government committee has come out with a proposal to permit the building of houses close to shores of lakes and the sea diminishing the possibilities of roaming close to water in some areas. A new government proposal on forest policy is felt to give too much priority to forest industry at the expense of biological diversity and then also at the expense of out door recreation. Commercial interests and municipalities sometimes do not see the long-term value of the traditional public access and suggest limitations and regulations. The question of charging fees for using footpaths has been discussed and strongly resisted by voluntary organisations and the Swedish Environment Protection Agency. But fees can be allowed for services like parking space and camping sites. Voluntary organisations, like outdoor recreation organisations and nature preservation organisations must constantly safeguard the existing rights and at the same time educate people that the right also implies duties of care and consideration.

Method and sources

I have used material from the Swedish Environmental Protection Agency which as one of its tasks has to inform about the right of public access and its implications.

www.naturvardsverket.se/en “*The Right of Public Access*”

www.2.allemansratten.se “*Allemansrätten*” (in English)

Allemansrätten och kommersen. Report in Swedish on the right of public access and commercial interests. Summary in English. The Swedish Environmental Protection Agency
Stranden – en värdefull miljö. Government report on the use of shores to the sea and to lakes. (Ds2008:21)

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