

Sovereignty Islands Between Finland and Sweden

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SUMMARY

In the year 1809 Sweden had to cede Finland's area to Russia. A border was imposed to the rivers at the north. Real properties along these rivers have their parcels both side of these rivers and on the islands too. According to peace terms these real estate owners had to decide during three years on what side of river they are going to live and they had to sell their property from the other side of river. It is noticed that land consolidation is needed primarily and selling by auction secondary. Owners of islands would perpetually have possession to their islands which after land consolidation were still at wrong side of state border. These islands are called sovereignty islands. Finland and Sweden concluded an agreement of these islands in 1986 and preserve the special status of these islands. According to this agreement possession of islands which are situated in Sweden is under Finnish law and possession of islands situated in Finland is under Swedish law. According to peace agreement border was imposed to be at the deep channel of the river. Bottom of the river is mostly sandy and in course of time deep channel is changed. Owing to this demarcation is needed after every 25 years. Demarcation is done according to centre line principle at deep channel. Because of demarcation some islands have moved from country to country.

TIIVISTELMÄ

Haminan rauhassa vuonna 1809 Ruotsi joutui luovuttamaan Suomen alueen Venäjälle. Raja pohjoisessa määrättiin Tornion- ja Muonionjokiin sekä Könkämäenon. Monien, uusien rajajokien varrella olevien tilojen tilukset olivat jokien molemmilla rannoilla ja saarissa. Rauhanehtojen mukaan rajan molemmin puolin jäävien tilojen omistajien tuli päättää kummalle puolelle he asettuisivat asumaan ja heidän tuli myydä toiselle puolelle jäävä omaisuus. Rajankäynnissä havaittiin että tämän menettelyn sijaan tarvittiin tilusten järjestelyä. Rajankäyntisopimuksessa määrättiin maaomaisuuden järjestely tehtäväksi pääasiassa tilusvaihtojen kautta, toissijaisesti pakkohuutokaupoin. Lisäksi saarien omistajat saivat ainaisesti hallita niitä saaria jotka tilusvaihtojen jälkeenkin jäisivät valtakunnan rajan toiselle puolelle. Suomen ja Ruotsin välillä on solmittu v. 1986 sopimus suvereniteettisaarista. Sopimus säilyttää saarten erityisluonteisen aseman. Sopimuksen mukaan Ruotsissa sijaitsevia saaria hallitaan omistusoikeudella Suomen oikeuden mukaisesti ja Suomessa sijaitsevia Ruotsin oikeuden mukaisesti. Rauhansopimuksessa raja oli määrätty kulkemaan pitkin syväväylää. Syväväylässä tapahtuu ajan myötä muutoksia, jonka takia raja käydään uudelleen noin 25 vuoden välein. Rajankäynti tehdään syväväylässä keskiviivaperiaatetta noudattaen. Rajankäyntien johdosta muutamat suvereniteettisaaret ovat siirtyneet valtakunnasta toiseen.

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1. BACKGROUND

According to the Hamina Treaty concluded in 1809, Sweden had to cede the territory of Finland to Russia. The border between Sweden and Russia in the north was drawn along the Tornionjoki, Muonionjoki and Könkämäeno Rivers (picture 1).



Picture 1. Border between Finland and Sweden at north.

Many parcels of land belonging to farms along the new border rivers were situated on both sides of the rivers and on islands in the rivers. The peace treaty gave these landowners three years to decide on which side they wanted to live and to sell their property left on the other side.

Nevertheless, border representatives conducting the demarcation found this situation to be destructive, and that the planned procedure should be replaced with land consolidation. The demarcation agreement specified that arrangement of landownership should be settled primarily by land consolidation and secondarily by compulsory auction. In addition, according to the demarcation agreement, island owners would retain permanent possession of islands left on the other side of the border even after the land consolidation. The Swedes were having more land left in Finland than the Finns were in Sweden. These islands contained meadows and forests. Possessors of islands had to pay an annual sovereignty levy, from which came the term sovereignty islands.

The special legal status of the islands is based on a border arrangement agreement between Sweden and Russia concluded in 1810, a land consolidation agreement entered in 1821 and a decree given in 1823 by commissars authorised by the king of Sweden and the emperor of Russia confirming the exchange of parcels at the national border. Signed lists of the sovereignty islands were compiled in 1823.

2. SOVEREIGNTY ISLANDS

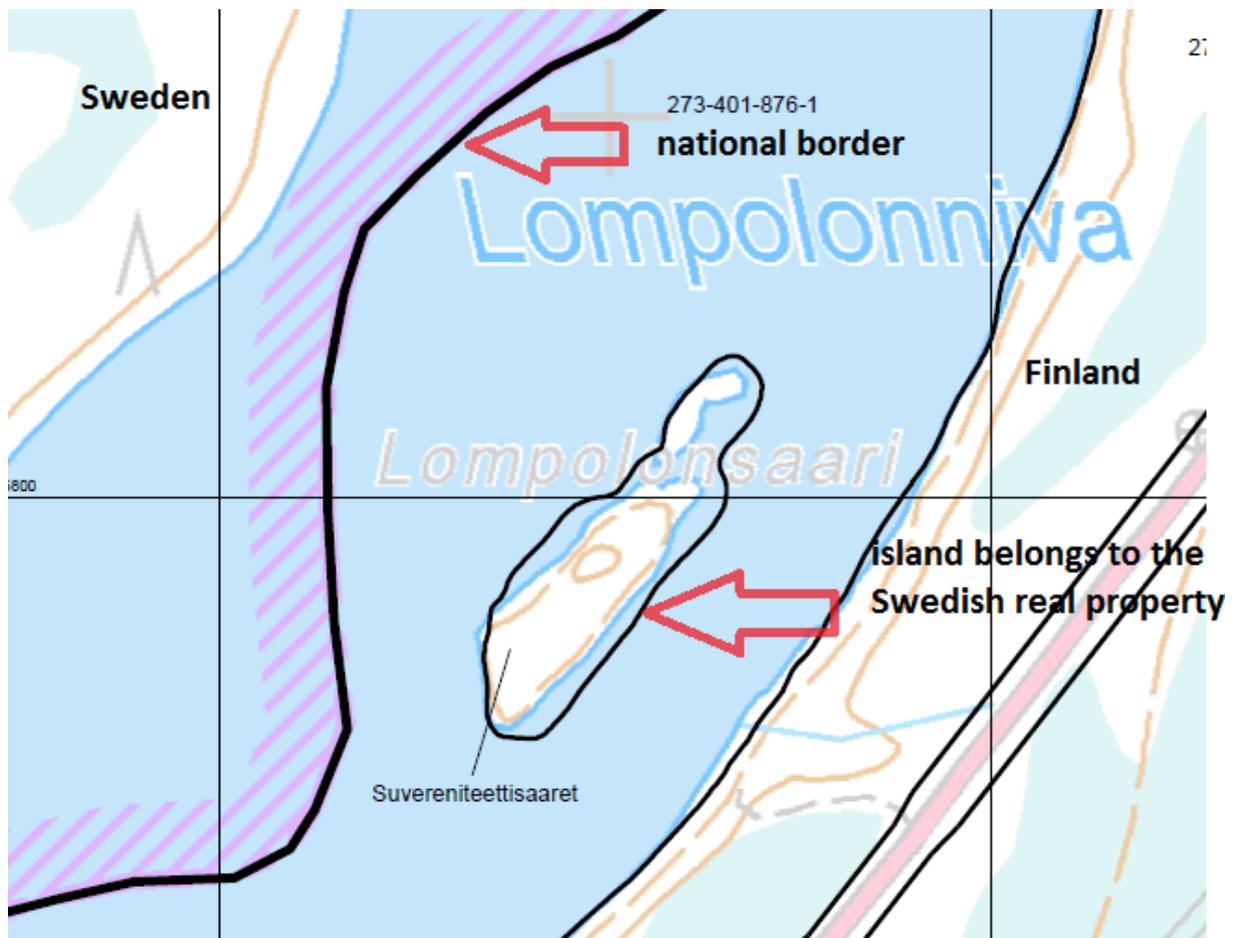
Sovereignty islands once were of major significance, as a quarter of the vicinity’s meadows were situated on these islands. Finland became independent in 1917 and the border with Sweden remained unchanged. Sovereignty levies were collected annually, but because the monetary value of the levy was small in comparison with the cost of collecting it, levies have not been collected since the 1970s.

Finland and Sweden entered an agreement concerning the sovereignty islands in 1986. This agreement preserves the special status of the islands. According to the agreement, Finns’ sovereignty islands situated in Sweden are administered with ownership rights according to Finnish laws (picture 2) and Swedes’ sovereignty islands situated in Finland are administered according to Swedish laws (picture 3). Finnish laws are applied to islands on the Swedish side in cases of ownership rights or limited property rights, conveyance of real property and other acquisition, conveyance of user rights or limited property rights, registration of title to real property, registration of special rights and mortgaging.



Picture 2. Islands in Sweden near Muonio belongs to Finnish real properties. (map contains data from National Land Survey of Finland's base map 02/2014 http://www.maanmittauslaitos.fi/avoindata_li-senssi_versio1_20120501, borders of real estates © National Land Survey of Finland 51/MML/14)

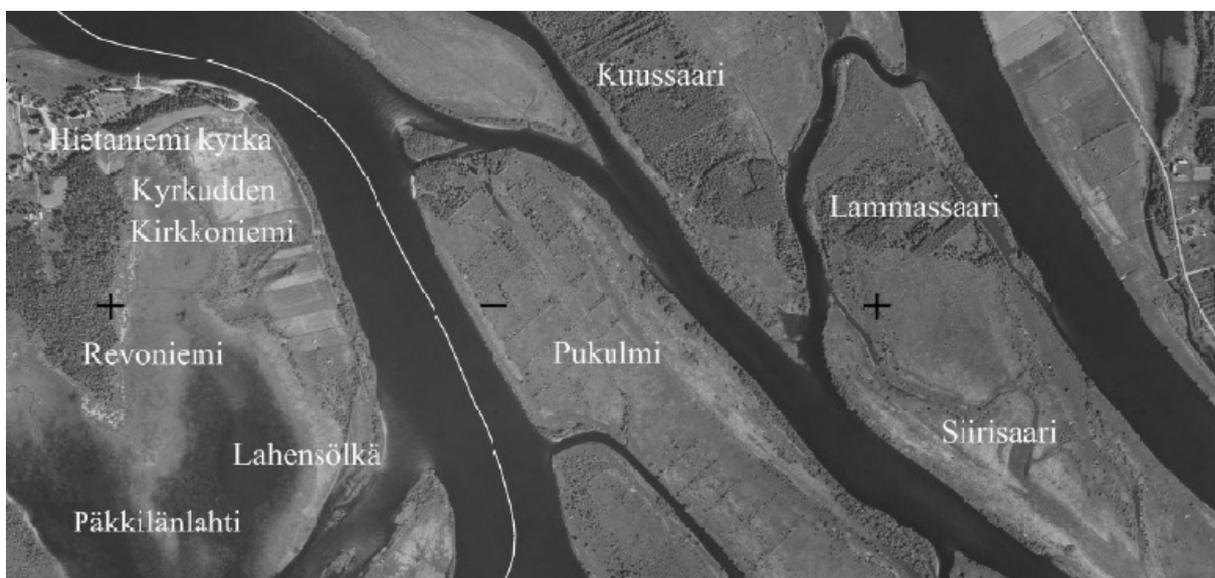
Islands possessed by Finns were not included in general parcelling or other survey proceedings. However, conveyancing, exchanges and partitions of real property by private agreement had been done and had not been subjected to survey proceedings. Before long this resulted in confusion, and survey proceedings were needed to clarify matters. In 1987 a law was passed in Finland concerning real-estate-related legal measures connected to the sovereignty islands and examination of the national border. As a result the sovereignty islands were subjected to supplementary parcelling proceedings. The proceedings investigated to which registry units the areas on the islands belonged.



Picture 3. Lompolonsaari island near Kolari in Finland belongs to the Swedish real property. (map contains data from National Land Survey of Finland's base map 02/2014 http://www.maanmittauslaitos.fi/avoindata_li-senssi_versio1_20120501, borders of real estates © National Land Survey of Finland 51/MML/14)

3. DEMARCATION

The border between Finland and Sweden lies almost entirely in waterways. The Hamina Treaty stipulated that the border which lay in rivers was to follow the deep channel; it did not specify whether the border follow the deepest part or the middle of the deep channel. The location of the deep channel changes over time, so new demarcation is needed. Indeed, the main purpose of demarcation is to determine the location of the deep channel. Demarcation representatives from both countries are given guidelines specifying that the centreline of the deep channel should be used in demarcation. Because the border defined by the deep channel cannot be marked in the terrain, its location is depicted by means of border maps and coordinates (picture 4). This demarcation is done approximately every 25 years. It has been done in 1926, 1955, 1981 and most recently, 2007.



Picture 4. Demarcation of national border between Finland and Sweden, map from year 2007.

Delegations appointed by the governments of Finland and Sweden conduct the demarcation and sign the final documents together. Then both delegations turn the documents over to the government of their respective countries. Measures stipulated in the constitution are carried out in both countries, after which both countries enter an agreement with an exchange of notes. This agreement confirms that the national border is effective for the next 25 years in accordance with what the delegations have presented as the result of the demarcation.

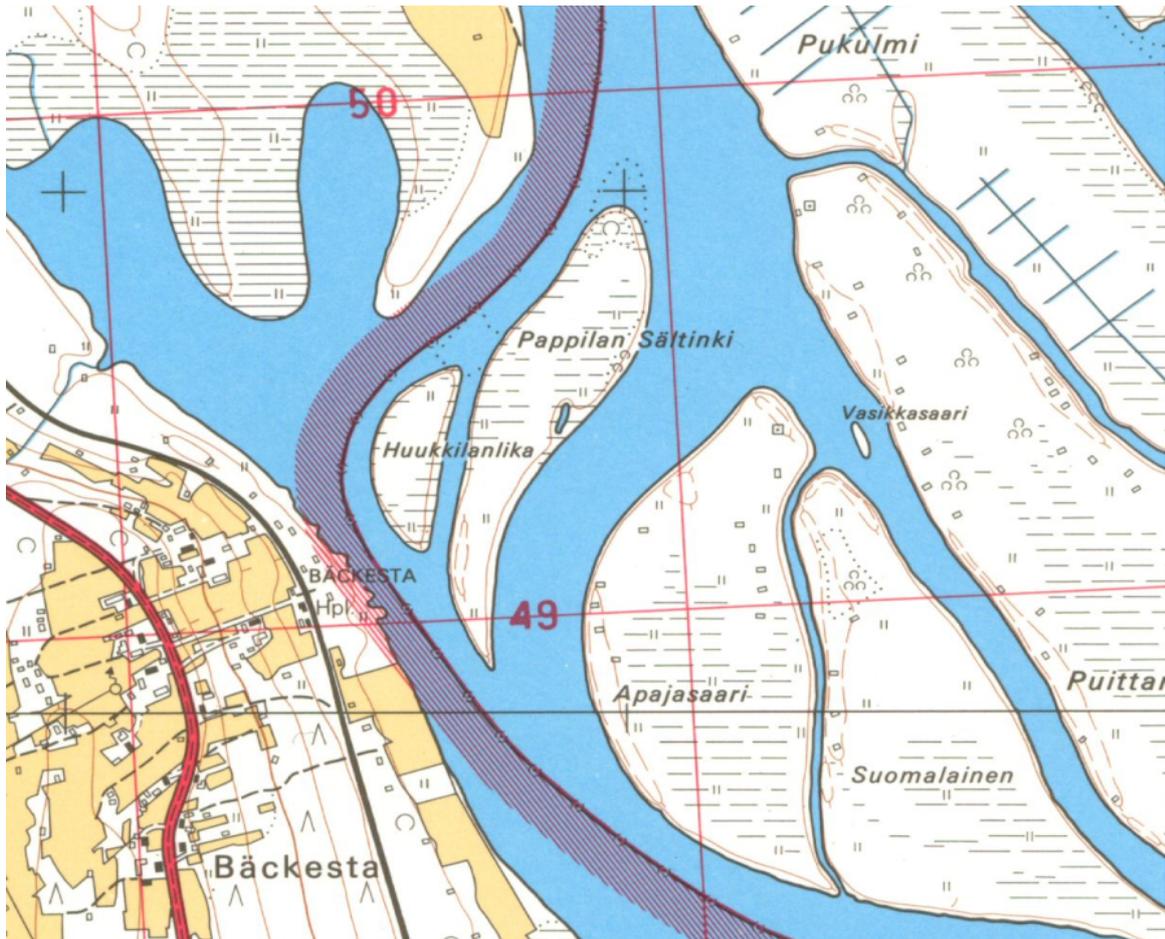
Employees from the National Land Survey of Finland, the Finnish Border Guard and

Sweden's National Land Survey have participated in this work. The work of both demarcation delegations has been based on similar guidelines. During the most recent demarcation, aerial photos were taken of the entire border and 1:20,000 scale orthographic maps were compiled on the basis of these photos. A joint proposal of the border along the Rivers was compiled; in the first phase representatives from both delegations together interpreted the location of the border on the basis of the digital orthographic maps. Before final reviewing of the demarcation, the interpretations of the depths were checked along the entire waterway by helicopter. In addition, places with uncertain interpretations were reviewed on site. The correctness of the interpretation was finally verified by means of these checks and reviews. The deep channel defined by the delegations and the portions of the border marked with border markings are depicted on border maps. A description of each border marker showing the coordinates of the border marker and other detailed information has also been compiled. The final border documents are comprised of the basic documents and border maps.

Changes in the border line caused by changes in the deep channel are found mainly in the widest areas of the waterway, which form sandbars. The largest of these changes are over 100 metres and they occur on both sides of the border. In the most recent demarcation, changes in the surface area of the countries equalled about eight hectares.

4. JURIDICAL STANDPOINTS

Because of the demarcations, a few sovereignty islands have earlier been shifted from one country to the other (pictures 5 and 6). In such cases it has been deemed that the islands have lost their sovereignty status. It is also possible that shifts happen in the opposite direction. Today Finns' islands on the Swedish side are entered in Finland's cadastral system and Swedes' islands on the Finnish side are entered in Sweden's cadastral system.



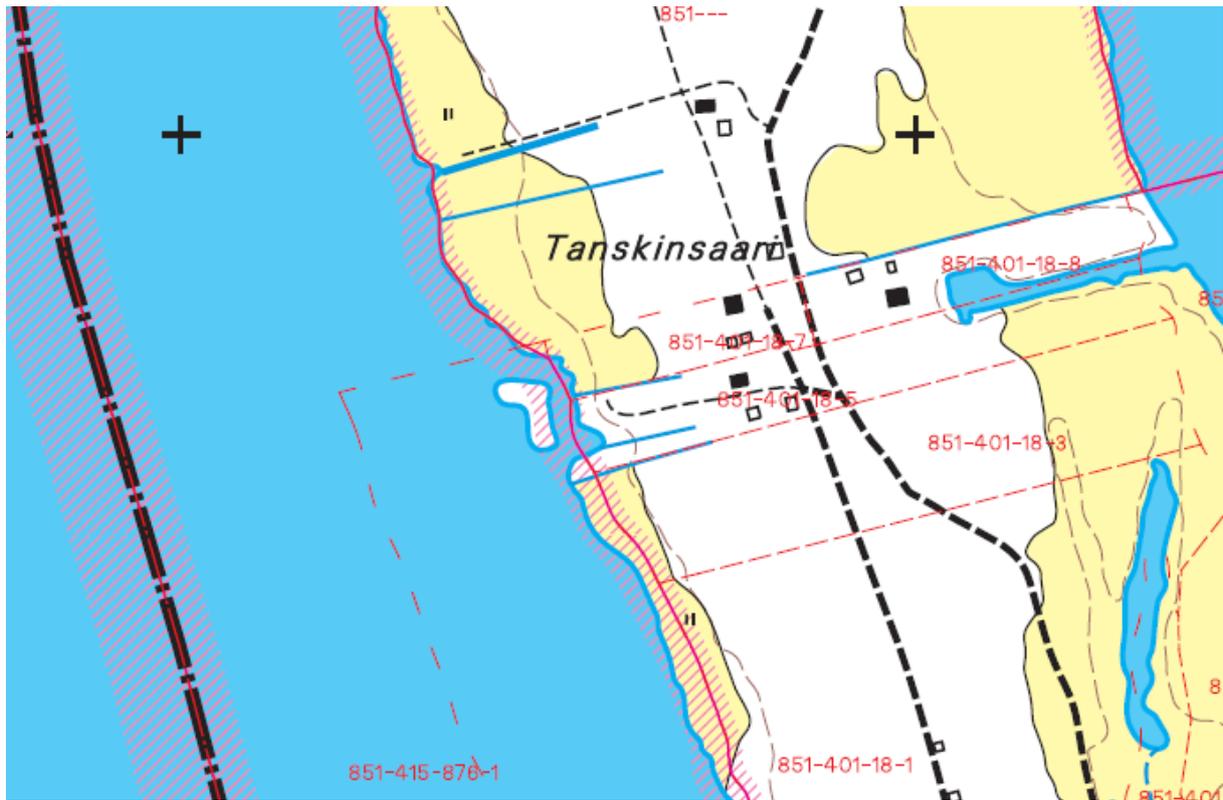
Picture 5. Map of national border from year 1979. (map contains data of National Land Survey of Finland's basemap from year 1979)



Picture 6. Map of changed national border from year 2014. (map contains data from National Land Survey of Finland's base map 02/2014 http://www.maanmittauslaitos.fi/avoindata_li-senssi_versio1_20120501)

Alluviums formed around the islands and new alluvial islands are interesting from a legal standpoint. In demarcations carried out on the Finnish side they have been considered to belong to water areas belonging to Sweden. It has been decided earlier that trees growing and grown on the islands belong jointly to the islands' usufructuaries. The sovereignty islands also contain common areas.

A decree given in 1823 forbade construction of any buildings on the sovereignty islands with the exception of buildings needed for crop storage, but illegal buildings have nonetheless been built (picture 7). Landowners have built illegal buildings on their own parcels of land and on common lands, but outsiders have also built their own leisure-time dwellings on the islands. The islands are for the most part low-lying and flooded over every year; only buildings erected in the highest places avoid damage from floods.



Picture 7. Buildings at sovereignty island. (map contains data from National Land Survey of Finland's base map 02/2014 http://www.maanmittauslaitos.fi/avoindata_li-senssi_versio1_20120501, borders of real estates © National Land Survey of Finland 51/MML/14)

5. THE PRESENT

Border between Finland and Sweden has been said to be the most peaceful border in the world. According Schengen agreement it is possible to cross the border between Finland and Sweden wherever. Passports and visas are not required. Customs clearance has to be done separately. In addition there is an agreement of these border rivers equitably using and fishing between Finland and Sweden. Fishing permits are common in these rivers.

Nowadays the sovereignty islands have little significance for agriculture. Sheep are kept on some islands in the summer and reindeers are sometimes grazing there. Only a few of the largest islands have forests that are significant from the standpoint of forestry. Rivers between Finland and Sweden are famous because of salmon. Fishermen use these islands for invasion when they have a break or they have to overhaul their fishing equipment. According agreements fishermen can row their boats cross the river backwards and forwards. What is

significant from the global perspective is the fact that there have been no disputes over these islands between the countries, nor therefore has it been necessary to fight any battles over them.

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