

Senate Environment Committee
3rd February 2003

Intervention of the President of the Spanish Federation for Mountain and Climbing Sports

The Food and Agriculture Organization of the United Nations (FAO) declared 2002 to be the International Year of the Mountain, in an effort to preserve mountain ecosystems and encourage sustainable development in towns and villages in these same areas.

As mountaineers from all over the world that have been visiting the mountains for two centuries for scientific, exploration or sporting purposes, we know that the mountains are reserves that are full of biodiversity; they have cultural and landscape diversity; and furthermore, they are fragile ecosystems and many human activities have effects in the form of erosion, water contamination, climatic change, disproportionate urban development or loss of cultural values that are felt very specifically in these sensitive areas. We mountaineers have seen the effects of depopulation in many parts and we have contributed to the promotion of some mountain areas in a framework of coexistence protecting the life and culture of the mountain inhabitants, and preserving the environment, while at the same time fomenting the sports activity of mountaineering.

For us mountaineering is not just a sport but, above all, a way of life that fosters the development of social and educational values in relation to people and the natural environment. We mountaineers wish to continue practising our sport in the mountains and contributing as much as we possibly can to the development of the local towns and villages and to the preservation of the ecosystems. We want to continue conducting our activities on the mountain, observing the criteria inherent in best practices, since free movement is an inalienable right with no limitations other than those established by law on reasonable grounds, supported by sound technical and scientific argument.

The mountain is the playing field for mountaineering, and we mountaineers do not feel completely satisfied with how environmental legislation has been implemented with respect to the activities performed in these areas. Although the protection of the mountains is compatible with their use and enjoyment, they have recently been affected by prohibitions and limitations on the practice of mountaineering that, on too many an occasion, had no scientific basis. Prohibitions on access to the mountains and the limitations placed on sports activities have expanded without the previous consensus of mountaineers and highlanders. But we will deal with that subject later on.

The Federations find support in the Sports Authorities. However, sport as an institution is not conceived without environmental concerns. The Law of Sport includes among the competences of the Upper Sports Council *“collaborating on environment and nature protection issues with other public bodies with competences in these areas and with the Federations that are specifically related to them”*.

Among these federations directly related to nature we undoubtedly find the Spanish Federation of Mountain and Climbing Sports and the Regional Federations, which include over 65,000 members of federations and 1,000 clubs, with around 300,000 associate sportsmen and women representing an even wider sector of Spanish society that practises sport and activities out in the open doors. Article 2 of

the FEDME statutes, approved by legal ruling of the Upper Sports Council of 20 September 1993, which coincides with the statutes of other Regional Federations, establishes as its own objective:

"4) To work and cooperate on the protection of the natural environment with the primary objective of preserving it from actions that modify its original natural state and intervene before the public and/or private authorities with liabilities and/or related to such issues."

"7) To spread knowledge of the natural beauties that can be found in the mountain regions, giving the support and aid required for the construction and preservation of paths, tracks and refuges, as well as the preparation of maps, guides and special editions devoted to a single subject, and the publication, realisation and organisation of magazines, films, conferences, etc."

In addition, infrastructures and services have been enhanced for the development of these activities at the level of the mountain clubs, Regional Federations and the Spanish Federation, which include:

- The extensive network of trails waymarked as GR and PR, with officially approved markings registered by FEDME. Thousands of tourists and nature lovers ramble over the more than 50,000 km of trails criss-crossing the Spanish geography every day, paying special attention to the richest ecologic or cultural areas, always walking and following ethical rules of behaviour. This trail network integrated in the European Network of long and short-distance routes represents a currently important sustainable resource as a complementary offer to rural tourism in the mountain areas. The technical supervision and the official approval of trail-related projects by FEDME largely guarantee that the routes will be respectful of the environment, providing alternatives where the ecosystems are fragile and very sensitive to human presence.

- The important mountain refuge network. More than 1,000 mountaineers sleep every year in the more than 30 refuges that are coordinated by FEDME. This means that not only mountaineers but also their companions contribute directly and indirectly in a positive way to the highlanders' economy. Following this line of thought, we can highlight the efforts made with the Upper Sports Council and the Autonomous Regions to endow the refuges with a certain standard of quality and decent infrastructure to provide overnight accommodation to mountaineers, giving priority to environmental awareness-raising activities and the improvement of environmental management. Together with the Autonomous Park Authority and the Environment Councils, we are working on a network of refuges that not only provide a place for shelter and/or in case of emergency, but are also an example of minimal impact on the environment. In Aragon we are working to implement ISO 14001, an environmental management system that will require great effort on the part of the Federations, Clubs and users.

- School-areas and climbing walls, which number more than 500 all over Spain, and have been fully equipped and publicised by the federations in all the Autonomous Communities, forming part of a wide range of sporting activities offered for tourist purposes. The Federations are currently serving on sectoral Boards with the Environment Councils to carry out in-depth studies on the maintenance of such areas and the resolution of conflicts that may arise with the local flora and fauna, through rigorous technical studies conducted to evaluate their impact and capacity to survive.

- The thousands of publications of all kinds that aim to facilitate the subsequent use of these important revenue-generating infrastructures in mountain regions and assist the establishment and consolidation of businesses devoted to the hotel and catering industry and active tourism. Furthermore, these usually involve young people that contribute to the survival of several villages in the area.

- An important role in providing training and educational courses targeting the individual interested in learning about the mountains by participating in clubs, foundation courses, awareness campaigns, as part of a volunteer workforce, etc. This is an important aspect in that people associated with a club and affiliated to a federation receive constant training on environmental issues. It is therefore a sector that is aware of the need to preserve these areas through the self-regulation of sporting activities.

The maturity of the mountaineering associations has, throughout their long history, offered many examples of sensitivity towards the environmental problems suffered by mountain regions, by safeguarding natural spaces and associated cultural heritage sites, organising protection campaigns, requesting protection for endangered areas, voluntary workers for environmental concerns, etc. Once it has been established that we are working within the framework of the objectives set by the Spanish Federation in conjunction with the Regional Federations, it will be time to insist that the authorities responsible for managing Protected Natural Areas and the organisation and planning of mountain regions should recognise in a clear and active manner that the Regional Mountaineering Federations are valid and necessary partners for dealing with sporting activities in protected mountain areas.

The use of Protected Natural Areas for sports purposes is at the crossroads of several articles in our Constitution. Basically, this means the right to enjoy the environment in conditions that are suitable for the growth of the individual and the duty to preserve it, along with the promotion, on the part of the public authorities, of physical education and sport, and the adequate use of leisure, although there are others that are closely linked to tourism such as the protection of users and free enterprise. However, taking precedence over all others is Article 19, which establishes the right to move about the country, since this precept is included in the "fundamental rights and freedoms" and the other items are listed amongst the "guiding principles of social and economic policy". Thus, we are not concerned merely with the right to enjoy the environment but with a complex map of rights that should be approached by the legislators with extreme caution, by reading the Constitution in full with the utmost care.

Standing side by side with state legislation, there is an enormous amount of regional legislation that affects mountain sports, so that today the practice of mountaineering and rock climbing will be different on either side of invisible boundaries concerning issues such as the regulation of trails, the opening of refuges or camping activities. In addition, each Regional Government has adapted the environmental protection measures to its own specific natural areas. Therefore, there is a large variety of regulation, produced by general bodies with concerns relating to the environment, tourism and sporting activities, together with others emanating from the State. The contradictions that arise as a result have led to logical misunderstandings on the part of the mountaineers, clubs, federations, as well as in social and economic circles with concerns in mountain areas, who see how similar situations have been dealt with in different ways depending on the Autonomous Community in which the activity is conducted.

Apart from the Declaration, the basic planning tools for Protected Natural Areas are the Natural Resource Development Plans (PORN) and, as a result of these, the Master Plans for Use and Management (PRUG). The PORN and PRUG restrict the practice of sport through the implementation of a small number of articles that seem to be of limited importance due to the fact that they are included in enormous legal documents. However, today they constitute the really significant regulation for mountaineering activities, since they include long lists of prohibitions, such as those dealing with access

points, rock climbing, overnighting, camping, bathing, abandoning trails, descending canyons, organising sports competitions, practising organised sports, conducting sports activities in rockland areas, etc.

In the *Parque Nacional de Ordesa y Monte Perdido* it is prohibited to climb up the north face of the *Monte Perdido* because this requires crossing the glacier. Glaciers are shrinking because of climate change and nothing is more harmful than hundreds of people tramping over it, as it is a very difficult route of ascent.

In the same park it is also prohibited to penetrate the so-called *shadow* of Ordesa, the area of Turieto Alto. Mountaineers think such a prohibition is reasonable because this is the home of the last female Pyrenean ibex. But the female ibex died years ago and the ban still remains.

In the *Parque Nacional de Aiguestortes i Estany de San Maurici* ski mountaineering is only permitted along the existing network of tracks and trails, when everyone knows that many of these routes are at risk from avalanche in winter and therefore alternative routes should be used for skiing.

The ban on any movement outside the regular trails, tracks and paths was imposed in this same Park but its implementation is being considered in more and more Protected Natural Areas in mountain regions when it is known that there are no paths or tracks up in the highlands, and that is really what mountaineering is all about, making it very different from rambling or trekking. In the recent regulation prepared for the *Parque Nacional de Picos de Europa* this measure was put on the table for discussion but was finally restricted to woodland areas.

It is often the case in rock climbing areas that the practise is banned due to bird nesting. However, it would be better to examine where such activities can go ahead and where they cannot, and where restrictions should be put in place at certain times of the year to allow the birds to nest. Nevertheless, many a time it is found that there are no longer any nests but the ban is still there, or it is applied to the entire park instead of examining the areas where activities can go ahead and where they cannot.

Many bans are imposed to avoid the area becoming crowded with tourists in the months of July and August, but are then extended right round the year. This is indeed the case with the camping ban, which may be reasonable in the summer months but has no sense in the other seasons of the year. It is also necessary to spend the night at the foot of the rock face when the ascent requires more prolonged approach times or when the route is long and arduous.

At the federations we propose that bivouacking should be allowed. In other words, sleeping outdoors should be permitted when doing sports activities and camping overnight high in the mountains, since it is understood that if we set up camp high up in the mountains at dusk and take the tent down again at dawn there can be very little damage done as a result of this activity and it will also make such routes easier to accomplish.

However, it seems that all visitors are treated alike and we get some really absurd situations like sending hundreds of thousands of people up to an altitude of 3500 metres by cable car in the *Parque Nacional del Teide* (in the Canary Islands). The result is that you need permission to be able to go up to

the summit - the same for the tourists in the cable car as for the mountaineers who climb up from the bottom of Teide on foot.

It is also not possible to put up any new mountain huts without taking into account the differences between the various parks as, whereas in the Aigüestortes park or in the Picos de Europa there are around ten, in Ordesa there is only one, with incredible obstacles for adapting to modern times for reasons that only the central government can explain.

The situation in Protected Natural Areas managed by the Autonomous Communities is no different. One example might be the ban on climbing in Contreras on rock faces where climbing has always been done before, this being doubly strange since the area with rocks that belongs to Valencia is climbable while in the part that belongs to Castilla La Mancha climbing is banned. In rambling, they are constantly imposing bans and closing off public footpaths illegally, with it being the public authorities, together with the private owners, who are the ones that are the main transgressors.

We believe that the need to reconcile public use and protection of the environment, the interests of conservationists and enjoyment of the countryside should not be met by bans and restrictions but by regulating the activities relating to mountaineering and rock climbing in a more comprehensive, informed, reflexive and systematic manner in each natural area. We know what we are after: regulation, not prohibition. And freedom wherever this is possible.

Despite this propensity towards conservation, since we are a sports federation, we receive subsidies for sports technologies, for competitions, but not to carry out studies on where we can or cannot climb, for example, even though it would be interesting for the federations to be able to conduct their own studies on sports activities in natural environments.

We could also follow examples that already exist. The PRUG (Master Plans for Use and Management) for the *Parque Natural de Penyal d'Ifac* contains rock climbing regulation, authorising the activity in its old traditional form, banning the opening up of new routes and establishing the conditions for the provision of new protective gear or the organisation of courses. It may be better or worse, but it is an undeniable fact that this is a case of real legislation drawn up on the basis of consensus of opinion and submitted to detailed examination, and not just a list of prohibitions. Furthermore, the term "traditional" has been re-instated, having appeared in the PRUG for Teide almost ten years earlier.

Likewise, we also have the example of the PORN (Natural Resource Development Plans) for the *Parque Natural de la Sierra y Cañones de Guara* when regulation was looked at for canyoning, specifying the canyons where restrictions are in place, the maximum size and minimum frequency for groups entering the area, or communal equipment and essential personnel. Once again, we find effective regulation being implemented in this case.

The existing channels of existing, the use of the tools made available to us by the environmental education authorities, the setting up of containment barriers or restricted access for vehicles and group transport, are some aspects that can shed some light on the subject, and in which the federations and clubs have contributed their ideas, European experience and resources in some protected areas.

One line of argument that is gradually gaining more weight states that mountaineering should be considered as a traditional activity in some Protected Natural Areas, given that the practice of

mountaineering in some cases precedes their declaration as protected areas by more than a hundred years. The starting point for the PRUG for the *Parque Nacional del Teide*, approved by virtue of Royal Decree of 14 November 1984, some fifteen years ago now, offered a more realistic, positive view, as it considered mountaineering to be a sport that was a traditional pastime in the Park and perfectly adapted to this environment. Although possible restrictions were already in the pipeline, the situation seemed reasonable: *"Regulation regarding the practice of mountaineering will receive special attention since it is a sport that is traditionally practised in the Park and is in keeping with the type of recreation desired."* Such recognition, incorporated recently in the PRUG for the *Parque Natural del Moncayo*, in Aragon, would seem to provide a good starting point.

Law 4/1989, of 27 March on the Conservation of Natural Areas and Wildlife establishes that the participation of society will be channelled through the Trusts. It is therefore important that the federations should be represented on all Trusts set up for Protected Natural Areas where activities are carried out relating to mountain and rock climbing sports, including those activities that are not specifically mountain-oriented, thereby extending such scope to cover rambling as well. Article 23 b in said Law leaves the door open for the entry of the Regional Federations integrated in FEDME.

All PORNs drawn up for Protected Natural Mountain Areas should provide for the possibility of collaboration agreements being signed between the Public Authorities and the Federations on all pertinent issues that these might contain. This proposal might be extended to cover all federations that conduct their activity in the natural environment instead of just to mountaineering. The agreements might refer both to a general framework for collaboration accompanied by technical advice, and also to more specific matters relating to waymarking and official approval of trails, the opening and maintenance of climbing routes, the provision of facilities for descending canyons, the training of guides and sports coaches in mountain regions and in-depth studies on the feasibility of the new sports installations. In any case, all agreements will aim to benefit both parties and also the users of the Protected Natural Area.

People engaging in mountaineering and climbing sports ensure that the environment will be protected, and have always conducted their activities in these same natural environments that now enjoy official protection. Hence, the significance of the Declarations that accompanied the paper given by FEDME at the Seminar on Protected Natural Areas and Mountain Sports, held in the Canary Islands in December 1999:

1. We reaffirm the spirit of Article 19 of the Constitution: *"Spaniards have the right to freely choose their place of residence and to move about within the national territory"*.
2. We declare our conformity with the spirit of Article 8 of the 1984 Use and Management Master Plan (PRUG) for Teide National Park: *"The regulation of the activity of mountaineering shall receive special attention since it is a sport that is traditionally practised in the park and particularly in keeping with the type of recreation aimed for"*.
3. We reaffirm our wish for involvement and participation in the management of Protected Areas.
4. We reaffirm our wish for the Autonomous Communities and the State to agree on basic regulations for all Protected Areas with the participation of the Spanish and Regional Federations.
5. We declare our willingness to reach agreement on standards and regulations, to be drawn up in positive terms, that is to say, generally permitting the use of such areas and the practice of sports activities, with specific, reasonable exceptions, but not vice versa.

As a model to emulate we can mention the Declaration of the Picos de Europa on mountain refuges, signed in Cangas de Onís on 12th May 2001 by the representatives of the National Parks of Picos de Europa, Sierra Nevada, Aigüestortes i Estany de Sant Maurici, Ordesa y Monte Perdido, Teide, Caldera de Taburiente, Federación Española de Deportes de Montaña y Escalada and the Regional Federations of Andalusia, Aragon, Asturias, the Canary Islands and Catalonia. Unfortunately, the Declaration has never been ratified by the Autonomous Body of National Parks, although it was agreed with the Management that it would serve as a reference for any future relations between the Autonomous Body of National Parks and the Spanish Federation for Mountain and Climbing Sports and the regional Federations.

This Declaration established that “Huts need to be erected as an example of the compatibility of mountaineering activities with nature conservation. Huts provide a base for mountaineering activities and have sports infrastructure and public utility status.” “Huts located inside the grounds of National Parks should offer models of infrastructure management in the local surroundings that are capable of extension to other mountain areas. This implies being able to capture environmentally satisfactory resources, making rational use of energy, minimising the production of waste along with provision for its re-cycling and removal, and adequate sanitation and maintenance systems. To this end, the competent Authorities should offer the support required in each case for adaptation on a progressive scale.” This agreement opened up a path that has not borne new fruit.

We mountaineers offer to collaborate as far as we are able with the public authorities. In 2001, the Spanish Federation opened up a new route. Up to now, decrees have been passed for routes in the Basque Country, La Rioja and Asturias, but not even these three pieces of legislation coincide. Hence the FEDME has seen fit to prepare a Decree Model, with the help of the University, to regulate the routes proposed by the regional federations to their respective governments in an attempt to encourage the harmonisation of regulation enacted by all the Autonomous Communities. If the Regional Governments do not lean towards homogeneity, then responsibility will fall to the social organisations to do so. On issues affecting mountaineering, regulation is always fragmentary since it has never been possible to establish the general principles that should guide such regulation.

The participation of social agents in the day-to-day management of Protected Natural Areas is recognised not only with respect to the local populations or communities associated with this sport, but also for associations, groups or persons involved in their use and conservation. The bodies that channel the participation of mountaineers in the decisions that affect them with respect to protected natural areas adopt the form of Trusts, although in some Autonomous Communities they are referred to by other names. The daily reality of these Trusts or Executive Boards shows that the distance still to be covered to reach this theoretical model of citizen participation is still very pronounced.

Law 15/2002, of 2 July, creating the *Parque Nacional Marítimo-Terrestre de las Islas Atlánticas de Galicia* reiterated this same idea only a few months ago, which is contrary to the wishes of the mountaineers, since it takes advantage of a further Article 4 to introduce new amendments in the Law on Conservation of Natural Areas and Wildlife of 1989, by removing the powers of citizens' organisations to play a responsible role in the National Parks, in which they have representation, apart from the Town Halls, or other social entities, amongst which are included the regional mountaineering federations.

The amendment of the Law regulating National Parks is of paramount importance for social entities and, more specifically, for the Mountaineering Federations, since it removes the power of the Trust, which is the only body in which they are represented, to approve the PRUG and reduces their intervention to that of producing a mere non-binding report. This means that citizen participation has been drastically diminished.

In short, as mountaineers we claim a responsible use of the mountains that will ensure the preservation of our valuable natural and cultural heritage, with the conviction that sports activities are compatible with nature conservation, and more specifically with the declaration and management of Protected Natural Areas. Mountaineers hope a broader consensus can be reached on the uses and values of the mountains, on human activity and on sustainable development, by offering a helping hand with our own efforts to enhance the life of the inhabitants of these mountain regions. We proclaim our right to have free access to these mountain regions and to practise sport in the right safety conditions, to not suffer any restrictions other than those that are strictly necessary, and to have a network of refuges available with the services and conditions expected by the citizens of our modern society. With the endorsement of our own traditions, it is our wish as mountaineers to be involved in conservation and development policies for mountain areas and in the processes for drawing up their specific regulations.