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LEGISLATION FOR MOUNTAIN TRAILS AND PATHS AS A FACTOR FOR DEVELOPMENT OF MOUNTAINEERING TOURISM IN MACEDONIA

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ABSTRACT

The adoption of the Law on Mountain Trails from 2014, amended in 2015, gives hope that conditions for the development and promotion of mountaineering tourism will be created in Macedonia, by establishing safe conditions for using mountain and hiking trails and paths. The adoption of the Law determines the conditions and the arrangement of mountain trails and paths, their maintenance, classification and categorization, as well as other issues important for their use. In this way, greater protection of the nature and prevention of negative consequences for biodiversity will be achieved.

This Law, together with Bylaws, contains numerous regulations that are fully related to the determination of the mountain paths and trails. The legislation is a good precondition for the development of this segment of alternative tourism in Macedonia.

KEY WORDS: legislation, mountaineering tourism, mountain trails, tourism development

INTRODUCTION

The adoption of the Law on Mountain Trails in the Republic of Macedonia gives hope that conditions will be created for the development and promotion of mountain tourism in Macedonia, by creating safe conditions for using the mountain trails.

The law is intended to ensure the sustainable use of natural wealth, without significant damage of nature and disturbances of natural balance. Negative activities of persons and disturbances in nature as a result of the use of natural wealth should be prevented. Major role in this process besides the Government, Ministry of Environment and Physical Planning, according to the regulation has the Agency¹ for Promotion and Support of Tourism in the Republic of Macedonia.

Law on mountain trails

Law on mountain trails² contains provisions which are fully related to determination of mountain trails. Namely, the initial provisions precisely define the key terms, passing to the provisions for the structure and network of the mountain trails and paths, the registry of mountain trails, establishing and arranging the mountain paths, marking, maintaining, classification and categorization of mountain paths and trails.

According to legal logic, certainly, this Law is further elaborated by different Bylaws, adopted by the Ministry of Environment and Physical Planning such as different Bylaws for:

- Maintenance of mountain trails;
 - Determination of mountain trails;
 - Signalisation and marking, shape and content of signalization and marking of mountain trails;
 - The Form and Content of the Elaborate for establishing mountain trail, and also Direction for making and filling that Elaborate.
 - Form and content, the way of keeping Register of mountain trails,
- Law defines some basic terms, significant for the regulation.

1. „*Mountain trail*“ is land on hill or mountain space, which can be spread on the area of national parks and other protected areas, and which is prior intended for moving of people for tourism, recreation and sport needs

¹ Hereinafter: Agency

² Law on mountain trails, “Official Gazzete of the Republic of Macedonia”, N.38/14, 146/15

2. „Host of mountain trail“ is mountain or bicycle sport club, registered in accordance with Law on sport³ and is a member in Federation of mountaineering sports of Macedonia or in Cycle Federation of Macedonia, and also, other legal entity formed in accordance with Law on associations and foundations⁴, and which performs activities related to making, marking, maintenance, usage, and keeping of mountain trails, in the duration of minimum 3 years.

3. „User of mountain trails“ is a person, who uses the trail for hiking, mountaineering, sport, recreation, running, mountain cycling or other confirmed activities.

4. „Maintenance“ is ensuring of conditions need for mountain trails, that should be ready and usable, and also maintenance of its infrastructure.

The structure and network of mountain trails

According to legislation, the structure of mountain trail is consisted of these parts:

1. *The start of mountain trail – Portal*, is with table and data for length, heaviness, time needed for pass the trail, the host of trail with contact for help, and infrastructure of trail;

2. *The Alignment of mountain trail – Itinerary*, is a strip of land through which the user passes, on which control points with markings can be placed and on which infrastructure can be set up;

3. *The Finish line of trail – Goal* is the end of the route of the trail on which a table board is marked indicating the end of the trail, and which contains data on the length of the trail, the heaviness of the trail, the time required for passing it, the host's name with contact phone number at case of any needed assistance or help, as well as other data;

4. *The Infrastructure of trail* is signaling, tourist information boards, landscaped vistas, recreation areas, outdoor classrooms, tents, natural and artificial shelters, small bridges on small rivers, watercourses (fountains, wells, springs, etc.), protective equipment (cables, ladders, etc.)

Mountain trails are organized in National network of mountain trails and local networks of trails, which are confirmed by the Government, on proposal of The Agency, which maintains unified Register of mountain trails.

³Law on sport, “Official Gazzete of the Republic of Macedonia”, N.29/2002, 66/2004, 83/2005, 81/2008, 18/11, 51/11, 64/12, 148/13, 187/13, 42/14, 138/14, 177/14, 72/15, 153/15, 6/16, 55/16, 61/16, 106/16, 190/16

⁴Law on associations and foundations, “Official Gazzete of the Republic of Macedonia”, N. 52/10, 135/11, 55/16

Establishing and arranging of mountains trails

Everybody has its right, and Agency itself, for giving a proposal for establishing a mountain trail to the Agency, with stating of description of trail, geographical spacing, categorization in accordance with purpose and heaviness, flora and fauna on that space, map of trail, and tourism interest for the landscape that trail crosses and making a Elaborate with these data.

Agency has the obligation, in the term, no longer than 30 days, to give an opinion for the Elaborate, whether to pass and place the trail in Register, or refuse it.

Arrangement of mountain trails involves determining their passage, setting appropriate signalization, signposts and other markings intended for orientation and inform users, placing appropriate protective equipment at danger locations, for the need of its safe use, other equipment (benches for rest, sightseeing, etc.), as well as maintenance of mountain trails and their infrastructure.

Marking and maintenance of mountain trails

The way, form and content of signalization and marking, is in accordance with international standards for signalization and marking of mountain trails and paths.

The Agency may entrust the maintenance of the mountain trails that are part of the National network of trails to the host through a public announcement. Local mountain trail networks that extend outside the national parks and other protected areas are maintained by the municipalities through the selected host.

With the chosen host, the Agency concludes a contract for maintenance of the track which cannot be shorter than 5 years or longer than 10 years.

The host is obliged to maintain the mountain trail, not to change the geographical features of the area, not to deteriorate the water, forest and agricultural characteristics of the land and not to endanger the existing state of the environment, and is also obliged to present the cultural and natural wealth that exist in the areas along the mountain trail.

Classification of mountain trails

There are different classifications of mountain trails and paths.

According to the *purpose*, mountain trails and paths can be classified into:

1. *Hiking trails* - arranged trail in mountain which use requires physical preparation and training of users, but not use of special auxiliary equipment used for mountaineering;
2. *Cycle paths* - a path that is arranged and intended for using by a bicycle;
3. *Walking paths* - a path in nature, and no special physical preparation and training of the user is required for its usage, according to the characteristics of the terrain;
4. *Paths for special purposes* - recreational, ecological, educational, athletic, speleological and research.

According to heaviness, mountain trails can be categorized as: easy, medium, and heavy, besides paths for special purposes which should be always easy. The heaviness is determined by the size of risk for users, special equipment needed for trail, and knowledge and experience of users. The categorization of mountain trails, according to heaviness is done by the Agency.

Usage of mountain trails

The mountain trails can be used for personal needs, for sporting purposes, for tourist and recreational purposes and can be part of the tourist content and offers in a particular area. Users use the mountain trails at their own risk and are obliged to use them so as not to endanger themselves, or the lives of others, in any way restricting access to the trails, damaging, removing or destroying marks, signs for direction, informative tables and boards. Flora, fauna and the land through which the mountain paths pass must not be damaged.

It is necessary when tourist information boards and maps for the trails are placed, to indicate their category, as well as appropriate warning for using the trail at their own risk if needed, and that should be written in Macedonian, and other languages that are used in some municipalities, and at least two other world languages which are in official use in the E.U.

Temporary and permanent closure of mountain trails

The host is obliged temporarily, partially or completely to close the mountain trail if due to a change it has become dangerous for the users, due to fire or fire protection, or damage to the protective equipment is such that the mountain trail cannot be used, or when more work for reconstruction is needed to maintain it. An appropriate prohibition sign shall be affixed to it. In case of closure of the mountain trail the ban will continue until the

reasons for its closure are removed, and in term of 48 hours of closure to inform the Agency or municipality.

The Host has obligation at least once a year to give a Report to the Agency, about the situation, infrastructure of mountain trails for which is responsible, for costs, for estimation of total number of users/visitors in the past year. The financing for maintenance, marking, and keeping of The register of mountain trailson national level is financed by State Budget, and on local level by local municipality budgets.

The supervision over implementation of Law on mountain trails

The Supervision over the implementation of the Law on mountain trails is done by the State Nature Inspectorate. Supervision in forest and mountain areas is carried out through the State Forestry Inspectorate. The State Agricultural Inspectorate supervises the areas of state pastures. Implementation at the local level is carried out through authorized environmental inspectors and local public inspectors.

In performing supervision, state inspectors have the right to inspect and control and to determine whether the hiking trail within the protected areas is regulated and maintained, also if it is used and properly marked in accordance with the Law on Mountain Trails.

In performing the supervision, the inspectors will pass a decision, and with that it will oblige the Host, the User or the Agency, to remove deficiencies and to determine measures and deadlines for their realization.

During the performance of supervision, inspectors have rights fortaking other measures specified in the Law for the environment⁵, Law for nature protection⁶, also Law on forests⁷, Law on Forestry and Hunting Inspection⁸, and Law on pastures.⁹

⁵Law for the environment, "Official Gazzete of the Republic of Macedonia", N.53/2005,81/2005,24/2007,159/2008,83/2009,48/10,124/10,51/11,123/12,93/13,187/13,42/14,44/15,129/15,192/15, 39/16, 99/18

⁶Law for nature protection, "Official Gazzete of the Republic of Macedonia", N. 67/2004,14/2006,84/2007,35/10,47/11,148/11,59/12,13/13,163/13,41/14,146/15,, 39/16, 63/16, 113/18

⁷Law on forests, "Official Gazzete of the Republic of Macedonia", N. 4/2009, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 39/16

⁸Law on Forestry and Hunting Inspection, "Official Gazzete of the Republic of Macedonia", N. 88/2008,6/10,36/11,74/12,164/13,43/14,33/15,149/15, 53/16, 83/18

⁹Law on pastures,"Official Gazzete of the Republic of Macedonia", N. 3/98, 101/2000, 89/2008, 105/2009, 42/10, 116/10, 164/13, 215/15

All these measures and activities are performed under the legal procedure from Administration law, and further it can be punished of appropriate tort fines defined in accordance with newly passed Law on torts¹⁰. The Tort procedure, the settlement procedure, and tort sanction is sentenced by the Commission for environmental torts, which is a part of Ministry of environment and Physical Planning. There are, of course, serious violations, and they are regulated as separate criminal offenses in the field of environment and nature protection for which courts are competent in appropriate judicial procedure.

CONCLUSION

In accordance on all that was analyzed above it can be concluded that:

1. The Law on Mountain Trails contains numerous provisions that are completely related to the determination of mountain trails. It defines key terms, structure and network, Register, its establishment and arrangement, marking and maintenance, provisions for its classification and categorization, as well as other issues relevant to its use. In this way, greater protection of nature and prevention of negative effects on biodiversity will be achieved.
2. The adoption of the Law on Mountain Trails gives hope that conditions will be created for the development and promotion of mountaineering tourism in Macedonia, by creating safe conditions for using the hiking trails.
3. The Law on mountain trails aims to ensure the sustainable use of natural wealth for the benefit of present and future generations, without significant damage to parts of nature and disturbances of natural balance.
4. The remarks to the Law, point out that there is no mention of security in mountains and also the tourist offer which is not present at any point in the law. There is a remark on the lack of clarity in the provisions relating to mountaineering guides, must be elaborated. This is a specific matter, which may not include improvisations.
5. The tourism development in the world is directed particularly of these alternative forms of tourism. Macedonia is especially rich with this kind of alternative forms for the tourism development, and because of that more must be done for promotion of such forms. This is only one segment of the whole chain.

¹⁰ Law on torts, "Official Gazette of the Republic of Macedonia", N. 96/2019

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