

To the President of the
National Institute for the
Conservation of Nature and
Biodiversity
Rua de Santa Marta, 55
1169 - 230 LISBOA

16th of March 2009

Matter/Issue: Request for information and changes about the so-called Visitation Fees and for a meeting (English version, translated from the original Portuguese version, dated 16th of March).

Dear Sir,

As Nature Photographers, either professional or amateur, we are writing to request for the clarification and even for changes on the so-called *Table of Visitation Fees of the ICNB* (National Institute for the Conservation of Nature and Biodiversity, in Portuguese), published during December 2008, for the reasons that we present below. In our opinion, the application of these fees will have serious implications, not limited to the photographic record of Nature (in its several views and ways). These extend to the record of the human, social and cultural national patrimony, fundamental to the protection of local development, the improvement and diversification of tourist offer and activity.

After the publication of the *Table of Fees* in the site of ICNB, and the later publication of clarifications in the form of questions & answers in the same site, we not only believe that such information is too scarce and very unclear, but also totally unadjusted to and dismissing of our activity and of the true realities in the protected areas of our country.

We show some examples of a set of questions that we wish to present to you and to the Institution that you direct:

1. **On the definition:** What is meant by the so-called *photography sessions and/or filming associated to economic activities*, in the referred table? Is it intended to include editorial photography, totally distinct from commercial/advertising photography in the way that they make use of these areas? Isn't editorial photography fundamental for the preservation, information and record of Nature and even of the respective cultures and peoples? Is photography for academic purposes,

e.g., for biology, zoology, botanics, sociology, anthropology, that may even result in the publication of a book or in the financing of research groups, also affected? And how is the amateur photographer seen, that might later win a cash prize for his/hers photographs, or later have his/hers photographs given a commercial value?

2. **On the focus on photography:** What are the objective reasons for the fees to refer to *economic activities* related to photography/video filming, apparently favouring other equally legitimate and value-adding activities such and painting, drawing, capturing of sounds or writing?
3. **On the covered areas:** Is it legitimate to affect photography in private land, inside the protected areas, even if the land owner has explicitly and in writing authorised the photographer? Or even if the land owner does wish to promote his/hers spaces and embedding cultures? Is this table also to be applied to *baldios* (wasteland of national specific public jurisdiction), or along public paths and ways? If this is so, does it not go against the most fundamental principles of praising, promoting and protecting social, cultural, natural and even private patrimonies? How does the ICNB interpret the capturing of images of a protected area, but from outside the borders of its geographical limits? And how about the capture of the nocturnal skies above a protected area?
4. **On control:** Who will control these activities in the field? How will the controlling people objectively and legally take action, distinguishing *photography for economic purposes* from any other? What criteria will be those people advised to follow to go forth with correct and legal action? What actions does the ICNB intend to undertake for whoever will be photographing without having paid any fee, after proving that he/she should pay?
5. **On the payment of fees:** How is the time spent for photographing accounted for, keeping in mind that frequently the photographer has to remain at the same location for days, many times not being able to capture any photographs. What are the objective criteria that led to the tabled fee values and timings?

The objective of us placing these questions, at this time, is that of stimulating the constructive, civic and urgent debate between the ICNB and the people that, allegedly, those fees are directed to. This, we believe, is in total favour of the protected areas with which we all, either institutionally or civically, worry about and see that are deteriorating.

In order to try to contribute so that the ICNB may revise the referred table, and even its application, to be adequate to reality, we hereby leave some suggestions as basis for work:

- The ICNB should discuss these matters with the professional Nature photographers, the local communities and public institutions (as Town Halls and Associations), acting in their name and in the name of the citizens that aim at making a photographic record of the protected areas. This should be done so that any rules that limit photography/filming in the protected areas are truly adequate to reality;
- Such rules should not be applied arbitrarily to any photographer that captures images in those areas, but only to those that require services of ICNB, either because those activities occur in non-public and protected locations or that demand for monitoring by its workers, or because it involves heavy equipment and physical means that do not belong to the surroundings. These criteria should be specified and published in a clear and objective way;
- We also put forward that ICNB, regarding this matter, bases their fee charging model on those that have steadily proven to be sustainably applied in other countries, particularly the United States case, published in the internet at <http://home.nps.gov/applications/digest/permits.cfm?urlarea=permits>. This model, after many years of experience and demonstrated practice, has been in the basis of the concept of *National Parks* worldwide. Through many photographers' work and by this model, it has also allowed them to help call people's attention to the matter of Nature Conservancy in their own country.

Once more, we recall that our objective with this letter is to ask and provide ICNB the opportunity to clarify the questions hereby raised and even to correct some of the alleged implications. This is fundamental for us all to be able to continue to use, admire, register and actively protect these areas in Portugal. Further, we show our open interest in finding solutions among the photographer's community in these areas and ICNB, with sustainable and necessary benefits to us all, as citizens. We do not find that it is legitimate, as being fundamental pieces to attain those grand objectives, to run the risk of being accused of perpetrating *illegal* activities. By this constructive and civic way of reasoning and by these objectives, we hereby urge you for a meeting, with total openness and sense of construction and civic action.

Yours Sincerely,