



THE NATURA 2000 NETWORK IN SPAIN AND ITS LACK OF PROTECTION

Manuel Cabalar FUENTES

University of Santiago de Compostela, Department of Geography, Spain,
manuel.cabalar@gmail.com

Miguel Pazos OTÓN

University of Santiago de Compostela, Department of Geography, Spain,
miguel.pazos.oton@usc.es

Francisco José Armas QUINTÁ

University of Santiago de Compostela, Department of Geography, Spain,
franciscojose.arms@gmail.com

Xosé Carlos Macía ARCE

University of Santiago de Compostela, Department of Geography, Spain,
xosecarlos.macia@gmail.com

Abstract

Protected Natural Areas are one of the most frequently used tools for preserving the main natural features of a territory. Over time their focus has evolved from a prevalence of basically aesthetic criteria (spectacular landscapes with picturesque features such as high mountains, thickly wooded forests or rugged coastlines) to a more global vision that includes the conservation of the diversity of habitats present in any given territory. In the case of Europe this point of view crystallised in the setting up of the Natura 2000 Network, with the ambitious aim of creating a continent-wide network of Protected Natural Areas that will include examples of all the different kinds of habitat to be found in the Old World. Its implementation in Spain means extending protected area status to approximately 28% of the territory, a significant proportion. However, for this protection to be effective it needs to go beyond a mere legal declaration and deploy a proper framework to ensure the active management not only of each individual area but also of the Network as a whole. Although the Natura 2000 Network came into being some years ago, a large proportion of the Natura 2000 Sites in Spain currently lack any form of planning and management, making them potentially vulnerable to numerous threats and impacts that may eventually have a serious effect on them. The purpose of this article is thus to reveal the lack of protection afforded to these spaces, citing specific examples, and to propose corrective measures to improve the current situation.. The region of Galicia (NW Spain) is taken as a case in point, it being one of the self-governing regions in Spain where this problem is most apparent.

Keywords: *Natural Protected Areas, Natura 2000 Network, planning and management, environmental impact, Spain, Galicia.*

1. INTRODUCTION

The Natura 2000 Network, as an international network of Protected Natural Areas (PNA) with the primary aim of protecting biological diversity and the habitats that sustain it, is the culmination of a lengthy process of creating protected areas in Europe. The concepts and ideas that have underpinned the successive stages in which PNAs have been established have varied considerably over the years.

At the outset an aesthetic vision held sway, in which the greatest importance was attached to grandiose natural phenomena, such as towering mountains, leafy forests or roaring waterfalls. This concept accompanied the birth of the first PNAs in North America during the second half of the 19th century (Yellowstone National Park, 1872), a land of vast expanses of almost virgin territory of overwhelming beauty in the eyes of white men, who were stunned by such prodigies of grandeur. This idea was later transferred to Europe, almost word for word, at the beginning of the 20th century (MULERO, 2002; DIEGO & GARCÍA, 2007).

Nevertheless, it soon became clear that it would be an extremely complicated matter to apply a policy of creating PNAs inspired by the '*spirit of Yellowstone*' in the Old World. As a space of age-old and intensive human habitation, untouched and unspoilt virgin territory was in reality almost non-existent, except for certain inaccessible last redoubts. Furthermore, within the heart of the conservation movement the belief was gradually growing that what really mattered was not to preserve these impressive natural landscapes, but rather the biological treasures they contained, their wealth and variety of flora and fauna, in many cases seriously threatened by the growing pressure of intensive and extensive human activity on geographical space (MULERO, 2002; DIEGO & GARCÍA, 2007).

Thus, the priority for creating PNAs the world over gradually veered towards concepts as currently fashionable as 'biodiversity', 'representativity' or 'connectivity', ideas which in Europe culminated in the birth and implementation of the Natura 2000 Network following the adoption of the Birds Directive (Council Directive 79/409) and the Habitats Directive (Council Directive 92/43), which together constitute one of the most ambitious nature conservation projects the world has ever known.

2. THE ROLE OF NATURA 2000 IN NATURE PROTECTION IN SPAIN

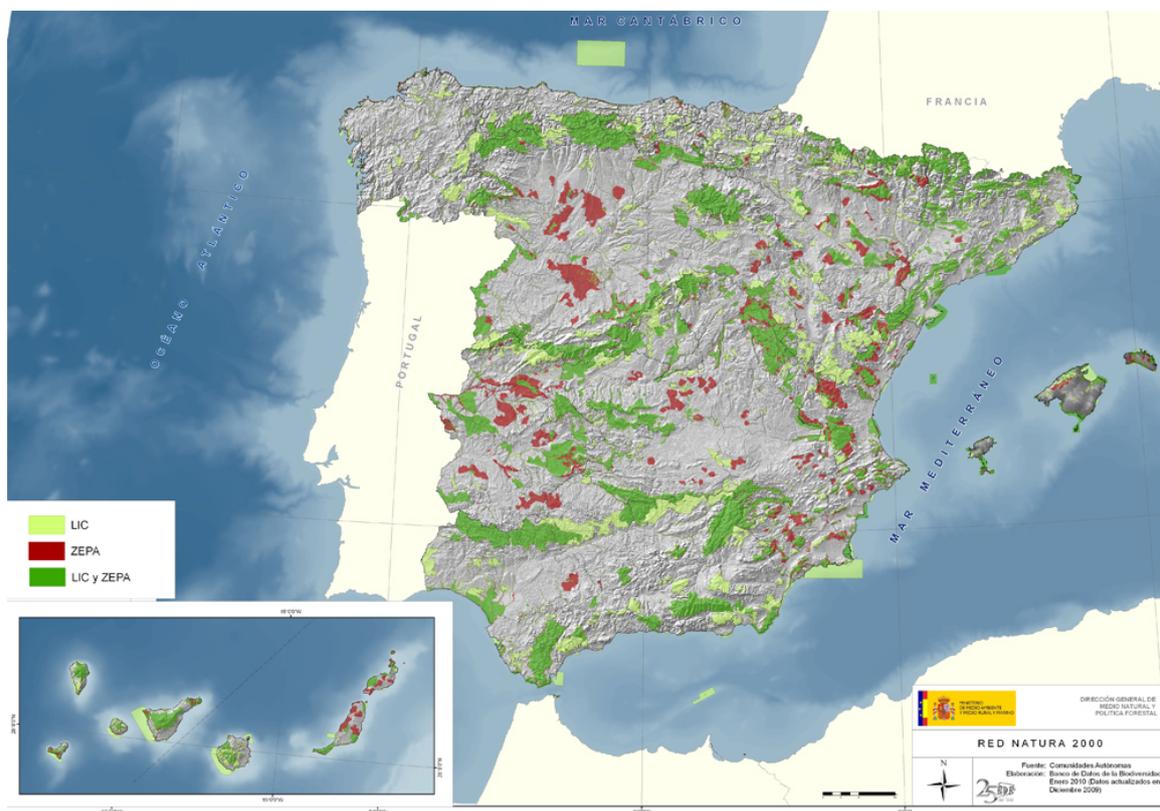
As we saw in the previous section, Natura 2000 is based on a holistic interpretation of nature protection that places great emphasis on the diversity of habitats and species as well as the relation between them, as the final outcome of a long historical process summarised above. Natura 2000 is an extremely ambitious project, one which when it finally becomes fully operative will provide an essential and historical buttress for the protection of Europe's natural heritage and make a major contribution to safeguarding the natural heritage of our planet.

All the authors who have analysed the question of the introduction of Natura 2000 in Spain agree on the extraordinary contribution it has made, at least from a quantitative point of view (MULERO, 2002, 2004; CORRALIZA et al., 2002; DIEGO & GARCÍA, 2007; HERRERO, 2008). The figures speak for themselves. According to data on Spanish PNAs given in the EUROPARC-España 2009 Yearbook, the territory enjoying Natura 2000 protection in Spain represents nothing less than 28% of the country's total surface area (Fig. 1), meaning that Spain is the EU Member State that contributes the greatest surface area, in absolute terms, to the network (approximately 14 million hectares; EUROPARC-España, 2010). This generous contribution can largely be

explained by Spain's great biological wealth, accounting for 60% of the habitats and 40% of the species of flora and fauna included in the annexes to Council Directive 92/43, more commonly known as the Habitats Directive, responsible for regulating Natura 2000 (HERRERO, 2008). Nevertheless, whilst fully recognising the great value of this contribution, there are those who are critical of its excessive size and the enormous problems involved in managing such an expanse of territory. For example, Mulero (2004) makes the penetrating observation that such a large area of protected territory is in itself a contradiction, because "how can certain habitats be considered to be threatened when they occupy such enormous areas of space?" (p. 183).

The process of determining the Spanish proposal for Natura 2000 has taken a certain amount of time and has had its share of problems. To begin with, each self-governing region was responsible for drawing up a list of sites within their territory for inclusion in the network, this list then being sent to the central government before finally being passed on to Brussels for evaluation. The self-governing regions did not adopt a common criterion for this task, instead basically choosing one of two different approaches: some only included the PNAs they already possessed, whilst others stuck more closely to the postulates of Council Directive 92/43 and proposed areas in which

Fig. 1. Natura 2000 Network in Spain



the habitats and species included in the annexes of the said directive were to be found (MULERO, 2002; HERRERO, 2008; PAÜL & PAZOS, 2010). This latter approach was adopted by Galicia, which took advantage of the opportunity to enlarge its protected areas from a starting point of only 2% of the territory to the current 12%, more in agreement with internationally recommended standards (the IUCN, for example, sets a target of 10%). Furthermore, the Spanish proposal has been revised and modified on several occasions. The initial list, produced in 1998, included 7.2 million hectares to be protected, which were then increased to 14.2 million hectares in 2000 and a year later, in 2001, reduced to 11.5 million hectares, the equivalent of 22% of Spanish

territory (MULERO, 2004). At present, after the latest modifications, Spain's contribution to the Natura 2000 Network stands at 28% of its territory (EUROPARC-España, 2010).

This is the focal point of this study, and one which will be the subject of further analysis in the following sections.

3. THE PLANNING AND MANAGEMENT OF NATURA 2000 AREAS IN SPAIN: A CRITICAL VIEW

In the opinion of those who have studied the subject, the introduction of Natura 2000 in Spain has been affected by various serious inherent problems that threaten its very viability (CORRALIZA et al., 2002; MULERO, 2002, 2004; DIEGO & GARCÍA, 2007; HERRERO, 2008; CABALAR, 2010). The first of these was the delay in transposing the Habitats Directive into Spanish law, this not being done until 1995 (with certain subsequent amendments), the consequence being an equivalent delay in its coming into operation. Nevertheless, in our opinion this is only a minor problem in comparison with others we will be dealing with below.

Another obstacle has been the almost total lack of information given to local residents. It was deemed unnecessary to consult them during the proposal stage for Sites of Community Importance (SCI) because the decision did not depend on it, but consultation will now become essential when it comes to implementing effective management actions for this sites. Herrero (2008) currently points out three different situations in this regard (pp. 101-102):

- a) Ignorance: the local population is unaware that their land is included in a Natura 2000 area.
- b) Rejection: opposition from local residents due to a conflict of use between the aims of the network and certain economic activities, to the extent that in some areas associations of those affected have been formed.
- c) Contradictory feelings: in certain cases areas may contain residents who will benefit from subsidies or the possibility of economic development following their inclusion in the network, and other sectors of society who would be against this inclusion if it hinders them from undertaking a given profit-making activity.

One of the major reasons underlying the creation of the Natura 2000 Network is the conservation of the age-old secular heritage that has arisen out of the relationship between mankind and the environment in Europe, in addition to the encouragement of local development. And since Natura 2000 sites include centres of population and a multitude of economic activities, public participation is essential if they are to function properly. Precisely one of the management paths that is currently being given the most serious consideration is that of direct public participation through actions for "*custody of the territory*", by which landowners undertake to look after their land according to guidelines provided by a "*custody agency*" (normally a non-profit organisation, whether public or private), in exchange for certain benefits accruing to the owner (HERRERO, 2008). These practices have long since proved to work successfully in places such as the UK (The National Trust) or in the case of Spain, Catalonia (initiatives promoted by the *Fundació Territori i Paisatge*). The concept of "*custody of the territory*" as an instrument for nature conservation is even included in the current Spanish Nature Conservation (Law 42/2007, on Natural Heritage and Biodiversity; Art.

72). Indeed, application of this measure is seen as one of the preferred solutions for the future management of the Natura 2000 Network.

Another setback, and this time a major one, is the matter of funding. Here pessimism reigns supreme (CORRALIZA et al., 2002; MULERO, 2002, 2004; DIEGO & GARCÍA, 2007; HERRERO, 2008; CABALAR, 2010; EUROPARC-España, 2010). The EU remains reluctant to establish a specific fund for financing the network, advocating instead for a system of co-financing through existing lines of funding (LIFE, FEOGA), which is manifestly insufficient, especially when taking into consideration the huge dimensions of the network in Spain and the budget shortcomings in the self-governing regions, which are responsible for the planning and management of PNAs. And to make things worse, the current adverse financial scenario makes the outlook even more negative. Although Law 42/2007 envisages, in Article 74, the creation of a Fund for the Natural Heritage and Biodiversity, which amongst other actions would be responsible for funding the Natura 2000 management plans and instruments, it is our belief that the current situation makes it extremely difficult for it to be endowed with an adequate budget and become a reality.

All these considerations do but lead us to the heart of the problem, namely what form will the planning and management of the Natura 2000 Network take in Spain, and what is the current status? First of all, we must remember that it is the self-governing regions that are responsible, not central government¹, since powers in this field have been transferred to them. This poses the first problem, because generally speaking there has been a lack of coordination between the regions when it came to implementing the process, only loosely defined in the Habitats Directive, which goes little beyond the determination of habitats and species to be protected (MULERO, 2004; HERRERO, 2008). Each region has gone its own way, this being clearly evident in the fact that only five self-governing regions include a specific figure of protection for Natura 2000 sites in their environmental legislation, these being Andalusia, Cantabria, Extremadura, La Rioja and Galicia (EUROPARC-España, 2010). The specific problems of this latter region will be considered, as a case in point, in the following section.

The importance of this issue is, however, somewhat lessened if we consider that many of the Natura 2000 areas overlap with protected areas that already existed. Taking his data from the EUROPARC Yearbook for 2005, Herrero (2008) points out that 70% of the Natura 2000 Network in Spain coincides with pre-existing PNAs, most of which already had some kind of planning and management system in place². Nevertheless, this overlap does not occur to an equal extent in all self-governing regions, meaning that the Natura 2000 areas that do not coincide with pre-existing conservation areas are subject to a precarious status of preventive protection that leaves them at the mercy of many and various threats and impacts. To give but two examples, in Aragon the protected surface area excluding the Natura 2000 areas is only 3.18% of the total, the figure rising to 28.8% when they are included; or that of the Region of Madrid, where the percentage leaps from 13.77% without Natura 2000 to a remarkable 40.15% when it is included.

However, the situation is not much better in those self-governing regions in which Natura 2000 areas enjoy some form of legal protection. This is the case of Galicia, whose problems we shall now attempt to analyse and reveal.

¹ Nevertheless, the Spanish law provides in Article 41 for the drafting of Conservation Guidelines for the Natura 2000 Network as an outline framework. These are yet to be approved.

² Since the aims of Natura 2000 and those of pre-existing PNAs do not necessarily coincide, it was decided in most cases to adapt the management of the latter to the Habitats Directive (HERRERO, 2008).

4. THREATS AND IMPACTS ASSOCIATED WITH THE LACK OF PLANNING AND MANAGEMENT OF THE NATURA 2000 NETWORK. THE CASE OF GALICIA

In theory, Galicia is one of the self-governing regions in which the status of the Natura 2000 Network is most favourable. Indeed, as has been pointed out above, its legislation includes specific legal protection for the areas forming part of this pan-European network, in the form of the “Special Conservation of Natural Values Area” (Article 16, Law 9/2001 on Nature Conservation in Galicia), with a clearly defined function: “Special Protection of Natural Values Areas are those which due to their values or interest... make it necessary to ensure their conservation and which do not enjoy any other form of specific protection” (16.1); rounded off by section 16.3 which states the following: “also to be included are the Special Conservation Areas that form part of the Natura 2000 Network... and which do not enjoy any other form of protection as established under this law”.

Natura 2000 thus enjoys legal protection in Galicia, as well as forming part of the Galician Network of Protected Natural Areas, as provided for by the same law in Article 10, where it states that the network is made up of the protected areas declared as such under one of the various forms admitted by the law, one of these being the Special Protection of Natural Values Area.

This notwithstanding, the real situation is far from positive. The protection enjoyed by Natura 2000 areas is but nominal, or to put it more bluntly, only exists ‘on paper’, since it goes no further than the mere declaration of them as Protected Natural Areas. There is no kind of planning and management whatsoever, no infrastructures or basic services, nor personnel to look after them (with the exception of those areas that overlap with National Parks or Nature Reserves). The fact is the law has been flagrantly breached in one crucial aspect. Article 31 of this piece of Galician legislation refers to the planning instruments for the region’s Protected Natural Areas, one of these being the Conservation Plan, which according to the law has to be approved in those areas that are neither National Parks nor Nature Reserves within a maximum period of two years as from the date of their being so declared (Articles 31.3 and 37.2). That having been said, the Natura 2000 areas were declared Special Protection of Natural Values Areas in 2004 (Decree 72/2004), and at the time of writing (the year 2010) no Conservation Plan has yet been approved. It is true to say that there was an attempt to set up a Master Conservation Plan for the Natura 2000 Network in Galicia in order to lay down general guidelines for the use and monitoring of these areas (DE UÑA, 2008) and, in particular, to regulate their degree of conservation, prevent any kind of action that might modify the values of the area and determine the type of land use for each area (LA VOZ DE GALICIA, 28-4-2007). This plan, however, has not yet materialised, at least for the moment.

In brief, the Natura 2000 areas in Galicia come under the legal protection offered by the figure of Special Protection of Natural Values Area, which by definition is extremely loose. This protection, more virtual than real in our opinion, leaves these territories in a delicate position. Their protected status is by no means clear either for the population as a whole or their inhabitants, who are highly sceptical about Natura 2000, due to the lack of information, erroneously believing that their way of life is threatened by all sorts of prohibitions that do not in fact exist. Although this lack of information may be initially justifiable in the selection and delimitation process of the sites proposed for inclusion in the network (HERRERO, 2008), it is nevertheless a serious structural problem that may even compromise the viability of the project itself, particularly in a

territory as cultivated as Galicia and when one of the expressed objectives of Natura 2000 is the welfare of local populations. Paül & Pazos (2010) quite rightly observe that the fact of making the plans for delimiting the Natura 2000 areas public after having been declared Special Protection of Natural Values Areas is an attempt to divulge the existence of the network and make people more familiar with it. Nevertheless, there is still much to be done before the presence of the network becomes a more or less generalised reality among society as a whole, rather than just the domain of and known to specialists in the subject and a few well-read and well-informed individuals.

Although this lack of knowledge amongst the general population is a matter of the greatest importance, even more delicate and deserving of analysis is the fact that numerous threats and impacts beset and at times affect the Natura 2000 Network in Galicia as a result of the laxness of its protection, a general lack of knowledge and the absence of conscience of certain agents in the private sector who are destroying many sites as the result of extremely harmful profit-making activities in the face of the passivity (and even the acquiescence) of the authorities. This is the main theme of this study, and one we will now proceed to deal with in detail.

In the first place, it is necessary to point out the curious fact that very few academic studies on this topic have been published, most of which appear in works of a more general nature on Protected Natural Areas (some of which have already been referred to in this study), whilst the number of works specifically devoted to the subject is much fewer (notably Herrero, 2008 or Mulero, 2004, already mentioned; or Cabalar (2010), which deals specifically with the case of Galicia, but from a descriptive standpoint). Much more numerous are articles in the press and studies and reports by nature and environmental groups, which from the outset warned of the serious events that were occurring and tried to keep the general public informed. In this regard, of particular importance is the role played by the Association for the Defence of the Environment in Galicia (ADEGA), one of the earliest environmental organisations to be founded in Spain, which has insistently denounced obvious impacts on Natura 2000 areas in Galicia and carried out a variety of actions to bring attention to their plight. Drawing on this range of sources, as well as on our own personal experience and knowledge of Galicia, we will draw up a list of the most striking threats and impacts. We will follow the convention of dividing the Natura 2000 areas in Galicia into coastal, upland and river areas, describing a major impact on each of them, namely large-scale fish farms, open-cast quarrying and small hydroelectric power plants, respectively.

a) Large-scale fish farms in coastal areas:

The Galician coastline is the longest in Spain, over a thousand kilometres in length and containing all the variety of land-sea interfaces imaginable: large beaches, high cliffs, estuaries of all sorts and sizes, archipelagos of enormous value in landscape and biological terms (Atlantic Islands of Galicia National Park) and numerous wetlands alternate along its length. The most outstanding feature, however, are the *Rías Baixas*, a series of broad inlets running deep inland, created by a variety of geological processes and home to a wealth of biodiversity that has made Galicia a power of the first order in the fishing and seafood industries. At the same time, the coast also contains the most densely populated and built-up areas in Galicia, particularly in the *Rías Baixas* themselves, although other stretches of the Galician coastline, e.g. the *Costa da Morte*, much less densely populated, have been able to preserve their more natural and wilder aspects to a greater extent. We have just said that Galicia is a fishing power, which is true. However, overexploitation has brought many

fishing grounds to the brink of collapse (as is the case the world over, if the truth be told) and made it necessary to look for alternative sources of supply for fish and seafood, the most popular being captive breeding in fish farms. In recent years the Galician coastline has been in the sights of many companies operating in this sector and who would like to start operating in the region. At first sight this appears to be a positive phenomenon (an alternative to the plundering of natural resources), but the problem lies in the fact that the places they have chosen to locate their activities are Natura 2000 areas, and the farms themselves have an enormous impact on the landscape. A paradigmatic example is the fish farm now in operation at Cape Vilán, one of the oldest protected areas in Spain (declared a Natural Site of National Interest in 1933) and one of the most beautiful spots along the *Costa da Morte*, now part of the Natura 2000 Network. The controversy surrounding its construction and operation in such a unique spot was closely followed by the press, which at the time gave coverage to the opposing stances of the local authorities, backed by the majority of the population (in favour of the project) and scientists and environmentalists (openly against it). Then, almost one year later, with construction work under way, news reports began to appear questioning the environmental impact of the construction process and the suitability of the site chosen (LA VOZ DE GALICIA, 30/9/2002). The company's spokespersons defended the viability of the fish farm, sheltering behind the corrective measures that had been taken and the authorisations received from the Regional Department of the Environment to construct the plant. They asserted that the choice of Cape Vilán for siting the farm was due to the excellent quality of its waters, essential for rearing fish. Local politicians also defended the project stoutly, with the councillor for fisheries in Camariñas, the municipality to which Cape Vilán belongs, voicing her full support "*because the benefits are enormous*" (LA VOZ DE GALICIA, 30/9/2002), especially with regard to the creation of employment. But when the fish farm opened, reactions of a different sort started to appear, the most important being that of ADEGA. On the very day of the official opening it sent out a press release stating its concern and discontent, summarising its opinion. Whilst recognising from the outset the importance of aquaculture for the future of Galicia, the core message of the release revolved around its criticism of the site chosen, a privileged setting from the point of view of landscape and nature, as well as coming under the protection of the Natura 2000 Network. They criticised the authorities for the lack of funding available for promoting other sectors that could benefit from the potential offered by this part of the coastline (fishing, shellfish gathering and tourism) in a more socially and environmentally sustainable way, with greater respect for the surroundings. Over the ensuing years further projects for installing more fish farms in particularly sensitive locations along the Galician coastline continued to put forward. Of particular importance was that intended for Cape Touriñán, the most westerly point in Spain and one of the best preserved sites on the Galician coast, which after a lengthy tug-of-war has as yet to receive the go-ahead.

b) Open-cast quarrying:

One of the most serious environmental threats affecting upland areas in Galicia, these enormous scars have a brutal impact on the landscape, whilst their waste products (massive spoil heaps and sludge that pollutes water courses) are extremely harmful. Furthermore, when a quarry is worked out it is no easy

business to restore the site from an environmental point of view. One has to remember that the economic activity in question and the jobs it provides are of vital importance for the municipalities in which these quarries are located, but we greatly fear that this is only a short-term benefit that will lead to penury in the future when quarrying activity ceases. We will then be faced with a scenario of complete abandonment that will leave a shattered and totally non-productive territory in its wake. This problem is particularly serious in the case of the Serra do Courel, one of the Iberian Peninsula's biodiversity 'hotspots' due to its unique lithological characteristics (a mixture of limestone and siliceous rocks) and its status as a meeting-point between the Atlantic and Mediterranean worlds. It is precisely these lithological riches that have attracted mining companies that have obtained permission to literally open up these mountains and mine rock in open-cast quarries, with the logical destruction of landscape and territory. This situation has been repeatedly denounced by environmental organisations, which have revealed not only the enormous impact caused but also, and more particularly, the lack of respect for the law that these quarries represent, adopting a bulldozer approach to the Serra do Courel's protected status with the connivance of the regional authorities, which have even granted licences to prospect for new quarries (RODRÍGUEZ, 2007). Particularly active in their task of denouncing this situation is the environmental group 'SOS Courel' (who have an Internet blog at soscourel.blogspot.com): their latest action was to file a formal complaint, which has been declared admissible, with the European Union on 17 March 2010 against the "generalised destruction" being experienced by this area (LA VOZ DE GALICIA, 14-09-2010). Nevertheless, the threat of quarrying continues to hang over other sites such as Pena Trevinca, another well-preserved upland area that is also part of the Natura 2000 Network (DE UÑA, 2008).

c) Small hydroelectric power plants:

In the 1950s and 1960s the Franco regime launched an intensive campaign to build dams in almost all of Spain's major rivers with the dual aim of supplying power for the country's growing industrial base and feeding new irrigation projects over wide areas of land. This process also affected Galicia, with various dams being built that drowned whole villages and swathes of fertile and highly productive agricultural land. Smaller water courses escaped this process and maintained an acceptable level of conservation. In recent years however, the Galician regional government has put its weight behind a new policy of building small hydroelectric power plants on these rivers, threatening substantial stretches of water, a policy that cannot be justified by a shortage of electricity (indeed, Galicia produces more power than it can consume). Once again, it has been environmental groups that have led the moves to denounce this situation, thereby to a great extent preventing even worse disasters. The 'Proxecto Ríos' initiative, backed by ADEGA and launched in 2004, has as its declared aim the "awareness-raising, education and public participation in defence of our rivers. This will be done by carrying out inspections of the condition of Galician rivers by local volunteers, whether individuals or groups, with the final purpose of their assuming responsibility for monitoring (adopting) the river that runs through their town, village or municipality" (www.proxectorios.org). Amongst other things they have sought to curb numerous projects for building small hydroelectric power plants, succeeding, for example, in getting the Xunta de

Galicia (as the regional government is known) to put over forty different projects on hold.

5. CONCLUSIONS

The Natura 2000 Network is a highly ambitious initiative that represents a courageous commitment to nature conservation on the part of the European Union. It aims to preserve examples of all the continent's different habitats in a global vision of an interconnected transcontinental network that is to date unequalled anywhere else in the world. It is a contribution of the utmost importance for the conservation of the natural heritage of our planet.

Having said this, we must not forget that the network is based on somewhat shaky foundations that put its viability at risk. We refer in particular to the lack of communication with local populations, the absence of dedicated funding instruments and the scarce progress made in terms of the planning and management of the areas that together constitute the Natura 2000 Network. Spain is no stranger to this situation. The Spanish contribution to the network is the largest of all EU Member States, but it suffers from a lack of planning and even the ability to find a place for its sites within the national and regional framework of Protected Natural Areas. This highly uneven mantle of protection leaves these territories at the mercy of numerous threats and impacts, as is the case in Galicia, where not even the existence of a law expressly designed to safeguard these sites has succeeded in providing them with effective protection.

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