

Resolution of Guiding Violation. In October 1993, a British adventure travel company, Himalayan Kingdoms, was fined \$100,000 by the Nepalese government because too many of its expedition members had gone to the summit of Everest. Everest expeditions are normally permitted to have no more than seven foreign members, but the commercial, guided Himalayan Kingdoms expedition had a total of 14 foreign clients and guides. The leader, Stephen Bell, thought he had found a way to make it possible to take all 14 members to Everest by dividing them into two teams with one holding a permit for the standard South Col/Southeast Ridge route up Everest, and the other allowed to scale Lhotse, the 8516-meter peak adjacent to Everest. He said he understood from middle-level officials in the tourism ministry, which regulates mountaineering in Nepal, that it would be all right for those on the Lhotse membership list to go to the summit of Everest provided he paid an extra fee for each such summitter afterward. Four of his Lhotse team members, and five on the Everest permit including Bell himself, did reach Everest's summit on October 7 and 9.

The tourism officials denied that they had agreed to let anyone from Bell's Lhotse membership list go to Everest's summit, and on November 7, 1993, a public announcement from the ministry stated that since four climbers had not confined themselves to their permitted peak, Lhotse, but had "climbed Everest without permission," they had thereby violated the law governing mountaineering, and "any expedition who does such an act is subject to punishment." The punishment awarded to the Himalayan Kingdoms expedition was a fine of \$100,000, which was calculated by doubling the basic royalty fee, as per the rules.

Himalayan Kingdoms then appealed the severity of this fine on the grounds of what Bell described as an "enormous misunderstanding" between himself and the officials that August, although he continued to claim that he had had their agreement; he further pointed out that at no time had his team attempted to hide the truth from the ministry. He said he was prepared to pay \$10,000 for each of the four summiters from the Lhotse list, or even \$50,000 for another Everest fee, but he pleaded that the sum of \$100,000 "will have disastrous consequences" for the finances of Himalayan Kingdoms. His appeal was supported by the British embassy here, who spoke of "mitigating circumstances" that should be taken into account.

The ministry insisted for about a year that the full \$100,000 had to be paid, and officials even talked of taking further action if it were not. No official announcement has been issued, but apparently in October, 1994, a few weeks before a parliamentary election (which, as it turned out, was to bring about the defeat of the government then in power), the cabinet suddenly decided to waive the \$50,000 penalty and demand payment only of the \$50,000 normal royalty. A tourism ministry mountaineering official says the

cabinet gave no explanation for this decision, and he has no idea what lay behind it, but he notes that there had been discussions "at a high level" — presumably meaning between the British ambassador and the tourism minister, and perhaps the prime minister, of that time. There has been some suggestion that the election campaign was somehow involved, but the official says he has not heard of any such connection. In any case, he says payment of the \$50,000 royalty fee was received from Himalayan Kingdoms on November 22.

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Kangchenjunga, Ascents and Tragedy. On October 5, eight men from three teams set out without any bottled oxygen from their last campsites around 7800 meters, high on the plateau known as the Great Shelf on the southwest face. They included the Swiss climber Erhard Loretan, who was going for his last 8000er; Benoit Chamoux, who had reached the highest summits of twelve 8000ers, plus a peak of Shisha Pangma which is over 8000 meters high and only slightly lower than its highest point, and which he counted as his ascent of the mountain; and Sergio Martini, an Italian who had already summited ten 8000ers. Loretan and his frequent climbing partner Jean Troillet left their bivouac on the Great Shelf at 2 a.m. for the summit. At the same time, Martini, together with Chamoux and his usual partner, Pierre Royer, and three of their Sherpas, whom they had employed to help with the film Royer was making about Chamoux's expected historic ascent, set out for the top from the third of their fixed camps nearby. The eight stayed together until about 9:30 a.m. At this point the two Swiss and the Italian went on ahead after they had found the French party was moving too slowly. Just after this moment, one of Chamoux's Sherpas, Riku, lost his balance while sitting down with a rucksack on his back and fell to his death. The other two Sherpas with the French descended immediately.

Loretan forged a route up to the col just west of Kangchenjunga's summit pyramid on the ridge connecting its main summit with the west summit, which is known as Yalungkang, followed by what Loretan calls "an easy way" along this rock and snow ridge to the top. Martini doubted that this line would prove satisfactory because of a difficult big rock pillar and the strong wind that was blowing. He waited for half an hour for the Swiss to retreat from it and to follow the normal route via a couloir. But they did not immediately return, so he turned back at 8200 meters, below the col, and decided he would attempt the couloir alone. However, after he had climbed only 20 meters of it, he found the condition of snow-on-rock too dangerous, and he descended in bitterly cold weather.