



## **Antarctic and Southern Ocean Coalition**

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# **ASOC Report on the Antarctic Treaty Meeting of Experts on Ship-borne Tourism in the Antarctic Treaty Area**

**Wellington, New Zealand, 9-11 December 2009**

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## **1 Overview**

On 23 November, the Liberian-flagged *M/S Explorer* was holed in Antarctica, following a collision with ice, and sank in the Bransfield Strait near the South Shetland Islands, spilling an unknown quantity of fuel.<sup>2</sup> All passengers and crew were rescued. From 9 – 11<sup>th</sup> December, 2009 Antarctic Treaty Experts met in Wellington, New Zealand<sup>3</sup> to consider matters relating to the management of ship-borne tourism including recent trends and developments, maritime safety, protection of the Antarctic Environment, vessels flagged to non-Parties, and future cooperation with relevant bodies. Many of the delegates in presenting papers or comments, referred to the sinking of the *Explorer* as a “wake-up” call on the need to improve the safety and management of Antarctic shipping, particularly the ship-borne tourism sector.

Approximately 80 people from 20 delegations attended the meeting: 17 ATCPs (of which only the seven claimant states and USA submitted documents), and representatives from ASOC, COMNAP, IAATO, IHO, IMO, and UNWTO. The ATME’s rotating Chairs were Caroline Forsyth (New Zealand) and Olav Orheim (Norway), with Ewan McIvor (Australia) and Carlos Salgado (Chile) acting as co-chairs for certain parts of the meeting. The meeting discussed 15 Working Papers and 16 Information Papers largely focused on issues of trends in shipborne tourism, maritime safety, and environmental protection (Appendix 1).

ASOC was represented by Capt. Robert Graham, Dr. Sian Prior, Ricardo Roura (HOD), and Dr. Karen Scott. ASOC submitted four information papers on relevant generic and specific issues:<sup>4</sup>

- “Antarctic Ship-borne Tourism and Inspections Under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection” (ATME IP001);
- “Antarctic Ship-borne Tourism: Perspectives on Shipping Management” (ATME IP002);
- “Making Tangible Progress on a Strategic Vision for Antarctic Tourism” (ATME IP003); and
- “Coastal Hydrocarbon Pollution: A Case Study From Deception Island, Antarctica” (ATME IP004).

The first day was largely devoted to presentations of various papers; the following two days were devoted to discussions and report writing. While a Meeting of Experts, the meeting was formally run on the lines of an Antarctic Treaty Consultative Meeting (ATCM). It was originally programmed that the meeting would split in two groups discussing separate aspects of shipping and tourism. Eventually this did not happen, although a separate informal contact group discussed the elements in the Guidelines for Ships Operating in Polar waters that should be extended to a Code and made mandatory.

The meeting produced 17 recommendations to the ATCM as outlined in the Chairs’ report, largely focused on shipping rather than tourism issues. Many recommendations simply encourage Parties to put into action existing regulations or recommendations; to exchange information, etc. Slightly more proactive recommendations include developing a checklist to assist on the inspection of tourism ships and activities, the proactive use of Port State Control, encouragement to Parties to approve Measure 4 2004, and the development of guidelines for responding to large scale oil spills.

Overall, while there were interesting discussions during the meeting, the ATME seemed to be reluctant to recommend the ATCM to take major steps in the regulation of ship-borne tourism.

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<sup>1</sup> Lead authors Ricardo Roura and Sian Prior.

<sup>2</sup> According to statements by the ship’s captain, there were 185 m<sup>3</sup> of diesel oil on board, as well as 24 m<sup>3</sup> of lubricant and 500 litres of gasoline; 210 m<sup>3</sup> of fuel oils in total (Quoted in XXXI ATCM/IP011, *Background to the pollution incident caused by the sinking of the MS Explorer*, submitted by Chile).

<sup>3</sup> The meeting was convened by means of Decision 7 (2009).

<sup>4</sup> These documents are available from [www.ats.aq/atme2009/documents](http://www.ats.aq/atme2009/documents).

## Report contents

This report does not intend to be a comprehensive overview of the discussions that took place during the ATME. Rather, its purpose is to evaluate the outcome of the meeting and to give the flavour of the discussion on a few key issues. Appendix 1 summarises the statistics of papers submitted to the meeting. Appendix 2 contains the ATME's agenda. Appendix 3 lists the program and key activities. Appendix 4 compares this ATME with the two previous ones in 2000 and 2004. Appendix 5 lists acronyms used in the context of the Antarctic Treaty and the International Maritime Organisation.



*ASOC team at the ATME (L-R): Roura, Prior, Scott, Graham.*

## 2 Notes on some key issues

Despite the somewhat disappointing outcome of the recommendations from the meeting, there were interesting discussions and some useful text was included in the in the Chairs' Report. Some of these are discussed below.

### 2.1 Polar Code

See also Recommendation 3 in Section 3 below. An Informal Contact Group (ICG) was established to discuss the future development of a mandatory Polar Code and the critical elements for inclusion in such a code to meet the needs of the Antarctic region. While the considerations of the ICG were not endorsed by the Plenary Meeting, and really focused on overarching principles, there are some important elements identified, in particular:

- The desirability of a broad and consistent application to vessels operating in the Arctic and the Antarctic was noted. This could be important, as ASOC is calling of the Code to be applied to all vessels operating in Antarctic waters – not those encompassed by the definition of ships under the SOLAS Convention, but also including for example, fishing vessels.
- The ICG agreed that it was important that the mandatory Polar Code “would need to be applicable to new ships and as far as practicable to existing ships”. This is important, particularly as generally very few new ships commence operating in polar waters each year, and a considerable number of vessels operating in Antarctic waters are converted from other uses.
- The ICG also recommended that when defining the proposed areas of operation, consideration should be given to the ship's ability to survive a casualty and availability of Search and Rescue services. This could be important in seeking for the Polar Code to be

applied to a wide geographic area – in particular all waters south of the Antarctic Convergence.

- It is welcome that the ICG recommends that the Polar Code should focus on casualty prevention and environmental protection, and also that other items such as Search and Rescue should also be considered for inclusion in the Code. ASOC is keen to ensure that the Code encompasses the full range of shipping management issues that are relevant to operation of vessels in the remote and vulnerable waters of Antarctica.
- The ICG also proposed that consideration should be given to ensuring that the Polar Code be a comprehensive Code and should be linked to current mandatory instruments.

While the output of the ICG was only noted and was not formally endorsed by the ATME, some of the elements were also agreed by the ATME, in particular...

- The ICG recommended that the ATCM consider what might be usefully included in the development of the Code regarding oil spills and environmental protection, and the ATME agreed it would be appropriate to ask the IMO to consider what guidance could be incorporated into the Code. Again, this could be useful in advocating that the Code is expanded beyond the provisions of the existing Guidelines.
- The ICG recommend that the ATCM highlights the importance of environmental protection in Antarctica and urge that in developing the Polar Code detailed consideration be given to the minimisation of marine pollution in the Antarctic Treaty area. This was also agreed by the ATME. This is very welcome since the likelihood is that the Code will focus on safety considerations as the existing Guidelines do, and while the safety provisions are vitally important, it is also important that the Code is broadened beyond the existing Guidelines.

## **2.2 Particularly Sensitive Sea Areas (PSSAs)<sup>5</sup>**

A overview paper from New Zealand raised the possibility of seeking Particularly Sensitive Sea Area (PSSA) for the Antarctic Treaty Area, and although there was no recommendation to take work further to consider a PSSA designation, a useful conclusion was reached. "A number of delegations expressed their support for the idea, while noting that consideration of a PSSA would require a great deal of work and close consideration of the PSSA criteria and the objectives for such a designation. Other delegations emphasised that any proposal should first undergo detailed consideration by the ATCM, including consideration of whether Antarctic Treaty system mechanisms or other IMO protective measures could be employed to achieve the same outcomes. " This provides a useful starting point for further consideration of a PSSA or PSSAs in the Antarctic Treaty Area.

## **2.3 Annex IV review**

The meeting considered the proposal in WP010 that the CEP be requested to consider Annex IV on Prevention of Marine Pollution as the subject of its next review in the rolling review of Annexes to the Protocol. "It was generally agreed that it would be appropriate to give consideration to identifying gaps in the current regulation of marine pollution, but some delegations expressed their reluctance at this point to initiate a review of another Annex. The meeting noted that the assessment in WP008 provided a basis for an assessment of the CEP of shipping-related issues generally, which could help inform any possible decision on the need for a review of Annex IV." The assessment provided by Australia in WP008 is a very useful assessment of the effects of shipping and existing provisions and did result in recommendation (see recommendation 11 below). ASOC has been calling for a similar assessment to allow analysis of gaps and areas in need of further attention.

## **2.4 Impact of anchoring**

The impact of anchoring by tourism vessels was one of the reasons that New Zealand (ATME WP01) used to suggest that tourism shipping should be limited. The issue has already been discussed at recent CEP meetings and has generally not been considered as significant. In particular, it is considered that iceberg scouring may cause a greater damage to benthos than anchoring.

However, there are two concerns about this reasoning, which ASOC expressed at the ATME. First, most anchoring takes place at depths of up to 30 meters, while most large icebergs are likely to ground at

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<sup>5</sup> PSSAs are an IMO shipping management designation.

depths of 100m or more. Consequently there are may be locations – for instance shallow waters – where anchoring takes place but where there is no iceberg scouring, so in effect anchoring may cause effects that would not exist without this activity and that could or should be prevented.

Secondly, the concept of analogous for impacts is not usually applied in Antarctica e.g. it is not suggested that the impact of research stations is not significant because the damage caused by volcanic eruptions is far worse. This is the sort of reasoning that has been used, for instance, in the Arctic slope to justify oil developments, suggesting that some human activities cause changes that are analogous to those of some natural processes. ASOC contends strongly that this type of argument should not be used in Antarctica.

## **2.5 Dispersing or concentrating tourism**

IP009, submitted jointly by USA and IAATO, raised the issue of whether tourism should be concentrated at some sites or dispersed over a larger number of site. This is a pertinent question that has never been discussed seriously at the ATCM or other Antarctic Treaty System meetings. Making this kind of decision would require some strategic thinking or action. Responding to a question by ASOC, IAATO noted that leaving tourism to its own devices (i.e. what has been done until now) would not result in best management practise. However, unfortunately there was no follow up to this concept (see following item).

## **2.6 Use of Protocol's Annex V to manage tourism**

ASOC paper IP03 suggested using Antarctic Specially Protected Area (ASPAs) proactively as a tourism strategic management tool, and using Antarctic Specially Managed Areas (ASMAs) as a tool to manage tourism within discrete regions. This may include setting aside ASPA “reserves” where no tourism is allowed to protect scientific and wilderness values.<sup>6</sup> ASMAs could be used to direct the flow of tourism towards (or away from) certain sites, as well as to identify sites where tourism is accepted and other sites where tourism is discouraged (e.g. as in ASMA No. 4 Deception Island) or where tourism should focus to the exclusion of all other sites (e.g. as in ASMA No.2 McMurdo Dry Valleys). Either or both of these approaches are used at specific locations but not used on a regional basis. The proposal found favour among some participants but, predictable, resulted in fairly strong opposition by some Parties, which did not considered appropriate the use of Annex V to limit tourism (or other activities). The view among some quarters was that this type of action should only be considered if some sites had particular sensitivities that required the use of protected areas. ASOC reminded the ATME that Annex V of the Protocol on had no such additional requirements: Annex V does not list any particular requirement for the selection of ASPAs and ASMAs – rather “any area” can be selected as such.

## **2.7 Tourism impacts**

There was some consideration of the potential impacts of ship-borne tourism, based on a matrix prepared by Australia (IP09). It was acknowledged the limited information available (implying that there was a mismatch between the production of EIAs for tourism and the management of tourism – that is, some information about tourism impacts does not exist, and some of the information that is available is not put to use for management purposes). The meeting considered ATME IP004 by ASOC (on hydrocarbon pollution at Deception Island) a useful case study on the monitoring of coastal hydrocarbon pollution but recommended no further action. Overall, the consideration of tourism impacts was rather superficial and gave place only to two recommendations (9 and 10 – see 3) that represent limited progress.

## **2.8 State supported tourism**

The issue of state supported tourism was not specifically discussed at the ATME. However, in private discussions with some officials it transpired that National Antarctic Program staff from a facility frequently visited by cruise ships is reporting regular visits by tourist-carrying navy vessels operated by an Antarctic Treaty Consultative Party. ASOC is aware of some level of tourism activity on some resupply vessels from National Antarctic Programs, but these were to our knowledge limited to the opportunistic transport of tourists during the resupplies rather than involving activities of a standard tourism circuit. Plainly state sponsored tourism is very problematic issue – the ATCM has so far not discussed it in any detail; with

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<sup>6</sup> Access to ASMAs is allowed subject to the conditions of management plans, which may impose prohibitions or restrictions of different kinds, whereas access to ASPAs is allowed only under permit, which – with a few exceptions at certain historic sites that are ASPAs - is only generally given to scientists or other people carrying out official duties rather than to tourists.

one or two exceptions Parties involved in it are not open about what they are doing; and the tourism industry, which considers it unfair that their operators are the targets of regulation while others conduct tourism unimpeded, uses it as an argument to delay or avoid regulation imposed on tourism activities. ASOC contends that the issue of state supported tourism should be, at a minimum, brought to the open. However, in ASOC's view it is not the role of Antarctic Treaty Consultative Parties to act as tour operators – their primary functions are the governance of the Antarctic region, the maintenance of international peace, the conduct of science, and the protection of the Antarctic environment and intrinsic values.

## 2.9 Non-party flagged vessels

Another important issued recognised by the ATME, but on which no action was agreed, is the issue of vessels flagged to non-Parties. “The meeting noted that a substantial proportion of the tourist fleet (approximately 50 percent) was flagged to non-Parties. This was potentially problematic for the Antarctic Treaty System in relation to the Emergency Response Action requirements under the Protocol and the obligations that fall on the Operator in the relation to the yet to be implemented Liability Annex (Annex VI). The meeting pointed out the potential disconnect in chains of obligation if a tour company operating in Antarctica used a vessel which was not flagged to a Treaty Party.” It was noted that through implementation of the the Liability Annex it should be possible to put obligations on the operator.

## 3 ATME Outcome – What was achieved?

The following assessment reviews each of the recommendations from the ATME and attempts to identify whether each recommendation makes progress towards improving the management of tourism-related shipping in Antarctic waters and / or reducing the risks of a major incident involving tourism vessels. More broadly, this assessment also reflects progress on the development of an Antarctic tourism regulatory regime.

#	Recommendation	What change will result	Assessment <sup>7</sup>
1	Incidents involving tourist vessels in the Antarctic Treaty Area should be considered by the Antarctic Treaty Parties for the Antarctic specific lessons they may provide for the avoidance of similar incidents in the future. Parties with relevant links to such incidents (especially flag or authorising States) should be asked to provide information to assist such considerations.	While this recommendation is good and necessary, it is likely to result in very little change. Such reports are important to gain a more thorough understanding of the problems causing incidents in the region, they should be provided routinely to both the IMO and to the ATCM.  Non-Antarctic specific lessons from recent Antarctic incidents may also be useful to prevent further incidents in the future – after all most ships sink by filling up with water, which is not Antarctic-specific!	(√)
2	Drawing on the checklists currently available for other Antarctic operations, the Treaty Parties should consider the development of a specific checklist for Antarctic Treaty inspections of tourist vessels and tourist activities in Antarctica.	This was one of ASOC's recommendations (IP001). It is a useful but not essential step. Actually conducting more inspections of tourism vessels and activities would be more important than producing a checklist.	(√)
3	That the Treaty Parties make use as appropriate of the views expressed in discussions amongst experts about the proposed IMO mandatory Polar Code in their preparations for the upcoming meetings of the IMO Sub-Committee on Ship Design and Equipment and the ATCM, and discuss at the ATCM how the Treaty Parties might best input into the IMO discussions.	The discussion and output from the informal contact group of experts at the ATME was largely around overarching principles and lacked depth. It could be pretty meaningless in terms of the development of a Polar Code, since discussion around the overarching principles is already underway, and will “miss the boat” if it is not input into the IMO process ahead of the first DE meeting in	(√)

<sup>7</sup> Key:

√ = progress

(√) = limited progress

X = no progress

#	Recommendation	What change will result	Assessment <sup>7</sup>
		February 2010.	
4	That the Treaty Parties should continue to contribute to hydrographic surveying and charting information and consider advising vessels intending to operate in the Antarctic Treaty area that many areas have not been surveyed to modern standards.	While important this doesn't really move anything forward – Parties are supposedly already contributing to hydrographic surveying and charting information, but it is clear that data is still inadequate.	<b>X</b>
5	That the Treaty Parties should continue to contribute to the continuation and improvement of sea ice services in the Antarctic Treaty Area.	Again, while important this recommendation doesn't actually achieve anything beyond what is already happening.	<b>X</b>
6	That the Treaty Parties proactively apply to tourist vessels bound for the Antarctic Treaty area the existing regime of port State control (PSC), through PSC memoranda of understanding or agreements if appropriate, so that they can meet all applicable legally binding international standards.	This could result in increased inspections of vessels bound for Antarctica, however there is no commitment to inspect a particular % of vessels bound for Antarctica and no agreed level of Port State Control, other than that required more generally through the existing schemes.	(√)
7	The Meeting agreed that the five Parties with Search and Rescue coordination responsibility in the Antarctic area should share their plans and further coordinate with national programmes, and IAATO	The sharing of plans and greater coordination is welcome, although a process needs to be identified to ensure it happens and that action is taken as a result of sharing of plans.	√
8	That all crew on vessels planning to navigate in Antarctic waters should be required to undertake relevant training appropriate to the conditions expected to be encountered, and where appropriate in accordance with Chapter 14 of the IMO's Guidelines for Ships Operating in Polar Waters.	Obviously important, however the commitment for all crew on vessels planning to navigate in Antarctic waters to undertake relevant training in accordance with the Guidelines has been made through the adoption of the Guidelines during 2009.	(√)
9	The Antarctic Treaty Parties should continue to encourage tourist and non-governmental organisations' vessels not participating in the IAATO or COMNAP vessel monitoring schemes to report their positions regularly to the relevant MRCC. All tourist and NGO vessels should closely follow the IMO's 'Enhanced contingency planning guidelines for passenger ships operating in areas remote from SAR facilities' in accordance with ATCM resolution 6 (2005).	This already happens so while it is important that Treaty Parties continue to encourage vessels to report positions – it doesn't actually change current practice.	<b>X</b>
10	That those Antarctic Treaty Parties that have not yet done so should consider approving Measure 4 (2004) on Insurance and Contingency Planning for Tourism and Non-governmental Activities in the Antarctic Treaty Area as a matter of priority.	This should already have happened so is again a commitment to do something that was actually agreed some 5 years ago. This was recommended by ASOC in IP04 – which also listed Measure 15 (2009) and Annex IV of the Protocol as requiring ratification.	<b>X</b>
11	The meeting recommended that the relevant committees and groups of the ATCM (such as the CEP and the Operations Working Group) give further consideration to how the assessment of the environmental aspects and impacts of Antarctic ship-borne tourism in WP008 (Appendix A) could be drawn on to inform their discussions regarding the management of ship-borne tourism and	This could be an important step forward in terms of reducing the environmental impact of shipping in Antarctic waters, but is unlikely to address shipping accidents.	√

#	Recommendation	What change will result	Assessment <sup>7</sup>
	shipping generally.		
12	The meeting recommended that Parties and those involved in non-governmental activities be encouraged to provide spatial and temporal data in support of future studies and syntheses for discussion by the CEP and ATCM.	This information is very important for the future discussion of shipping routes and management tools such as areas to be avoided, traffic separation schemes, etc., but the recommendation won't necessarily lead to direct action.	(√)
13	The Treaty Parties should exchange information on contingency planning undertaken in fulfilment of Article 15, for responding to incidents with potential adverse impacts on the Antarctic environment.	This could be important in terms of a coordinated response to an incident, however it is not directly linked to action other than exchange of information.	(√)
14	That the ATCM consider developing guidelines for responding to large-scale marine oil spills in the Antarctic Treaty area.	Provided a process is established, this could be an important recommendation.	√
15	The meeting agreed that enhanced coordination between the Antarctic Treaty Parties with respect to Antarctic-related matters within IMO would be valuable, and noted that mechanisms for coordination should be considered by ATCM XXXIII.	This is important, and should really already be happening. In the long term it is feasible that it could result in improved management of Antarctic shipping.	(√)
16	The meeting agreed that enhanced coordination between the Antarctic Treaty Parties with respect to Antarctic-related matters within IMO may be valuable in some circumstances, and noted that mechanisms for coordination should be considered by ATCM XXXIII.	This is important, and should really already be happening.	(√)
17	The IHO-HCA should continue to be invited to annual ATCMs to report the status of hydrographic survey and nautical chart production in Antarctic waters. Parties also agreed that, as appropriate, the ATCM should be represented at IHO-HCA meetings. Where an IHO-HCA meeting was to be held in a country that was also a Consultative Party, then that Consultative Party should consider attending the HCA meeting.	This is useful / important, and should really already be happening.	(√)

## 4 Miscellaneous

### 4.1 Tour of Rescue Coordination Centre New Zealand

In December 8 ATME participants visited the New Zealand Rescue Coordination Centre (RCCNZ). This is one of five Rescue Coordination Centres in charge of Antarctic waters (the other are those of Argentina, Australia, Chile, and South Africa). The RCCNZ covers a huge area (around 30 million square kilometres, mostly sea – the third largest in the world). A simplified description of its operations is that one section of the RCC monitors communications (radio, distress beacons, satellite communications), and another section monitors which assets (ships, airplanes, etc.) are where at any given time. In the event of an emergency the RCC tries to redirect the closest asset towards those in need of help, or otherwise arrange with various agencies for the provision of air or sea rescue. In general terms SAR in the Southern Ocean involves self help, cooperation among various actors in the area

(including the fishing and whaling industries), and fluid communications. The RCCNZ has access to the IAATO vessel monitoring scheme – so that it can track where any IAATO vessel is located at any given time - although most IAATO operations take place outside the RCCNZ's area of competence.

## 4.2 NGO meetings

An informal NGO meeting was held on December 8 to exchange ideas for the forthcoming ATME. Present were Barry Weeber (ECO), Diane Shand (IUCN), and the ATME participants. A further informal update with Wellington-based Cath Wallace (ECO) took place following the conclusion of the meeting.

## 5 Closing remarks

There has been progress on some shipping aspects and the growing involvement of IMO is positive considering that many ships operating in Antarctic waters are not registered in Antarctic Treaty States but are registered in IMO states. However, there are potentially some concerns about Antarctic Treaty Parties give up any responsibility of making decisions on matters pertinent to IMO – somewhat replicating their attitude with respect to Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and fishing, or the International Convention of the Regulation of Whaling (ICRW) and whale related issues – even though these conventions refer to activities that take place in the Antarctic Treaty Area and are therefore within the realm of the Antarctic Treaty.

There were interesting discussions during the ATME but most Parties seemed to be reluctant to recommend the ATCM to take major steps in the regulation of ship-borne tourism. Of the 17 recommendations passed by the ATME to the ATCM, three recommendations (18%) can be described as “progress”, 10 recommendations (59%) as “limited progress”, and the remaining four recommendations (23%) as “no progress” (see section 2). This suggests a fairly average outcome for the ATME giving New Zealand's original high aspirations (as outlined in documentation submitted by New Zealand to the ATME)<sup>8</sup> and the importance of the topic. While the sinking of the *Explorer* has been widely described as a “wake up call”, a number of Parties seem to be snoozing again.

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<sup>8</sup> ATME WP001 “Antarctic Treaty Meeting of Experts on the Management of Ship-borne tourism in the Antarctic Treaty Area – An overview”. Available from [www.ats.aq/atme2009/documents](http://www.ats.aq/atme2009/documents).

## Appendix 1 – ATME papers statistics

Submitted by	Agenda items						Total papers
	1 Trends in ship-borne tourism	2 IMO developments	3 Maritime safety	4 Environmental protection	5 Non-Party flagged vessels	6 Cooperation with IMO, IHO	
Argentina	1						1
ASOC	1 <sup>(*)</sup>			3			4
Australia				2		1	3
Chile			1				1
COMNAP			1				1
France			1	<sup>(*)</sup>			1
IAATO	1		1 <sup>(*)</sup>				2
IHO			1			1	2
IMO		1	1 <sup>(*)</sup>				2
New Zealand	2		3	3	1		9
Norway	1						1
UK	1		1				2
USA	1			<sup>(*)</sup>			1
UNWTO	1						1
<b>Total papers</b>	<b>9<sup>(*)</sup></b>	<b>1</b>	<b>10<sup>(*)</sup></b>	<b>8<sup>(*)</sup></b>	<b>1</b>	<b>2</b>	<b>31</b>

<sup>(\*)</sup> Agenda item also listed in paper submitted under a different agenda item

## **Appendix 2 - Draft Agenda**

- i) Opening and Keynote address: Catherine Taylor, Director, Maritime New Zealand
- ii) Election of Officers
- iii) Adoption of the Agenda

### Agenda items:

- 1) Trends in Ship-borne Tourism in the Antarctic Treaty Area over the Past 10 Years, Including Maritime Incidents, and Future Projections.
- 2) Developments in the International Maritime Organisation Relating to Ship-borne Tourism in the Antarctic Treaty area.
- 3) Maritime Safety in the Antarctic Treaty Area
  - 3) (a) Prevention of a Maritime Incident in the Antarctic Treaty Area
    - 3) (a) (i) Ship Design and Construction of Vessels, Safe Vessel Operation
    - 3) (a) (ii) Hydrography and Charting
    - 3) (a) (iii) Port State Control
  - 3) (b) Maritime Search and Rescue
- 4) Protection of the Antarctic Environment
  - 4) (a) Environmental Safeguards
    - 4) (a) (i) Impacts of Ship-borne Tourism on the Southern Ocean
    - 4) (a) (b) Emergency Response Action (Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty)
  - 4) (b) (i) Oil Pollution Response and Environmental Clean-Up
- 5) Vessels Flagged to non-Parties
- 6) Cooperation between the ATCM and the International Maritime Organisation and the International Hydrographic Organisation

## **Appendix 3 – Programme and key activities**

### **Tuesday 8 December**

- Tour of Rescue Coordination Centre New Zealand
- NGOs informal meeting (not part of ATME)
- Informal welcome drinks

### **Wednesday 9 December**

- Keynote address: Catherine Taylor, Director of Maritime New Zealand
- Presentation of papers
- Reception hosted by the Minister of Foreign Affairs of New Zealand, Hon. Murray McCully, Parliament Buildings

### **Thursday 10 December**

- Sessions – Discussions.
- Reception hosted by Her Worship the Mayor of Wellington, Kerry Prendergast, Council Chambers, Wellington Town Hall

### **Friday 11 December**

- Sessions – Discussions, review of recommendations, report.
- 5.30pm Close of Meeting

## Appendix 4 – Comparison of the Wellington ATME with previous ATMEs on shipping and tourism

Two ATMEs relevant to ship-borne tourism took place prior to the Wellington ATME discussed in this report. An ATME on shipping took place in April 2000 in London, and an ATME on tourism took place on board a coastal steamer in Norway in March 2004.

The focus of the 2000 shipping ATME was the development of Guidelines for Antarctic shipping and related activities and it resulted in seven recommendations. A detailed comparison between the seven recommendations from 2000 with the recommendations from the ATME 2009 would, however, be somewhat meaningless, since the proposal for Antarctic Guidelines for shipping has now been overtaken through the expansion of the Arctic Guidelines to encompass Antarctic waters and the commitment given in 2009 to develop a mandatory Polar Code for shipping.

While all of the seven recommendations from the 2000 ATME relate specifically to the development of Antarctic Guidelines, two recommendations are of possible interest at the current time. In particular, the fact that the ATCM is invited to consider the ATME 2000 working group summary reports and the report of the drafting group on Environmental Protection as a basis for further development of these issues, which indicates that even 10 years ago, the intention was that environmental protection should be encompassed by the instrument underdevelopment. Secondly, a recommendation that the ATCM should continue to liaise with IMO was agreed. This earlier recommendation is very similar to Recommendation 16 made in 2009, nearly 10 years on.

However, it is pertinent to compare the outcome of the 2004 ATME on tourism with the 2009 ATME, even though the focus of both meetings was somewhat different. While the 2009 focused solely on ship-borne tourism, the 2004 ATME had a broader remit, namely:

1. Monitoring, cumulative impact and Environmental Impact Assessment;
2. Safety and self-sufficiency, including search and rescue and insurance;
3. Jurisdiction, industry self-regulation, and an analysis of the existing legal framework and identification of gaps;
4. Guidelines;
5. Adventure (extreme) tourism and government sponsored tourism;
6. Co-ordination amongst national operators.

Of these, only aspects of 1, 2, 3, and 6 were discussed in Wellington. The table below compares the outcomes of both ATMEs. Overall, there has been some progress on the regulation of Antarctic tourism since 2004 - notably Measures 4 (2004) and Measure 15 (2009) – but the ATCM has not really taken effective action to develop a comprehensive tourism regulatory framework.

2004 ATME <sup>9</sup>	2009 ATME
The ATME did not address legal mechanisms to regulate commercial tourism. ASOC raised considerations such as the need to limit the overall level of tourism, but that issue was not discussed further.	The ATME addressed some legal mechanisms to regulate commercial tourism but in a generic rather than specific, action-oriented manner.
A distinct shift has occurred in Parties' thinking about the need for regulation, with declining reliance on industry self-regulation and increased acceptance of a central role for the Antarctic Treaty System in establishing the regulatory basis for the industry.	This shift has been maintained over the recent years albeit it has not resulted in substantive regulatory action, with the exception of Measures 4 (2004) and Measure 15 (2009), which are not yet into force. Regulating shipping aspects of Antarctic tourism is being handed over to the IMO – while positive at a number of levels, it may also provide an excuse for Antarctic Treaty Parties not to take action.

<sup>9</sup> Assessment based on ASOC (2004): "The Regulation of Antarctic Tourism: State of Play after the Antarctic Treaty Meeting of Experts, Norway, 22-25 March 2004". XXVII ATCM/IP093.

2004 ATME <sup>9</sup>	2009 ATME
<p>The industry association is still seen by some Parties as having a privileged role in the management of tourism, but the Norway meeting saw acceptance of the risk that changes in the industry's structure may lead to more companies not becoming part of the association.</p>	<p>The industry association is still seen by most Parties as having a privileged role in the management of tourism, in part because IAATO has filled in a niche that Parties have been unable or unwilling to fill in, such as in providing information about tourism. Changes in industry dynamics – including for instance that small-to medium-sized Antarctic-specialist companies are now owned by global multinationals new to the Antarctic - do not seem to bother most Parties at all. The existence of extra-IAATO tourism activities, some of which operate below the Parties' radar, is taken as an excuse not to regulate IAATO's activities.</p>
<p>The ATME discussion was largely focused on technical issues. A number of the technical proposals are reasonable enough. The question is essentially whether they are a sufficient response to the challenges posed by the growing and diversifying tourism industry. ASOC thinks that without some strategic commitments on the part of the Antarctic Treaty Parties, these initiatives will have very little effect on the core issues.</p>	<p>This ATME focused on the interface between tourism and shipping, with a heavy emphasis on shipping rather than tourism. This is reasonable given recent incidents involving tourist ships and the prevalence of ship-borne tourism as the main form of Antarctic tourism. At the same time the tourism discussion is becoming even more technical than hitherto, and furthermore much of the expertise on shipping issues lies outside the ATS. ASOC contends that the discussion of tourism regulation should not be limited to shipping aspects.</p>
<p>Overall the meeting in Norway has taken the issue of tourism regulation forward, and it is up to the full ATCM to build on this momentum.</p>	<p>Barring Measures 4 (2004), Measure 15 (2009), and the hortatory guiding principles of Resolution 7 (2009), the ATCM has not really taken effective action on tourism regulation.</p>

## **Appendix 5 - Acronyms**

ASOC – Antarctic & Southern Ocean Coalition

ATBA – Areas to be avoided (an IMO safety and environmental protection designation)

ATCM – Antarctic Treaty Consultative Meeting

ATCP – Antarctic Treaty Consultative Parties

ATP – Antarctic Treaty Party

ATME – Antarctic Treaty Meeting of Experts

CCAMLR – Commission for the Conservation of Antarctic Marine Living Resources

DE – IMO's Ship Design & Equipment Sub-committee

DWR – Deep water routes (an IMO ship routing designation)

ICG – Intersessional Contact Group

IHO – International Hydrographic Organization

IMO – International Maritime Organization

MARPOL – the International Convention for the Prevention of Pollution from Ships, 1973 and Protocol, 1978

MEPC – IMO's Marine Environment Protection Committee

MOU – Memorandum of Understanding

PSC – Port state control

PSSAs – Particularly Sensitive Sea Areas (an IMO shipping management designation)

SA – Special Area designation under MARPOL where stricter discharge regulations apply

STCW – the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (ATCW), 1978

STW – IMO's sub-committee on Standards for Training and Watchkeeping

TSS – Traffic Separation Schemes (an IMO ship routing designation)