



FIVE DECADES OF COOPERATION AND COMMITMENT TO SCIENCE AND ENVIRONMENTAL PROTECTION

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Antarctic Tourism: Towards a strategic and pro-active approach via an inventory of outstanding questions

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Submitted by The Netherlands

Abstract

With Resolution 7 (2009) general principles have been adopted to “be used to inform and guide further work in managing Antarctic tourism activities”. The aim of this paper is to identify unanswered management questions relating to Antarctic tourism that may be considered important against the background of these principles. Consensus among the Consultative Parties on the relevance or importance of these questions may constitute an ‘agenda’ for the future work of the ATCM on tourism and non-governmental activities. Working on this basis would limit the ad-hoc approach that has been taken to these issues in more recent years, for example within the Working Group on Tourism and Non-Governmental Activities, and strengthen the strategic and pro-active character of the discussions.

1. Background: The General Principles for Antarctic Tourism

At ATCM XXXI (Kiev, June 2008) the United Kingdom tabled a paper that included the proposal “that the ATCM should develop a Strategic Vision for the development of Antarctic Tourism over the next decade” (ATCMXXXI/WP51, United Kingdom, 2008). This proposal received support of many other Consultative Parties and the discussion was continued at the XXXIInd ATCM (Washington/Baltimore, April 2009) on the basis of the UK paper ‘Strategic vision of Antarctic tourism for the next decade’ (ATCMXXXII/WP10, United Kingdom, 2009). Building partly on intersessional contributions from seven other Consultative Parties and two observers, the UK “developed an outline Strategic Vision for consideration by the ATCM” that aimed “to establish the broad principles by which the Antarctic Treaty Parties will manage tourism in Antarctica” (ATCMXXXII/WP10, 2009, p.3). The proposed vision included a number of ‘general principles’ as well as more concrete policy issues relating to the ‘growth of tourism’, ‘protecting the Antarctic environment’, ‘safety of tourism activities’, and ‘monitoring and information exchange’.

Due to different views on the more detailed components of the UK proposal and critics on the prescriptive character of parts of the document, attention of the meeting was focused on the ‘general principles’. This resulted in the adoption of Resolution 7 (2009) (Final Report ATCM XXXII, para. 185). With this Resolution, the representatives of the Consultative Parties recalled their commitment to the comprehensive protection of the Antarctic environment and recommended “that the following general principles be used to inform and guide further work in managing Antarctic tourism activities” (for the purpose of this paper, the principles below are numbered; the text is identical to Resolution 7(2009)):

General Principles:

- I. All tourism activities undertaken in Antarctica will be conducted in accordance with the Antarctic Treaty, its Protocol on Environmental Protection, and relevant ATCM Measures and Resolutions;
- II. Tourism should not be allowed to contribute to the long-term degradation of the Antarctic environment and its dependent and associated ecosystems, or the intrinsic natural wilderness and historical values of Antarctica. In the absence of adequate information about potential impacts, decisions on tourism should be based on a pragmatic and precautionary approach, that also incorporates an evaluation of risks;
- III. Scientific research should be accorded priority in relation to all tourism activities in Antarctica;

- IV. Antarctic Treaty Parties should implement all existing instruments relating to tourism and non-Governmental activities in Antarctica and aim to ensure, as far as practicable, that they continue to proactively develop regulations relating to tourism activities that should provide for a consistent framework for the management of tourism;
- V. All operators conducting tourism activities in Antarctica should be encouraged to cooperate with each other and with the Antarctic Treaty Parties to coordinate tourism activities and share best practice on environmental and safety management issues;
- VI. All tourism organisations should be encouraged to provide a focus on the enrichment and education of visitors about the Antarctic environment and its protection.

2. Principal aim of this paper

It is clear that tourism in Antarctica is not unregulated. The provisions of the Protocol apply also to tourist activities and, consequently, tourist activities must be subjected to prior environmental impact assessment (EIA) as well as to the provisions of the other Annexes to the Protocol. IAATO has also developed quite an impressive system of self-regulation and partly based on these arrangements, the ATCM has adopted several important resolutions and measures since the adoption of the Protocol. In addition, a number of international instruments on shipping also apply to Antarctic ship-based tourism activities.

The general principles of Resolution 7(2009) relate well to these existing more concrete legal and voluntary instruments to regulate Antarctic tourism; however, it is also clear that certain questions that are relevant against the background of the above principles did not yet receive an answer from the ATCM. The principal aim of this paper is to identify such questions (see Section 3 below). Consensus among the Consultative Parties on the relevance or importance of these questions (in light of the general principles) would be valuable. It could constitute an ‘agenda’ for future discussions in the ATCM on tourism and non-governmental activities (see the proposal in Section 4 below). More importantly, through this approach it would be possible to limit the ad-hoc approach taken to date and to strengthen the strategic character of the discussions. It would also increase the possibilities for taking a pro-active approach in addressing concerns, an approach that has been characteristic for the Antarctic Treaty system since the adoption of the Treaty. This pro-active approach would also create more clarity on the future of Antarctic tourism, which would be beneficial for both governments and the private sector (individual operators as well as IAATO). (See the UK paper of 2008, stating that “at the meeting organized by IAATO in Miami in March 2008, there was general agreement that a more proactive approach to designing the scope and development of tourism would be beneficial, both for the ATCM and for the tourism industry” (ATCMXXXI/WP51, 2008, p. 3).)

Section 3 below includes an inventory of questions that The Netherlands and the United Kingdom consider important against the background of the general principles for tourism. Many of the questions have been debated at previous ATCMs (or are the subject of discussions within ICGs); however, characteristic is that these questions did not yet receive clear answers and that discussions have taken place on an ad-hoc basis. In view of the scope of the general principles and the complexity of the interrelations between the ATCM and IMO, ship safety issues have been left out of the scope of this paper; however, relevant questions regarding this theme could be added to the inventory. It should also be noted that as ‘agenda setting’ is the main purpose, it is not the aim of this paper to reach consensus on the answers to the identified questions, at this stage.

3. Outstanding questions

Principles I & IV:

- a) Should the ATCM take (further) action (in addition to Resolution 7(2010) on Port State Control) in view of the possible future increase of vessels (including yachts), used for tourism purposes, sailing the flag of states that are not a Contracting Party to the Treaty and the Protocol?
- b) Should Contracting Parties to the Protocol strengthen joint cooperation to improve the supervision of tourism activities in the Antarctic? If so, how? For instance, should the ATCM develop a joint observation scheme? (See the discussions of the ICG 2010-2011, chaired by Argentina).

- c) Should the ATCM take action (in addition to Resolution 3(2004)) to improve the information exchange and cooperation between competent authorities of Contracting Parties to the Protocol? For example, should the network of competent authorities, initiated by Germany and the Netherlands at ATCM XXVIII (2005), have a more structured role in future?
- d) Is it desirable that the ATCM study and discuss existing differences among the domestic legal and administrative arrangements that are being applied to Antarctic tourist activities and the possible consequences of these differences (e.g., forum shopping)?

Principle II:

- e) Will the concern of possible cumulative impacts by visitation at popular tourist sites be addressed adequately by existing instruments, such as the site specific guidelines, or should more strategic instruments be considered (e.g. opening and closure of areas, maximizing numbers of visitors per regions/site)?
- f) Which interrelationships between Antarctic tourism management and climate change require the attention of the ATCM? (E.g., increased access to new pristine areas by ship, increasing risks of introduced alien species due to higher chances of survival; see also the outcome of the ATME on 'Climate change and implications for Antarctic management and governance' (Svolvær, Norway, 6-9 April 2010 – ATCMXXXIII/WP63.)
- g) Currently, Antarctica is, in principle, open for any type and form of tourism and other non-governmental activities, provided they are conducted in accordance with the Environmental Protocol. Would further policy guidance from the ATCM on this issue be desirable in view of the continuing increase of the diversity of activities in Antarctica? More specifically, should Antarctica be open to all types of activities or should "priority [...] be given to tourism focusing on educational enrichment and respect for the environment" (Final Report of ATCM XXXII, 2009, para. 208)?
- h) Should additional regulations be adopted in respect of permanent facilities for tourism in Antarctica (such as hotels), for instance, to prevent further degradation of Antarctica's wilderness values or to limit the risk of legal debates on ownership?
- i) Should the potentially increasing use by tourists of infrastructure, established with the principal aim of supporting scientific activities (e.g. air connections, bases etc), be considered as a concern, and if so, how should the ATCM respond to this concern?
- j) Should (joint) action be taken to improve long-term monitoring of the possible impacts by human visitation in Antarctica?

Principle III:

- k) Should more pristine areas be closed for any type of human visitation in the future, including all tourism activities, even where none currently take place e.g., to preserve these areas as reference areas for future scientific research or because of the intrinsic values of these sites? (See also recommendation 26 of the ATME on 'Climate change and implications for Antarctic management and governance' (Svolvær, Norway, 6-9 April 2010.)
- l) See question i) above.

Principle V:

- m) Should the ATCM take action in view of a possible increase of tour operators operating outside of the self-regulatory system of IAATO ('free riders')?
- n) Are there any bylaws, guidelines or best practices of the tourism sector that require codification in a recommendation or measure of the ATCM?

Principle VI:

- o) How could the ATCM or individual Contracting Parties to the Protocol do more to encourage tourism organizations to provide a greater focus on the enrichment and education of visitors about the Antarctic environment and its protection? (in line with Resolution 7(2009)
- p) Should the ATCM establish a system of obligatory or voluntary payments by individual tourists or tourist organizations (as a payment for 'ecosystem services')? What would be the purpose of levying such charges? (e.g., financing long-term monitoring, financing educational programs)?

4. Proposal

The Netherlands and the United Kingdom propose that the Parties:

1. Continue to endorse the importance of adopting a strategic and pro-active approach in discussing Antarctic tourism issues;
2. To this end, identify the most important outstanding questions that require an explicit position of the ATCM, and consider what kind of actions might need to be taken to address such issues into the future (including, for example, where new regulations might need to be developed);
3. Identify the questions and issues that will receive priority at the next ATCM, while of course leaving sufficient space to discuss new and unforeseen developments that require the attention of the ATCM.