



FIVE DECADES OF COOPERATION AND COMMITMENT TO SCIENCE AND ENVIRONMENTAL PROTECTION



XXXIV ANTARCTIC TREATY CONSULTATIVE MEETING - BUENOS AIRES JUNE 20TH - JULY 1ST, 2011

Agenda Item: ATCM 10
Presented by: United States,
France, Germany,
Netherlands,
New Zealand
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ATCM Review of Tourism Rules and Regulations

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Working Paper submitted by the United States, France, Germany, the Netherlands, and New Zealand

Summary

Given the importance of development of Antarctic tourism policies by the ATCM, and the study of the environmental impacts of tourism underway in the CEP, the Tourism and Non-Governmental Activities Working Group at ATCM XXXIV should consider whether there is a consensus to conduct a review of the adequacy of current international rules related to tourism in Antarctica. If, on the basis of such a review at future ATCMs, areas are identified where there is a need for additional regulation, the ATCM can then consider what mechanisms can be used to address the issue, including, where appropriate, binding measures. There also might be areas identified that should be referred to other bodies, such as the IMO or IHO.

The impact of tourism on the Antarctic environment has been one of the most important issues before the Antarctic Treaty Consultative Meeting for a number of years. The extent of this impact continues to raise significant concerns, and leads to the question of how the Consultative Parties should approach consideration of tourism policies. In our view it would be desirable for the Consultative Parties to strengthen and focus their efforts related to tourism by giving systemic consideration to whether existing rules related to tourism in Antarctica are adequate, scientific assessment of the impact of tourism, how future environmental needs can be anticipated, and whether new regulations should be proposed and developed.

Annual landings by tourists in Antarctica number several tens of thousands. While this is a small number for such a large continent, the fact that visits are concentrated in the Peninsula region where tourists view flora and fauna is a cause for concern, particularly given the lack of a comprehensive understanding of on shore landing activities. Many governments are concerned about whether cumulative impacts at these sites are causing or may cause in the future unacceptable and unsustainable levels of stress on ecosystems. Such concerns are exacerbated when the actual extent of the impacts is unknown. Moreover, tourism can have impacts not just on the environment but on scientific activities as well. And tourism can also have an impact on national programs, when such programs are called upon for search and rescue or other assistance during emergencies.

To a large degree, international regulation of Antarctic tourism has been left to industry. The International Association of Antarctica Tour Operators (IAATO) has done a commendable job of developing internal rules to which its members are subject. IAATO does this within the context of the Antarctic Treaty, and of course the Environmental Protocol, which provides critical overarching rules related to environmental impacts. The ATCM has also taken a number of steps in recent years to regulate tourism, including the adoption of Measure 15 (2009) on Landing of Persons from Passenger Vessels in the Antarctic Treaty Area and Measure 4 (2004) on Insurance and Contingency Planning for Tourism and Non-Governmental Activities in the Antarctic Treaty Area. In addition, the CEP has undertaken a long-term study on the environmental impact of tourism to assist the ATCM in its consideration of tourism policy. The outcomes of this study will be available before ATCM XXXV.

Building on these efforts, we propose a systematic consideration of whether regulation of tourism at the international level is adequate and what additional regulation, if any, is needed. We think such consideration is timely and warranted.

The Parties play many important roles in implementing rules related to tourism – as Parties to the Antarctic Treaty and Environmental Protocol, as flag states implementing International Maritime Organization treaties, as port states for tour vessels, as Search and Rescue coordinators and in other ways. The Consultative Parties also have a responsibility to consider whether regulations in Antarctica are adequate for environmental protection, and to respond if there is a need.

Any new rules related to tourism must be based on sound science. At the same time, we believe that it is important to be guided by a precautionary approach, in the sense that where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation in Antarctica.

We believe that a discussion should begin at ATCM XXXIV in the Tourism and Non-Governmental Activities Working Group to determine whether there is a consensus to conduct a review of existing rules related to tourism, covering all its facets, including ship-borne tourism (cruise ships, yachts, small zodiac and kayak trips), aircraft expeditions and land-based activities as well as specific activities such as camping, trekking, mountain climbing, skiing, truck racing, marathon racing, kayaking, extreme-adventure activities, etc. Such a discussion could lead to more detailed deliberations at future ATCMs with the objective of determining which areas may require additional regulation, including, if necessary, new binding and enforceable regulatory mechanisms. We believe it is desirable to identify areas of need and interest among Consultative Parties – to determine our policy objectives – before we delve into what sort of legal modalities (guidelines, Measures, etc.) are appropriate.

Tourism involves a wide range of activities, as specified above. A number of tourism expeditions can be viewed as extreme-adventure activities, which could warrant a close examination. A clearer understanding of which of these activities have the greatest potential to negatively impact the environment, scientific research and national program operations would help prioritize discussions that could lead to regulatory mechanisms.

The efforts of the Tourism and Non-Governmental Activities Working Group can be supplemented in the future, if there is sufficient interest, by intersessional discussions, including possible Antarctic Treaty Meetings of Experts (ATME) or other types of gatherings. For example, the ATME on Tourism (2004) was quite productive in advancing an understanding of issues related to tourism through a focused intersessional effort. It should be noted that Measure 4 (2004) on Tourism and Non-Governmental Activities was agreed upon at the ATCM following the ATME on Tourism. The ATME on Management of Ship-borne Tourism in the Antarctic Treaty Area in 2009 also produced important recommendations that have contributed to tourism policies.

We request that this proposal be discussed in the Tourism and Non-Governmental Activities Working Group. A possible result would be for the Working Group to recommend that the ATCM take a decision along the lines of the attached draft.

Decision X (2011)

Review of Tourism Regulations

The Representatives,

Considering the importance of determining whether existing rules related to the conduct of tourism in the Antarctic Treaty area are adequate;

Considering the need to anticipate requirements for new regulations in light of the evolving nature of Antarctic tourism;

Decide:

- 1) to request the Tourism and Non-Governmental Activities Working Group to undertake at ATCM XXXV a discussion related to the adequacy of regulation of tourism and non-governmental activities in the Antarctic Treaty area at present, including:
 1. considering the outcomes of the study by the Committee on Environmental Protection on environmental impact of tourism in the Antarctic Treaty area;
 2. considering whether there are areas in which additional regulation is necessary or desired;
 3. identifying priorities for further work by the Consultative Parties among such areas;
 4. identifying what additional information is needed in order to fully assess the adequacy of the existing regulations, including inputs from Committee on Environmental Protection, the Scientific Committee on Antarctic Research, and others.
- 2) to request that the Tourism and Non-Governmental Activities Working Group report on its progress to the ATCM.