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Antarctic Ship-borne Tourism and Inspections Under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection

Antarctic Ship-borne Tourism and Inspections Under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection¹

Summary

This paper reviews official inspections of tourism cruise vessels in the Antarctic Treaty Area. Ten tourist vessels have been inspected since 1959. The inspections have been generally positive about various aspects of the conduct of tourism. Since tourism has now become a major Antarctic activity in terms of the number of people, ships, and sites involved, it makes sense that it becomes the focus of inspections to a greater degree than hitherto. Inspections of tourism vessels, activities and landing sites should be as detailed and critical, where applicable, as those of National Antarctic Program facilities. Existing inspection checklists can be used for the time being, but purpose-made checklists for tourism may eventually be required.

1. Introduction

Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection to the Antarctic Treaty enable Antarctic Treaty Consultative Parties to conduct inspections in order to promote the objectives and ensure compliance with the provisions of the Antarctic Treaty and its Protocol.

Article VII of the Antarctic Treaty establishes the right of free access for observation and inspection by the Contracting Parties. Observers designed under Article VII (1) “shall have complete freedom of access”, including the conducting of aerial observations, “at any time to any or all areas of Antarctica.” The facilities that may be inspected include “all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica.” Article 14 of the Protocol establishes that Antarctic Treaty Consultative Parties “shall arrange, individually or collectively, for inspections by observers to be made in accordance with Article VII of the Antarctic Treaty.” During inspections, observers should be given access to “all parts of stations, installations, equipment, ships and aircraft open to inspection under Article VII of the Antarctic Treaty, and to all records” that are maintained at those facilities in accordance to Protocol requirements.

Building on an earlier Information Paper,² this paper reviews key aspects of the inspection of tourism cruise vessels in the Antarctic Treaty Area.³ ASOC intends to submit a more detailed analysis of this issue to XXXIII ATCM.⁴

2. Official inspections of ship-borne tourism vessels, activities, and landing sites

To date, the inspection of commercial tourism activities has largely been limited to the inspection of tourist vessels, complemented with some observations carried out during tourism landings. Of the 16 vessels inspected since 1959, ten were tourist vessels, and all have been inspected since the signature of the Protocol in October 1991 (Appendix 1). The number of tourist vessels currently operating in Antarctica on regular basis is in excess of 50, with a capacity varying between below 10 to over 1,000 passengers.⁵

¹ Lead author: R. Roura. This paper was previously submitted to the Antarctic Treaty Meeting of Experts on Ship-borne Tourism (Wellington, New Zealand, 9-11 December 2010) as ATME IP001

² ASOC and UNEP (2003) - “A review of inspections under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection 1959 and 2001”. XXVI ATCM/IP118-rev.1.

³ Beyond inspections in Antarctica (and also beyond the scope of this document), greater attention to port state control is fundamental. This may require an increase in inspections and controls over vessels operating in the Antarctic region, in order to ensure strict compliance with the highest safety and environmental standards. ASOC’s companion ATME paper *Antarctic ship-borne tourism: Perspectives on shipping issues* contains details on required improvements of standards of Antarctic shipping. See also: ASOC (2002): *Port state jurisdiction: An appropriate international law mechanisms to regulate vessels engaged in Antarctic tourism*. XXV ATCM/IP063; and ASOC (2003): *Port state control: An update on international law mechanisms to regulate vessels engaged in Antarctic non-governmental activities*. XXVI ATCM/IP044.

⁴ The 1993 inspection is not included in this analysis as it was not available at the time of writing.

⁵ Based on www.iaato.org, xx

Industry sources list at least 170 sites along the Antarctic Peninsula where tourist landings have occurred, and a further 30 sites elsewhere in Antarctica. The frequency of landing varies greatly, with some sites being visited very often and others rarely, and with much higher numbers of tourists visiting the Antarctic Peninsula.⁶

The most common aspects of tourism operations reported in the inspections to date include:

- **Geographic location** – All inspections took place in the Antarctic Peninsula area, except opportunistic observations of tourism activities made during official inspections to McMurdo Station and Scott Base on Ross Island. Three of the inspections took place at Whalers Bay in Deception Island, one of the most visited sites in Antarctica.
- **Parties conducting inspections** – The Parties conducting inspections were Australia, Germany, Italy, Peru, United Kingdom, and United States. Three inspections were carried out jointly and two by a single Party.
- **Inspection detail** – Inspection reports for vessels (excluding the 1993 inspection) vary considerably in detail. Differences include the number of headings, the length of the inspection report (3-6 pages), and a final assessment of the vessel inspected.
- **Vessel flags** – Five (50%) of the ships inspected were flagged by an ATCP (Russia in all cases) while the other five (50%) were flagged in the Bahamas (4) or Liberia (1) at the time of the inspections. Some inspection reports note that observers had to request the approval of the ship's Master to conduct the inspection in the case of cruise ships operating under flags of convenience.
- **Operational and shipping issues** – Most inspections reported on different operational and shipping issues, both from routine and emergency activities. Some inspections reported specifically tourism aspects such as landings and activities ashore. At least one inspection reported on the activity of yachts, both private and commercial, albeit the observers did not inspect them formally. One inspection reported solely on operations ashore.
- **Environmental issues** – The inspections that took place since the entry into force of the Protocol reported general compliance with the objectives and provisions of the Protocol on all ships inspected. However, some inspections are more detailed than others, with separate headings for e.g. different Annexes of the Protocol and non-indigenous species. Some inspections inventoried the types and quantities of fuel on board and made notes on the prevention of oil pollution, while others did not.

The inspections reported to date have been generally positive about various aspects of the conduct of tourism.⁷ However, there are some significant differences between inspection reports discussing bases and other facilities operated by National Antarctic Programs and those discussing tourist vessels. Some inspections of cruise ships appear to be quite general when compared to those of Antarctic bases and other sites and facilities, and considerably less critical. Some inspections of tourism vessels are only descriptive in that they do not contain any conclusions or provide any advice to tour operators. This may be, in part, an artefact of limited experience with this type of inspection, the relative complexity of the inspections (which may combine the fairly different tasks of inspecting a vessel, tourism activities ashore, and a site used for tourist landings) and the lack of agreed checklists.

One inspection (United Kingdom and Germany, 1999) reports on the advantages and disadvantages of large ships versus small ships. According to this analysis smaller ships are more flexible in their operations and can land at more sites, thus widening potential impacts. Conversely, large vessels conduct fewer landings but the concerns relate to the fact that they carry large quantities of heavy fuel oil and SAR implications in the event of a major accident. This analysis still remains valid ten years later.

⁶ According to IAATO's analysis of tourism statistics "...approximately 200 sites including 20 research stations have been visited in the Antarctic Peninsula region since 1989. About 50 of these sites have received more than 100 visitors in any one season and about the same number have been visited just once. A cursory examination of the tour data indicates that visits are concentrated at less than 35 sites. Less than 10 sites receive around 10,000 visitors each season, and Port Lockroy ...receives over 10,000 visitors annually."

⁷ Some inspections report also on the interface of tourism with research stations. This aspect of tourism is not included here.

3. Inspection checklists

Resolution 5 (1995) approves Antarctic Inspection Checklists as useful as guidelines for those planning and conducting inspections under Article VII of the Antarctic Treaty and in assessing implementation of the provisions of the Environmental Protocol.

Four checklists have been approved:

- Checklist A: Permanent Antarctic Stations and Associated Installations
- Checklist B: Vessels within the Antarctic Treaty Area
- Checklist C: Abandoned Antarctic Stations and Associated Installations
- Checklist D: Waste Disposal Sites

In addition, Resolution 4 (2008) adopted a “Checklist to assist in the inspection of Antarctic Specially Protected and Managed Areas”.

Inspection checklists are not mandatory, exhaustive nor necessarily completely applicable to all areas, and they are not to be used as a questionnaire. Inspection checklists are generally used as *aide-mémoires* to facilitate the conduct of inspections and subsequent reporting. Existing checklists could be adapted and/or updated by observers to apply to inspections to cruise ships (primarily checklist B), tourism activities (primarily section 22 of checklist B), and sites where tourism activities take place (most of “Checklist to assist in the inspection of Antarctic Specially Protected and Managed Areas”, and some parts of checklists A, C, and D). The usefulness of current checklists to inspect tourism ships, activities, and sites is further described in Appendix 2.

ASOC suggests that the existing checklists can be used for the time being. A basic outline of inspection report for tourism vessels and tourism operations could be compiled using existing reports as the basis. In addition, the experience of some Parties that deploy observers on board tourism ships would seem to be relevant for official inspections. However, purpose-made checklists for tourism may eventually be required. In particular, existing checklists do not provide sufficient detail about the conduct of landings from cruise vessels.

4. Closing remarks

Inspections provide critical information on the level of compliance with the Treaty and the Protocol’s provisions and help identify issues that need further attention from the Parties. They are also learning experiences for both those being inspected and for the Parties conducting the inspection.

Since tourism has now become a major Antarctic activity in terms of the number of people, ships, and sites involved, it makes sense that it becomes the focus of inspections to a greater degree than hitherto.

For the purposes of the ATME on ship-borne tourism, and based on the earlier IP and this review, it appears that future inspections could usefully focus on:

1. Vessels engaged in Antarctic tourism;
2. Tourism activities (such as landings); and
3. Sites where tourism operations frequently take place, whether while landings are taken place and/or at other times, so that both tourism activities and the sites themselves are inspected.

In order to carry out these tasks observers could adapt existing checklists and the content of inspection reports as discussed above. ASOC further suggests that some official inspections should focus primarily on inspecting tourism vessels, activities and landing sites rather than primarily on research stations as it has been the practice so far. Inspections of tourism vessels, activities and landing sites should be as detailed and critical, where applicable, as those of National Antarctic Program facilities.

Appendix 1 – Official inspections of ship-borne tourism vessels 1959-2009

Season	Party undertaking inspections	Inspected facility	Flag	Operator	Inspection location	Pages	Source
2006-07	United States	<i>National Geographic Endeavour</i>	Bahamas	Lindblad Expeditions	Neko Harbour, Advord Bay	6	XXX ATCM/ WP16
2006-07	United States	<i>Lybov Orlova</i>	Russia	Quark Expeditions	Whalers Bay, Deception Island	5	XXX ATCM/ WP16
2006-07	United States	<i>Explorer II</i>	Bahamas	Abercrombie and Kent	Whalers Bay and Pendulum Cove, Deception Island	6	XXX ATCM/ WP16
2004-05	Australia, Peru and United Kingdom	<i>Professor Molchanov</i>	Russia	Oceanwide Expeditions. Subchartered to Quark Expeditions	Port Lockroy, Goudier Island	4	XXVIII ATCM/ WP032
2004-05	Australia, Peru and United Kingdom	Yachts (observations only; both commercial and non-commercial)	Several	Several	Several locations	2	XXVIII ATCM/ WP032
2004-05	Australia	Tourism activities on Ross Island conducted from <i>Kaptain Klebnikov</i>	Russia	Quark Expeditions	McMurdo Station, Scott Base, Ross Island	1	XXVIII ATCM/ WP016
1998-99	Germany and United Kingdom	<i>Marco Polo</i>	Bahamas	Orient Lines	Wiencke Island, Jougla Point	3	XXIII ATCM/ WP23
1998-99	Germany and United Kingdom	<i>Academic Ioffe</i>	Russia	Chartered to Marine Expeditions. Subchartered to Dough Cheeseman Ecological Safaris (USA)	Whalers Bay, Deception Island	3	XXIII ATCM/ WP23
1992-93	United Kingdom, Italy, and Korea	<i>Europa</i>	Bahamas (*)	Hapag Lloyd (*)	N/A	N/A	XVIII ATCM/ IP7
1992-93	United Kingdom, Italy, and Korea	<i>Akademik Vavilov</i>	Russia	Oceanwide Expeditions (*)	N/A	N/A	XVIII ATCM/ IP7
1992-93	United Kingdom, Italy, and Korea	<i>Explorer</i>	Liberia	Lindblad Expeditions	N/A	N/A	XVIII ATCM/IP7

(*) Assumed.

Appendix 2 – Information on Checklists A-E relevant to the inspection of ship-borne tourism vessels

Checklist A: Permanent Antarctic Stations and Associated Installations

- Most of the checklist (sections 1-21) are either not applicable to tourism or tourism sites, or the information they request is included in other checklists.
- However, section 21 on tourism and NGO activities would be useful for the inspection of tourism vessel operations, particularly to assess tourism at landing sites such as natural sites, Historic Sites and Monuments, or research stations.

Checklist B: Vessels within the Antarctic Treaty Area

- Most of the checklist (sections 1-22) can be adapted to tourism as they are.
- Section 4 (scientific research) could be replaced by a suitable description of the proposed activities of the vessel during the season.
- Section 9 and 10 (cargo) are less relevant to tourism but may still be applicable i.e. in the event of tourists ships carrying cargo for research stations.
- Section 14, 15 (explosives, military personnel) are generally not relevant to tourism operations.
- Section 19 and 21 (conservation of flora and fauna; and management of protected areas) are particularly relevant to the conduct of tourism operations ashore.
- Section 22 specifically refers to tourism activities. The items are highly relevant but lack the detail needed to fully describe contemporary tourism activities. This section could be updated by observers to refer to activities, types of sites, and instruments such as Measures 4 (2004) and 15 (2009), and site specific guidelines), which are not specifically listed in checklist B.

Checklist C: Abandoned Antarctic Stations and Associated Installations

- Most of the checklist (sections 1-7) is not applicable to sites where tourism takes place except some of the generic information that is also contained in other checklists.
- However, part of the contents of sections 3 (physical description), 10 (protected areas), and 11 (protected areas) are broadly applicable to sites where tourism is conducted, even though observers would need to provide more detail as appropriate.

Checklist D: Waste Disposal Sites

- Most of the checklist (sections 1-7) is not applicable to sites where tourism takes place except some of the generic information that is also contained in other checklists.
- However, the headings of sections 5 (evidence of environmental impact), 6 (evidence of corrective/preventive measures), and 7 (future plans) are broadly applicable to sites where tourism is conducted, even though the specific contents of these sections are not, so that the observers would need to adapt or create appropriate items.

Checklist to assist in the inspection of Antarctic Specially Protected and Managed Areas

- Sections 1-2 could be adapted to describe sites where tourism activities take place and the activities therein.
- Sections 3-4 also contain some information relevant to sites used for tourism landings. The checklist refers to the implementation of management plans, which may or may not exist at a location used for tourism purposes. These sections are most applicable when there is a management plans for the site (and/or, to a point, site specific guidelines).