

ANTARCTIC TREATY
XVIth CONSULTATIVE MEETING

TRAITÉ SUR L'ANTARCTIQUE
XVI^e RÉUNION CONSULTATIVE



TRATADO ANTÁRTICO
XVI REUNIÓN CONSULTIVA

ДОГОВОР ОБ АНТАРКТИКЕ
XVI КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ

Bonn
07 - 18 October 1991

XVI ATCM//WP 2
25 September 1991
Original:French

Tourism

and other Non-Governmental Activities in Antarctica and Environmental Protection

(submitted by France)

TOURISM AND OTHER NON-GOVERNMENTAL
ACTIVITIES IN ANTARCTICA AND ENVIRONMENTAL PROTECTION

The purpose of this paper is to lay down the broad principles for controlling tourist and other non-governmental activities with the aim of respecting the Antarctic environment.

Governmental activities carried out in the Antarctic pursuant to the 1959 Treaty should henceforward comply with the environmental rules set out in the Protocol being discussed in Madrid and in the four Annexes already drafted, namely:

- procedures for evaluating the impact on the environment;
- removal and management of waste;
- conservation of marine fauna and flora;
- prevention of marine pollution.

Non-governmental activities should accordingly be expected to abide by at least the same rules as governments have set themselves.

This paper sets out a number of principles governing such activities. These should be discussed at the XVIth ACTM, so that a preliminary draft annex to the future protocol can be prepared.

The references made to articles in this paper refer to those proposed in the draft protocol being discussed in Madrid and in Annex I on the procedures for assessing the impact on the environment.

I. ACTIVITIES INVOLVED

Ia) TOURISM AS A HUMAN ACTIVITY IN ANTARCTICA

There can clearly be no denying the potential importance of organizing tourist activities which show the utmost respect for the environment, are adapted to the climatic conditions of the continent and do not interfere with the scientific activities being conducted on the bases set up for research purposes.

The Consultative Meetings have, on several occasions, indicated their concern for tourist activities by adopting a number of resolutions (IV-27, VI-7, VII-4 and X-8 and, more specifically, VIII-9, which laid down the rules for a code of conduct in respect of those activities). The principles involved are recapitulated in this paper.

The recent growth of tourist activities now entails, firstly, exercising closer control over their impact on the environment, as in the case of other human activities and, secondly, adopting specific rules and regulations for the local organization and development of such activities.

The following activities would be involved:

- commercial or non-commercial tourist activities organized by all specialized agencies and associations (designated by the term "tour operators" in this paper) engaging in such activities in the Treaty Area;

- individual tourist activities, even if it is more difficult to foresee and control such activities.

ib) OTHER NON-GOVERNMENTAL ACTIVITIES

The scope of these activities would have to be defined. Reference to activities of this type has already been made in a number of recommendations (VI-7, VII-4, VIII-9 and X-8).

- In particular, these are recreational or adventure-type activities (which are not tourist in purpose) or private scientific expeditions on a limited scale (organized by universities or private sponsors), or else activities conducted by private associations.

II. BASIC PRINCIPLE

(for activities of the first type, i.e. tourism)

IIa) DELIMITATION OF AREAS OF TOURIST INTEREST

- Only a very minute part of the surface area of the Antarctic continent is occupied and its features well known. It would be paradoxical to allow tourist and non-governmental activities to spread over areas that are still unknown and have not been surveyed by scientists in order to ascertain their ecological value and their importance in connection with scientific research.

This is why tourist activities can be allowed only in limited places which have been designated for that purpose by the Committee for Environmental Protection, such as controlled and supervised visits to bases and the delimitation of areas of tourist interest.

Tourists should be prohibited from entering protected areas.

IIb) THE REGIME FOR CONTROLLING TOURIST ACTIVITIES

- It should be mandatory for all tourist activities to be subject to a global assessment of the impact on the environment (Article 8 of the Protocol and Article 3 to Annex I to the Protocol) and they should accordingly be submitted for the opinion of the Committee for Environmental Protection set up under the future protocol and thereafter endorsed by the ATCMs.

- Each tour operator shall submit its tourist programme to the Committee through the State Party to the future Protocol responsible for issuing its operating licence, or else direct to the Committee if it is answerable to a third country.

- The programme, which should be valid for 2 years or even longer, should include all the information described in Annex I below, so as to enable the Committee to give its opinion on the programme's impact on the environment and to co-ordinate the activities. The programme as determined by the Committee shall be approved by the Parties once every 2 years or a longer period.

II c) TOURIST PERIOD

Considering the climate for a good part of the year, activities should be possible throughout the area only during the southern summer although the actual periods may vary from one circuit to another (e.g. there are differences in climate if we take the Antarctic peninsula where the winter is less severe on the southern part of the Indian Ocean).

It will of course be necessary to have regard, within the southern summer period, to breeding areas and periods.

II d) INFRASTRUCTURE AND TRANSPORT MEDIA

Operators should use maritime vessels exclusively, without setting up any permanent or temporarily land infrastructure, or any floating hotel or removable base.

Boats should be built and fitted out for navigation anywhere in the Treaty Area.

The basic idea should be going ashore for the day to visit either bases or specific nature observation sites (landscape, fauna, flora).

Also to be determined, following an impact study, will be what use can be made of continental tourist facilities existing prior to signature of the annex.

Problems to be settled

Tourist activities using the landing strips at the bases as access to the continent.

Individual tourism from personal aircraft.

Aeroplane tours over all or part of the continent (e.g. commercially organized tour in a small aeroplane from the airstrip of a base down to the South Pole).

Normally to be banned in the area (unless the impact study shows them to be compatible with preservation of the environment) would be:

Any competitive event such as a rally or cross-country ski race, for reward or otherwise, anywhere in the Treaty Area.

Use of powered land vehicles on the continent (land mass or ice shelf).

Tourism involving major incursions into the continent (land mass), because of problems, inter alia, of subsistence, infrastructure and safety (examples: endurance or adventure journey lasting some time inside the continent).

IIe) LIABILITY AND INSURANCE

Operators shall be liable in the event of any incident brought about by them and having an effect on the environment and shall have the means to restore the environment to its original state through suitable insurance.

II f) INTERFERENCE WITH SCIENTIFIC ACTIVITIES

It is obvious, without this having to be repeated further on, that tourist activities must not interfere with activity at the bases, that programmes should provide two years (or more) in advance the details of the bases to be visited (the file to contain the prior agreement of the base authorities). The tour operator shall again give notice to each base of the arrival of the tourists 72 hours in advance on the occasion of the tour.

At no time shall tour operators create hazards for those living at the bases through non-compliance with their undertakings entered into with the base authorities.

II g) RESPECT FOR ALL RULES

It also goes without saying and requires no further repetition that operators shall be bound to comply with all rules otherwise promulgated in the future instrument;

- To prevent marine pollution
- For waste management and elimination
- To protect fauna and flora as well as spaces and monuments in any way classified for protection. The areas involved shall be clearly brought to the knowledge of the public and in particular of tour operators.
- Third-party countries shall be invited to take account of the provisions laid down and to abide by them.

III ROLE OF THE COMMITTEE FOR ENVIRONMENTAL PROTECTION AND OF THE ANTARCTIC TREATY CONSULTATIVE MEETING

- ATCM -

(Under Articles 11 and 12 of the Protocol and Annex I to the Protocol)

The Committee shall assess the relevance of the material provided in the impact study carried out by the operator and shall provide the forthcoming ATCM with an opinion on the tourist project.

The ATCM, on the basis of the study or revised study and of the Committee's opinion, shall endorse for two years (or more) the tourist programme and instruct the Committee to coordinate all tourist activity on the continent throughout that period.

The Committee shall provide ATCMs with a regular account of the progress of tourist activities, their impact on the environment and of any emergencies which had to be dealt with.

IV. GENERAL REMARKS

National legislation

Lastly, it should be possible to control individual tourism through national legislation once States have re-enacted in their domestic law the rules of the future instrument on overall protection of the environment (cf. example of the United States).

Likewise such legislation could be applicable to nationals of those States on cruises aboard vessels belonging to countries not Parties to the future instrument or the Antarctic Treaty.

Other non-governmental activities

It should be possible to adapt the principles laid down in paragraphs II to IV to cover other non-governmental activities.

Those in charge of activities should establish the impact study and follow and abide by the principles and procedure set forth in above paragraphs II, III and IV for tourist activities.

Somewhat different approaches to the principle of non-penetration of the continent might be considered in the case of private scientific expeditions providing full guarantees of survival and non-interference with the scientific activities of government stations.

ANNEX I

PROGRAMME OF TOURIST ACTIVITIES TO BE PROVIDED IN IMPACT STUDY

General principles:

- route clearly determined beforehand for two years (or for a longer period);
- study of impact on the whole route taken in by the operator (impact of each of the activities, and remedial and compensatory measures taken);
- agreement in principle of the bases visited;
- the operator (who lays on and organizes the route) will be responsible for the whole of the activity (including that of boats which he normally hires);
- the operator shall have experienced guides, who will have to be approved by the base officials responsible when the operator wishes to arrange a stay at one of those bases or in his sector.

- Liability-insurance: The operator will have to prove that he is able to cope with any incidents (accidental pollution, rescue). He will have to prove that he can organize his touristic circuit without outside support.

He will have to submit insurance policies to this effect.

The Committee for Environmental Protection will propose the maximum financial provisions normally required which will be ratified by the ATCM.

b) LOGISTICS (tourist activities)

b1) Construction of vessels

- The construction of the vessel used by the operator shall accord with the strictest standards provided under international regulations, in particular:
- The construction shall comply with the principal international conventions, including:

* International Convention on the Prevention of Pollution from Ships and its 1987 Protocol (MARPOL 1973/78);

* Convention on the Prevention of Marine Pollution by Immersion of Waste and other Matter (1972 London Convention);

* International Convention on the Safeguarding of Life at Sea (SOLAS 1974) and its 1987 Protocol;

* International Convention on the Prevention of Collisions at Sea (COLREGS 1972).

- The hull shall be reinforced. The design shall comply with the general rules for reinforcement applicable to category I ice;

- some vital safety equipment shall be duplicated, such as the steering gear, the propulsion system, navigation equipment (radars, sonars, satellite links, Argos beacon);

- rescue equipment shall be designed specially for the polar regions;

- the equipment shall include facilities for accommodating the crew and tourists during the stay;

- the vessels shall have ZODIAC-type dinghies properly adapted for navigating in rough seas and for approaching the shore (with tourists on board);

- reminder: compliance with marine anti-pollution and waste-treatment rules (established in the other annexes of the protocol).

b2) Navigation of vessels

Crews will receive special instruction in navigation in polar zones.

The presence of pilots on board will be obligatory.

Vessels will be provided with helicopters for navigation (to facilitate detection of navigation channels in ice).

- The sailing plan submitted to the Committee for Environmental Protection shall be fully complied with, except in emergencies, once the nearest base has been alerted.

- Planned routes and stops shall be clearly indicated two years (or more) beforehand

b3) Stay on land

- From the outset of the cruise, the vessel shall in all cases make itself known to a scientific base (in accordance with the sailing plan defined above).

- If base facilities are to be used, it shall be in conformity with specific conditions laid down by the base officials.

- If base facilities are not to be used, disembarkment shall be only in areas of tourist interest.

- Protection : protected fauna-flora areas and monuments (see specific annex);

- Prohibition of introduction of species;

- Compliance, in cases of animal species being observed (always at a distance), with the most elementary rules applicable. It is appropriate to recall the specific rules for this type of approach, rules laid down by biologists and naturalists;

- No use on land of motorized vehicles (e.g. snowmobiles or any other powered vehicles).

b4) Information - training

- Tourists shall be fully briefed on compliance with all the rules and on the dangers incurred;

- Information and advertising material shall be provided in the impact study;

- Personnel including ship pilots, guides and accompanying staff shall have received adequate specialized training.