Expeditions within Expeditions: Authorizing Non-Governmental Organization Activities Associated with Tourist and other Non-Governmental Expedition Organizers

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Submitted by the United States

Introduction

This paper is submitted with reference to Article 13, Paragraph 4 of the Protocol on Environmental Protection to the Antarctic Treaty (the Protocol) regarding the sharing of information on activities that may affect the implementation of the Protocol. The purpose of this paper is to discuss the authorization[[1]](#footnote-1) of non-governmental (NGO), non-scientific expeditions to Antarctica which rely on tour operators for logistical support. While the United States has authorized many such activities in the past, recent changes in the types of requests being received is leading to complexities which may result in inconsistencies in authorization. Our intent with this paper is to discuss these changes and to share how we intend to approach authorizing NGO activities in the future. We also hope to encourage communication amongst Parties to identify and address shared challenges in how NGO activities are authorized and managed by Competent Authorities.

Background: authorization of NGO activities

Non-governmental expeditions to the Antarctic have long relied on tourist or other NGO operators for logistical support and access to the region. The activities of these so-called ‘expeditions within expeditions’ are separate from the authorized activities of the tourism or other NGO operator.

As with NGO science expeditions, detailed in IP XX “Authorization of Science Activities Associated with Tourist and other NGO Expedition Organizers,” non-scientific NGO expeditions must obtain the appropriate independent authorizations from U.S. Competent Authorities. This includes providing advanced notification under Article VII (5)(a) of the Antarctic Treaty and submitting an environmental impact assessment (EIA) in accordance with Article 8 and Annex I of the Protocol. Expedition organizers must also obtain any necessary permits required to conduct planned activities in the Antarctic in accordance with the Protocol and U.S. legislation.

Currently, flora and fauna and protected area permits under Annex II and Annex V are not issued to non-scientific NGO operators, with the exception that NGO expeditions may be issued permits for entry into Historic Huts which are designated as ASPAs. All U.S.-authorized NGO operators using Remotely Piloted Aircraft Systems (RPAS) are expected to follow guidelines listed in the Environmental Guidelines for Operation of Remotely Piloted Aircraft Systems (Resolution 4, 2018). All NGO operators using RPAS are encouraged to obtain a waste management permit under the Antarctic Conservation Act (ACA), the U.S. legislation which implements Article IV of the Protocol. Although not explicitly required, an ACA permit is strongly encouraged by the U.S. Competent Authorities in the event of an accidental release of waste should an RPA become lost or irretrievable.

Concerns and complicating factors

As Antarctic tourism continues to grow and the region becomes more accessible, U.S. Competent Authorities have been seeing an increase in requests to authorize more of these ‘expeditions within expeditions.’ This includes requests for filmmaking expeditions and land-based commercial, educational, or recreational expeditions.

Documentary and commercial filmmakers have historically relied on NGO operators for access to the region for filmmaking purposes. In recent seasons, U.S. Competent Authorities have reviewed an increasing number of these types of filmmaking expeditions, particularly those using RPAS for filming. Land-based filming has been authorized in the past, but typically filmmaking takes place aboard NGO vessels. In some cases, filmmakers will provide the tour operator with material that can be used as promotional and commercial material in addition to filming material for their own purposes. We have also been reviewing an increased number of requests for land-based activities which rely on NGO operators for travel to and around the continent. Such land-based activities include solo expeditions, mountaineering and other self-organized activities that are independent from the shore-based activities offered by the tour operator.

Typically, NGO expeditions are expected to obtain independent authorization, however in recent seasons we have received requests from a class of ‘expeditions within expeditions’ that they be included in the authorization of the supporting tour operator. These requests have mainly been from RPAS-based filming expeditions which are seeking to have their activities included under the authorization and EIA of the NGO operator providing logistical support. They also seek all RPAS activity to be covered under the waste management permit of operator, many of which utilize RPAS for commercial and navigational purposes. Requests to include third-party NGO activities under an operator’s authorizations are especially common when there is a time constraint that limits the expeditions’ ability to obtain independent authorizations. The unpredictability of Antarctic Tourism in recent seasons due to the COVID-19 pandemic has led to an increase in these types of last-minute requests. This change in how NGO expeditions hope to be authorized has raised questions amongst the U.S. Competent Authorities about how to ensure authorizations for NGO expeditions can receive appropriate oversight and that the individuals directly responsible for an activity are the ones authorized.

As tourism and other NGO operations in the Antarctic resume following the COVID-19 pandemic, U.S. Competent Authorities have decided on a standard of practice that requires all third-party, non-scientific NGO expeditions working with tourism or NGO operators to obtain independent authorization regardless of the size or the nature of the proposed activity. This ensures that all expeditions can be managed and overseen by the appropriate U.S. Competent Authority and that authorizations are issued to the individuals directly responsible for a particular activity. While an NGO expedition may obtain individual authorization from U.S. Competent Authorities, it is ultimately the decision of the NGO operator supporting the activity to allow it to proceed or not. Independent authorization from U.S. Competent Authorities does not supersede the ultimate discretion of the tourism or other NGO operator supporting the expedition within an expedition

We are also witnessing an increase in ‘expeditions within expeditions’ that plan to obtain logistics support from non-U.S. authorized NGO operators. We expect U.S. citizens to seek authorization from the U.S. Competent Authorities for all planned activities in Antarctica, even those taking place with the support of foreign NGO operators. We understand that other Competent Authorities may have different requirements for foreign nationals working aboard vessels under their jurisdiction. This raise concerns over how to best coordinate with other Competent Authorities to ensure that all necessary requirements are met and to prevent duplicate authorizations or forum-shopping.

Moving forward: developing best practices and encouraging collaboration with other parties

As Antarctic tourism resumes normal operations following two seasons impacted by the COVID-19 pandemic, the United States hopes to develop a system of best practices to address the questions and concerns raised in this information paper. We expect that the growing and fast-changing nature of Antarctic tourism means that such circumstances may become more common in the future. By requiring all third-party NGO expeditions working with tourist or other NGO operators to seek independent authorization we hope to promote consistency in our authorization processes and to continue to appropriately manage all U.S.-based expeditions to Antarctica.

The United States welcomes input and discussion from other Competent Authorities on this and related topics as we move forward in addressing the challenges arising from the changing landscape of Antarctic tourism. We understand that other Competent Authorities may have similar experiences and concerns to share, and we hope to encourage conversation between Parties on these issues. Many of these concerns are currently being addressed by WG-2: Tourism and we support the work being proposed by the Convenors. We look forward to working with other Parties to discuss standards and best practices and to establish methods for future collaboration.

1. The term “authorization” is used broadly throughout to reference compliance with U.S. laws and regulations implementing Protocol obligations. Unlike some other Competent Authorities, the United States does not implement a generic permit or authorization advising whether an organization can proceed with its activity, or not. [↑](#footnote-ref-1)