Report of the Informal Discussion on the Elaboration of a Manual of Regulations and Guidelines Relevant to Tourism and Non-Governmental Activities in the Antarctic Treaty area

English version provided by the authors

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Summary

During ATCM XLII, the contracting Parties adopted Decision 6 (2019), tasking the Antarctic Treaty Secretariat to produce a “Manual of Regulations and Guidelines Relevant to Tourism and Non-Governmental Activities in the Antarctic Treaty area”, under their guidance and with their assistance. An informal discussion convened by France took place on a discussion Forum of the Secretariat website.

The main objective was to gather all relevant documents addressing tourism and non-governmental activities without modifying their meaning or scope, to produce a user-friendly tool aiming to improve knowledge of, and compliance with, the provisions applicable to tourism and non-governmental activities.

Three different products derived from the work carried out since ATCM XLII, on which the participants have reached a general agreement. According to D6 (2019), the Manual is intended to be a digital document, accessible via the Secretariat’s website. It will be available in the following formats:

* A “synoptic digital” version, containing only the name of each provision and a hyperlink to its full text;
* A “ready to print” version, containing the same provisions, along with explanatory texts, and the full provisions in an appendix; and
* A leaflet, intended to provide vessel-based operators with a synoptic and user-friendly tool.

As a recommendation, ATCM should decide to endorse the three versions of the Manual (drafts in Attachments A, B and C) and to make them easily accessible on the website of the Secretariat.

Background

Through Decision 6 (2019), ATCM XLII decided to create a “*Manual of Regulations and Guidelines Relevant to Tourism and Non-Governmental Activities in the Antarctic Treaty area*” (hereafter referred to as “the Manual”). The Secretariat of the Antarctic Treaty (“the Secretariat”) was tasked with producing the document. In order to enable Parties to guide and assist the Secretariat in this task, an informal discussion, convened by France was held on a dedicated forum of the website of the Secretariat. Decision 6 (2019) also stated that the Manual will be a digital document, accessible via the Secretariat’s website, and that the Secretariat will periodically produce updated versions. The present Working Paper presents the outcomes of this discussion, and the different products that have stemmed from it.

Organisation of the informal discussion

The informal forum operated during the intersessional period that extended between ATCM XLII and XLIII (2019 / 2021). Thirty-eight contributions were shared by participants, namely Argentina, ASOC, Australia, Chile, Germany, IAATO, Norway, Spain, the United Kingdom, the United States, France as the convener and the Secretariat.

The different formats of the manual were developed step by step, following the same process throughout the discussions. The Secretariat was in charge of producing inputs (e.g. an updated version of the Manual) on which participants were invited to comment. The convener was in charge of summarizing this feedback, and transmitting it to the Secretariat along with instructions to produce an updated version.

Summary of the discussions

During the first round of this intersessional discussions, participants had the chance to debate, based on what was agreed by means of Decision 6 (2019), on the general structure and content of the Manual, and on the texts that were to be included.

As of the second round, discussions focused on a first draft version of the Manual, which comprised four chapters and an appendix. The first three chapters were structured around the steps usually followed by an activity in Antarctica and incorporated references to all the ATCM provisions related to Tourism and Non-Governmental activities, with some explanatory texts for each reference. Chapter 4 contained references to legal instruments adopted outside the ATCM framework. Finally, the appendix contained full texts of the ATCM provisions (plus their attachments, if any) included in the Manual.

As recommended by participants, the second draft was reorganized in two sections (A and B), one mainly aimed for national competent authorities (NCA), and the other one for non-governmental operators. Hyperlinks were added to direct the reader to the full texts of the provisions included in the draft Manual, and to connect relevant cross-references. Likewise, all ATCM provisions included in the appendix were grouped by type (Antarctic Treaty and Protocol texts, Measures, Decisions, Resolutions, and Recommendations), presented in chronological order and hyperlinked to the corresponding section of the ATS website. Finally, all references to legal instruments adopted outside the ATCM framework included in Chapter 4 of each section, were linked to the relevant external websites to avoid updating the Manual every time those texts were updated or amended.

In the third draft, all explanatory texts were removed, and left aside to be included into a "ready to print", off-line version of the Manual. Chapter 4 turned into a common Section C and it was presented after the first two sections. Some contents were further revised, and additional relevant provisions were also incorporated. At this point, it was indicated that certain provisions included in the Manual would need to be revised by the ATCM to ensure their continued relevance, as some of them might have turned out of date or superseded by measures later agreed.

The following provisions have been identified as obsolete:

* Recommendation X-8 (1979) Effects of tourists and non-government expeditions in the Antarctic Treaty Area
* Recommendation XVIII-1 (1994) Tourism and Non-Governmental Activities

Finally, during the fourth round, both the “ready to print”, off-line version of the Manual and a graphic “leaflet” that summarized the main provisions of the Manual were presented for participants’ consideration. Discussions during this and the final fifth round were devoted to refining both the format and contents of all the material attached to this Working Paper.

General overview of the outcomes of the informal discussion

From the cosponsors’ perspective, the wide circulation of the different formats of the Manual will improve knowledge of – and therefore compliance with – the provisions applicable to tourism and non-governmental activities in the Antarctic. These documents, gathering all relevant instruments addressing tourism and non-governmental activities, will be a valuable tool for both operators and government authorities, facilitating their work, in particular that of NCAs.

Each version meets a specific purpose:

* The digital synoptic version will help users with access to the Internet to easily identify and access the provisions;
* The “ready to print” version is a comprehensive digital tool, based on the same core as the synoptic version, and containing the same provisions. In addition, it provides explanatory texts of these provisions, as well as their full texts, in an appendix. It can be used offline -without the use of Internet- or with a poor connection (e.g. on-board yachts).
* The leaflet is intended to provide vessel-based operators with a synthetic and user-friendly tool for quick reference.

The Manual gathers existing instruments without modifying their meaning or scope. It does not create any new obligations.

Recommendation

It is recommended that the ATCM endorse the following Decision:

Decision X (20XX)

**The Representatives,**

*Considering* the issues relating to tourism activities and compliance with current regulations;

*Desiring* to ensure that non-governmental activities in Antarctica are carried out in full compliance with the Antarctic Treaty and its Protocol on Environmental Protection;

*Desiring* to improve the efficiency of the Antarctic Treaty system and compliance with its legal framework;

*Recalling* Decision 6 (2019), through which it was agreed to create the Manual of Regulations and Guidelines Relevant to Tourism and Non-Governmental Activities in the Antarctic Treaty area;

**Decide** that:

The two versions of the *Manual of Regulations and Guidelines Relevant to Tourism and Non-Governmental Activities in the Antarctic Treaty area* and the Tourist Leaflet attached to the present decision will be made available on the ATS website, in its most appropriate section, so that they can be downloaded.

According to D6 (2019), the two versions of the Manual and the Tourist Leaflet will be updated by the Secretariat, simultaneously, upon request by the ATCM.

Recommendation X-8 (1979) and Recommendation XVIII-1 (1994) will be withdrawn by means of an appropriate Decision, in line with Decision 3 (2002), Decision 1 (2007), Decision 1 (2011), Decision 1 (2012), Decision 1 (2014) and Decision 2 (2015), which established lists of measures that were designated as spent or no longer current. Additional superseded provisions that may be identified in the future will be considered in the same way.