Dedicated process for the development of a comprehensive and consistent framework for Antarctic tourism and other non-governmental activities

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**Summary**

From 8 to 10 March 2023 representatives of Parties and experts met in Paris to informally discuss growth and other developments in Antarctic tourism and relating concerns. The workshop discussions reflected a common belief that the concerns associated with the growth, diversification and compliance cannot all be solved by the industry and national competent authorities and that international governance action by the ATCM is required. It was also emphasized that the ATCM should move away from a piecemeal approach. In light of the strong growth, complexity and urgency, a dedicated and intensive negotiation process on the whole package of policy issues and related concerns regarding tourism and other NGO activities in Antarctica is required. With this WP, France, the Netherlands, and co-sponsors propose to the 45th ATCM to adopt the attached Decision to organise an intensive dedicated process to discuss the development of a comprehensive and consistent framework for the management of tourism and other non-governmental activities in Antarctica through a series of Antarctic Treaty Special Consultative Meetings.

1. **Urgent time for ATCM action**

The ATCM has regularly reaffirmed its responsibility for managing Antarctic tourism proactively in line with the objectives, principles and values of the Antarctic Treaty System. For several years, the development of “a strategic approach to environmentally managed tourism and non-governmental activities in Antarctica” has been identified as a priority of the ATCM Multi-year Strategic Work Plan. However, to date, the regulation of Antarctic tourism by the ATCM has been largely reactive and focused on a small range of tourism-related issues that were addressed in mainly non-binding Resolutions and Recommendations.

The substantial growth of tourism (e.g, in the numbers of tourists, ships and visited sites), the diversification of activities and the increasing likelihood that increasing pressures from tourism in conjunction with climate change, scientific activities etc will significantly impact the Antarctic environment, clearly show that the ATCM needs to step up its efforts to proactively regulate tourism.

In the margins of the 44th ATCM and in the intersessional period between the 44th and 45th ATCM, the hosts of the 43rd, 44th, 45th and 46th ATCM (i.e France, Germany, Finland and India) and the delegations of the Netherlands and the United Kingdom informally discussed ways to accelerate a more robust discussion on the future of Antarctic tourism. The overall goal of this initiative was to jointly accelerate and support an ATCM-wide, transparent and inclusive debate and subsequent decision-making on the future of Antarctic tourism. The most significant milestone was the informal workshop, co-hosted by France and The Netherlands in Paris, on March 8-10 2023. The co-chairs summary of that workshop can be found as IP11

The Paris workshop was extremely useful and in addition to a lively exchange of views led to a common belief that the concerns associated with the growth, diversification and compliance in relation to Antarctic tourism require the ATCM to take responsibility for governance action.

Thanks to the efforts of IAATO, self-management has long achieved a high level of environmental protection and safety of Antarctic tourism operations, but a point has been reached where guiding and robust policy choices have to be made that cannot be expected from the industry. In this context, it was repeatedly emphasized that competent authorities cannot provide answers to the big questions at the national level either. In their work, the emphasis is often on assessing individual projects, decisions cannot be made in the light of overall developments and related cumulative impacts, and in the absence of an international basis for refusing activities, there is also often pressure to allow activities.

1. **From piecemeal approach to a dedicated process for the development of a comprehensive and consistent framework**

In respect of the process of strengthening international governance, it was emphasized that the ATCM should move away from a piecemeal approach. Previous discussions have made it clear that the outstanding policy questions are wide-ranging and complex. Finding consensus on the appropriate governance action is problematic when countries have only a short reflection period on proposals in working papers, discussion time at ATCMs is short and the connection between proposals is unclear. As a result, policy decisions are being postponed while the tourism market and activities develop rapidly. In this context it was emphasized that developments that occur are difficult to reverse.

The developments therefore urgently require the development of a **comprehensive and consistent framework for the management of tourism at the international level**. In light of both, complexity and urgency, this requires a dedicated and intensive negotiation process on the whole package of policy issues and related concerns regarding tourism and other NGO activities in Antarctica. Only such an approach can ensure that:

* sufficient political attention for joint policy action is generated;
* proposals on different tourism-related issues can be discussed in conjunction;
* room for compromises and package deals is established;
* time is invested to understand each other’s positions and to develop adequate policy action that do justice to these positions;
* legal certainty and a level playing field are established for the sector; and ultimately:
* further growth and diversification are anticipated through timely governance action to minimize cumulative impacts on Antarctica’s environmental, scientific, wilderness, aesthetic and historical values and to enhance human safety.

In this light, France, the Netherlands, and co-sponsors of the WP propose to the 45th ATCM to decide to organise an intensive dedicated process to discuss the development of a ‘*comprehensive and* *consistent framework for the management of tourism’* through a series of Special Antarctic Treaty Consultative Meetings; akin to the process the ATCM followed in 1990-1991 to develop the Protocol on Environmental Protection. See subsection 5 below and the draft-Decision, attached to this WP.

1. **Vision and building blocks for a comprehensive and consistent framework**

Based on the rich debate on Antarctic tourism in previous ATCMs and the 2019 Rotterdam workshop, the Paris workshop discussed elements for a proactive and precautionary vision to tourism, as well as a number of building blocks with options for policies for the short, medium and longer term.

***Vision***

The workshop discussed that a ***robust, strategic and precautionary*** ***vision*** could be about what Antarctica should look like in 20 or 30 years time and what this would mean for Antarctic tourism governance. The workshop provided much inspiration to articulate such a vision. A recurring concept involved ensuring connections between Antarctic tourism and the special values ​​of Antarctica. As a general criterion, activities that could also take place elsewhere or that make the pure experience of Antarctica impossible for others, should not be allowed. It was suggested that these concepts could be summarised by an aspirational headline of ‘snow tourism must be slow tourism’.

***Building blocks***

*Building block 1: managing growth*

Growth relates to total numbers of visitors, as well as to the increase of the length of the season, the number of sites visited, the geographic location of these visited sites, the number of ships and aircrafts used and the number of voyages and flights per season.

*Building block 2: managing diversification*

Diversification relates to the increase of the types of activities conducted, as well as, for instance, the types of transportation mode and the type of operators offering tourism products.

*Building block 3: monitoring*

Environmental monitoring has since long been identified as key to better assessing possible changes and identifying impacts. Monitoring is also the subject of obligations in the Protocol.

*Building block 4: compliance and enforcement*

Given the complexity and specificity of the governance of Antarctica, compliance and enforcement require specific and detailed attention, to better monitor and ensure the effective enforcement of existing and future regulations.

*Building block 5: overall governance*

All of these building blocks have to fit in a comprehensive and consistent framework for the governance of tourism and other non-governmental activities, which framework will also need some overarching approaches or components.

The building blocks were considered relevant for the discussion and development of the process of developing a framework as meant in the draft Decision. Participants agreed to include safety and search and rescue considerations in the further discussion as an element to consider under relevant building blocks.

For each of these ***building blocks*** the Paris workshop identified issues and options for policies for the short, medium and long term. The concerns and policy options discussed during the workshop varied in nature and complexity. In general, underpinning policy action with best available knowledge was considered an important starting point. However, it was also emphasized that there will always be gaps in knowledge and that the urgency of the problem can justify decision-making based on common sense, expert judgement and the precautionary principle. A factor here is that postponing decisions often implies an implicit decision to allow further developments, developments that are difficult to reverse. Workshop participants agreed that the building blocks and issues identified under those deserve further discussion, in a coherent and robust manner.

1. **Proposals to the 45th ATCM in Helsinki**

Against this backdrop, France, the Netherlands, and co-sponsors of this WP propose to the 45th ATCM in Helsinki:

to decide to organise an intensive dedicated process to discuss the development of a comprehensive and consistent framework for the management of tourism through a series of Antarctic Treaty Special Consultative Meetings and – for that purpose – adopt the attached Decision.

DRAFT DECISION

**Antarctic Treaty Special Consultative Meetings on a framework for regulating Antarctic tourism and other non-governmental activities in Antarctica**

The Representatives,

Noting that the Article 2 of the Protocol on Environmental Protection designates Antarctica as a natural reserve, devoted to peace and science;

Considering Article 3.4 of the Protocol on Environmental Protection to the Antarctic Treaty, stating that tourism activities shall comply with its environmental principles;

Concerned about the continuing and substantial increase in the numbers and diversity of tourism and other non-governmental activities in Antarctica and the importance of applying the precautionary approach in addressing concerns;

Acknowledging that the concerns associated with the growth, diversification and compliance in relation to Antarctic tourism and other non-governmental activities in Antarctica require the ATCM with urgency to take responsibility for international governance action;

Acknowledging that previous discussions have made it clear that the outstanding policy questions are wide-ranging, complex and interconnected, and can best be addressed through an international dedicated process of intensified discussions on the development of a comprehensive and consistent framework for the regulation of tourism and non-governmental activities in Antarctica;

Noting that such a framework should build on the existing Antarctic Treaty System, including in particular the Antarctic Treaty and its Protocol on Environmental Protection and the adopted Decisions, Resolutions and Measures relevant to Antarctic tourism and other non-governmental activities in Antarctica, as well as on the output of a workshop held in Paris during 8-10 March 2023 regarding building blocks;

Decide to:

1. Convene a series of Special Antarctic Treaty Special Consultative Meetings (SATCM) with the aim of developing a comprehensive and consistent framework for the regulation of tourism and other non-governmental activities in Antarctica;
2. Request the SATCM to examine, among possible other issues, the following topics as potential building blocks of a framework:

* managing growth;
* managing diversification;
* monitoring;
* compliance and enforcement;
* safety and self-sufficiency, including search and rescue;
* overall governance;

1. Request the SATCM, in discussing the above mentioned and other issues, to pay special attention to how best to deliver Parties’ commitments in the Protocol on Environmental Protection as regards cumulative impacts on Antarctica’s values;
2. Encourage attendance at the Meeting by representatives from all Consultative Parties, and to invite experts from Non-Consultative Parties, the Scientific Committee of Antarctic Research (SCAR), the International Association of Antarctic Tourist Operators (IAATO), the Antarctic and Southern Ocean Coalition (ASOC), the World Conservation Union (IUCN) and the Council of Managers of National Antarctic Programs (COMNAP);
3. Request the Secretariat to support the SATCMs;
4. Accept the offer of the Government of …. to host the first SATCM in …, to be held in advance of ATCM 46.