Feedback on a monitoring conducted on a tourist vessel according to Resolution 9 (2021)

English version provided by the author

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Information paper submitted by France

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***Summary***

In March 2022, the French National Competent Authority (NCA) conducted a monitoring mission according to the framework set up by Resolution 9 (2021), to assess the effectiveness of the framework in the field. It turned out that R9 (2021) provides an effective tool, enabling NCAs to better understand the activities implemented under their jurisdiction, and to monitor compliance with the relevant national and international instruments. It also appeared that a monitoring mission can be organized in a short time, at low cost. A few areas for improvement were identified, and are presented in this information paper.

Context

The 43rd ATCM adopted Resolution 9 (2021), recommending that Parties conduct, on a voluntary basis, monitoring missions of tourist vessels under their jurisdiction operating in the Antarctic Treaty area, based on the mechanism proposed by the Resolution. The Resolution further calls on Parties to cooperate in this framework.

France, through its National Competent Authority (NCA), the Prefect of the Terres australes et antarctiques françaises (TAAF), conducted a first monitoring mission according to R9 (2021) during the 2021/2022 season. It was carried out on board the *Commandant Charcot*, from the company Ponant, between March 17 and 31, 2022. The north-east of the Antarctic Peninsula (Weddell Sea) and the South Orkney Islands were visited within the Treaty area.

The monitoring was carried out in accordance with the “Monitoring Checklist” set up by R9 (2021). With respect to financial issues, left open by the Resolution, the TAAF monitor was received free of charge by the operator. The TAAF covered the monitor's transportation costs, as well as his salary.

On this basis, this information paper proposes a critical feedback of this framework and the Resolution that supports it.

*Feedback*

**Mission planning**

The monitoring implemented by the French NCA was organized within a very short time (3 weeks between the ANC's request to the operator and the validation of the monitor’s mission order). Several factors made this possible:

* The choice made by the NCA to designate as a monitor one of its agents meeting the profile established by R9 (2021). This made it possible to avoid a specific recruitment process, as well as an additional salary.
* The pre-existing administrative relations between the TAAF and Ponant, in regular contact within the framework of the national procedures conducted in application of Annex I of the Madrid Protocol.
* The pro-active attitude shown by Ponant, quickly accepting the principle of a free boarding, and the acceptance of the TAAF to take charge of the transport costs, avoiding financial issues.

Subject to the choices made by the NCA, and the stakeholders’ willingness, it appears that R9 (2021) offers possibilities to set up a monitoring mission in a short time, with few formalities and procedures.

**Monitoring implementation**

*Respective roles and responsibilities of the monitor and the operator*

R9 (2021) lists the documents and materials that must be provided to monitors by the mandating authority. While the transmission of the listed documents presents no difficulty, it can be difficult to equip the monitor with the identified items (satellite phone, camera, clothing). In the present case, the monitor did not have a satellite phone, nor did he have any supplies that would allow him to write in wet weather conditions. This had no impact on the course of the mission.

The tasks and responsibilities assigned to operators by the Resolution appear adapted. The crew showed total cooperation, accepting all the interviews requested by the monitor, providing him with appropriate assistance, and allowing a complete visit of the vessel. The monitor was provided with the documents required by R9 (2021) before departure, and was able to participate in the activities offered to the passengers without restriction.

It should be noted that for operational reasons, the monitor was unable to participate in all the meetings of the Expedition team. This point of the Resolution can be delicate to respect according to the organizational constraints weighing on the teams.

With the exception of the points identified above, the provisions of points 6[[1]](#footnote-1) and 7[[2]](#footnote-2) of the annex to R9 (2021) appear coherent and realistic.

*Tasks to be carried out by the monitor*

R9 (2021) entrusts the monitor with the main task of completing the Monitoring checklist set up as part of the framework. This checklist is a key tool of the mechanism, guiding the implementation of the monitoring and ensuring that it covers all the points of attention to be considered.

This checklist appears to be complete and allows the monitor to be effectively guided towards each of the points to be evaluated.

*Objectives set by R9 (2021)*

The objectives set by the Resolution are generally to strengthen the NCA’s understanding of the activities they authorize, and to monitor compliance with the regulations of the Antarctic Treaty System.

The mission carried out on board the *Commandant Charcot* confirms that these objectives are appropriate.

The monitoring has concretely made it possible to facilitate the administrative processes between the TAAF, Ponant headquarters, and the crew and expedition team on board the *Commandant Charcot*. It allowed the French NCA to understand the concrete modalities according to which the activities deployed by the operator are implemented in the field, to exhaustively assess compliance by the operator with the applicable rules, and to make recommendations, with the limits explained below.

While a single monitoring may not be enough to fully meet the mechanism's objectives in the long term, regular monitorings could make a significant contribution.

Limits of the framework

*Conduct of the monitoring*

It appears, first of all, that the monitoring must be based on the interviews conducted on board, with limited possibility for the monitor to tangibly verify some of the information communicated by the crew. This is particularly true for the technical aspects of the vessel (waste and sewage management, ballast water, etc.). While it is possible to visit the installations, the way in which they are used, and ultimately, the issues related to the vessel discharges, for example, can only be addressed by the monitor through the statements of the crew. This is also the case for certain rules governing site visits, such as the maximum number of 100 passengers on land at any one time.

Moreover, a single monitor is not able to observe all the passengers on land at the same time. For instance, compliance with the guide/passenger ratio rules, as well as compliance with the guidelines for site visits can only be partially monitored. On these points, it is best to conduct a "sampling" exercise, reporting on the group that the monitor is joining.

*Writing the monitoring report*

The Monitoring checklist annexed to R9 (2021) provides a framework to support the writing of the monitor’s report. Although it appears to be complete, there are some redundancies. The different parts of the report (compliance with the national permit, compliance with the environmental impact assessment, compliance with the rules of the ATS) overlap, and imply unnecessary repetitions.

An introductory section, inviting the monitor to present the context of his or her mission (presentation of the cruise, the company, the monitor, the NCA mandating him or her, the size of the vessel, the national legislation implemented, etc.) could be added. A summary listing the observed non-compliances and the suggested corrective measures could also be added, allowing direct access to the essential data of the report.

**Proposals**

France is at the disposal of other Parties to share its experience further, and calls on voluntaries Parties to implement R9 (2021). This will contribute to opening the way to the international collaboration called for by the text.

No proposal to amend the annex of R9 (2021) is proposed at this stage. It appears to be globally coherent, and allows for the implementation of effective monitoring. An update based on further feedback may be considered at a later stage, in particular from missions carried out by other NCAs.

1. “Tasks and responsibilities assigned to the state Party, including the issues related to the appointment of monitors” [↑](#footnote-ref-1)
2. “Tasks and responsibilities assigned to the operators as part of a national framework” [↑](#footnote-ref-2)