Authorization of Science Activities Associated with Tourist and Other Non-governmental Expedition Organizers

Authorization[[1]](#footnote-1) of Science Activities Associated with Tourist and Other Non-governmental Expedition Organizers

**Submitted by the United States**

**Introduction**

This information 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 affecting the implementation of the Protocol. The purpose of this paper is to discuss how the United States authorizes so called “expeditions within expeditions” in which scientific activities are conducted with the support of tourist and other non-governmental expedition organizers. Our intent is to share our best practices with other Competent Authorities, to bring awareness to potential challenges, and to encourage continued discussion amongst parties on this and related topics.

**Background: Accessing the Continent**

U.S. scientists or scientists at U.S. institutions who receive grant support for research in Antarctica from the National Science Foundation (NSF) are in almost all cases provided field support using U.S. Antarctic Program (USAP) logistics. Scientists supported by other U.S. federal government agencies may rely on USAP logistics or may be provided logistics support by their funding agency. For scientists supported by the National Science Foundation, there may be an option for logistics support to be provided by non-governmental organizations, generally tour operators. Such researchers will have undergone an environmental impact assessment conducted by the NSF and would receive any permits required under the U.S. implementation of the Protocol through NSF.

Non-governmental (NGO) scientific expeditions have relied on tour operators for logistical support and access to the continent for many years. Tour operators provide scientific expeditions with access to field sites and allow scientists to conduct land and marine based research in the region. U.S. scientists may rely on domestic or international operators for such logistic support. All U.S. NGO science expeditions are expected to seek individual authorization from U.S. Competent Authorities following the procedures detailed in the following section. In the United States, multiple government agencies cooperate to oversee the authorization of such NGO activities.

**Authorization of NGO Science**

As with all tourist and other NGO Antarctic expeditions, science expeditions must first provide advance notification under article VII (5)(a) of the Antarctic Treaty. In the United States, the Competent Authority for this stage of authorization is the U.S. Department of State, which makes the determination of whether an expedition is subject to the advance notification requirements.

Following this determination, the Expedition organizer must submit an environmental impact assessment (EIA) in accordance with Article 8 and Annex I of the Protocol. In the United States, the level of environmental impact assessment is typically an IEE, which considers issues of cumulative impact. The review of the EIA is led by the United States Environmental Protection Agency, as the Competent Authority, which determines whether the EIA meets the requirements of Article 8 and Annex 1 of the Protocol.

Under U.S. legislation which implements the Protocol and Annex II, IV, and V of the Protocol, the National Science Foundation is the Competent Authority for the implementation of flora and fauna permits in accordance with Article 3 of Annex II of the Protocol, permits for entry into protected areas in accordance with Article 7 of Annex V of the Protocol and waste management permits required by U.S. legislation which implements Article IV of the Protocol. Only approved scientific expeditions may obtain flora and fauna and protected area permits, with the exception being that tourist and other NGO expedition organizers may be issued permits for entry into Historic Huts which are designated as ASPAs. If the scientific expedition plans to use remotely piloted aircraft systems (RPAS) the expedition is strongly encouraged to seek a waste management permit in the event of an accidental release of waste should the RPA become lost or unretrievable. Science expeditions and all tourist and other NGO expedition organizers are expected to follow—at a minimum—the guidelines described in the Environmental Guidelines for Operation of Remotely Piloted Aircraft Systems (Resolution 4, 2018). Though the EIA and Permitting processes are overseen by different Competent Authorities, these agencies collaborate to ensure consistency across all authorizations for a particular expedition.

Following the appropriate steps outlined above, the scientific expedition will have obtained authorization to conduct its own scientific activities in the Antarctic.

**Science and Tourism**

As tourism continues to grow in the region, more tour operators seek to incorporate scientific activities into their programming. This includes activities such as participating in crowdsourcing or citizen-science projects or inviting NGO scientists to actively engage with guests during voyages. In recent seasons we have also seen an increase in small-scale, independent research projects seeking to coordinate with tour operators. In some cases, tour operators seek to have these research activities included in their own authorizations and/or permits. This has sparked discussion amongst the U.S. Competent Authorities regarding which types of scientific activities should be included in a tour operator’s authorization and/or permits and which activities would be expected to obtain independent authorization via the procedures described in the previous section. While this type of request is still fairly uncommon, we acknowledge that the fast-changing landscape of Antarctic tourism makes it likely that these requests may become more prevalent in future seasons. We hope to collaborate with other Competent Authorities to discuss shared experiences and to share insights on how to develop a consistent approach to authorizing such requests.

**Conclusion**

While we seek to share our best practices in this paper, the United States understands that other Competent Authorities may have different processes or requirements for authorizing scientific projects relying on tourist and other NGO facilities or logistics support. In some cases, Parties may also have different requirements for authorizing citizens and foreign nationals who seek to work with domestic operators. We hope to encourage communication between Competent Authorities on this matter and are interested to hear insight on how other Authorities address authorizing similar scientific activities.

The United States supports the work being undertaken by Working Group 2 (Tourism) to promote conversations on this topic. We strongly support working with other parties to encourage informal methods for communicating information on tourist and other NGO expeditions working or seeking to work with foreign operators. Such information sharing would provide transparency between parties and potentially reduce instances of “forum shopping”, a concern shared by many Parties. It is our hope that through such continued communication and knowledge sharing treaty parties will continue to work towards a harmonization of standards and discover new opportunities for enhanced cooperation.

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)