Preventing a Potential Circumvention of Measure 15 (2009)

Preventing a Potential Circumvention of   
Measure 15 (2009)

Summary

The United States has recently learned that some non-governmental tour operators believe it would be acceptable to land passengers from a vessel covered by [Measure 15 (2009)](https://www.ats.aq/devAS/Meetings/Measure/432) after temporarily moving passengers from a vessel covered by that Measure to one that is not, or to use landing craft from a vessel that is not covered by that Measure to transport passengers from a vessel that is covered. Such maneuvers appear designed to attempt to circumvent the restrictions contained in that Measure regarding landing passengers from vessels carrying more than 500 passengers. The United States shares this information with the ATCM to raise awareness of this potential circumvention of Measure 15 (2009) and to inform the ATCM that the United States strongly discourages such behavior.

Situation

Measure 15 (2009) states that “Parties shall require their operators organizing tourist or other non-governmental activities in the Antarctic Treaty area … to refrain from making any landings in Antarctica from vessels carrying more than 500 passengers unless a lower number is otherwise specified in applicable ATCM measures.” Although not in force, the approach contained in this Measure is a cornerstone for managing tourism.

An operator recently discussed moving passengers from a vessel carrying more than 500 passengers to a vessel with a maximum capacity of less than 500 passengers. The passengers from the larger vessel would be on the smaller vessel briefly and then depart from the smaller vessel to make a landing. A similar scheme would be for the operator of a smaller vessel to transport passengers from a larger vessel directly to shore without the intermediary step of bringing the passengers to the smaller vessel.

In either scenario, the sole purpose of moving the passengers from the larger vessel to the smaller vessel or using transportation resources from the smaller vessel would appear to be to assert that the passengers did not conduct a landing from a vessel carrying more than 500 passengers. Such an action is plainly designed to circumvent Measure 15 (2009) and would undermine the effectiveness of protections adopted by the ATCM.

Next Steps

The United States believes such an act would circumvent the Measure adopted by consensus of the Consultative Parties. We inform the ATCM that we strongly discourage such a potential circumvention of Measure 15 (2009) and encourage Parties to consider the possibility of circumvention when reviewing operators’ proposed expeditions to the Treaty area.