Report from the Intersessional Contact Group (ICG) on strengthening the existing guidance for visitors to Antarctica – Proposal to adopt updated General Guidelines for Visitors to the Antarctic

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***Working Paper submitted by Germany in its capacity as ICG Convenor***

***Background***

As a result of the Antarctic Tourism Workshop in Rotterdam from 3 to 5 April 2019, CEP XXII agreed to establish an ICG to address the existing guidance for visitors to the continent, with a view to strengthening that guidance and to ensure that activities from visitors, including from tourism and non-governmental activities, singularly and cumulatively, have no more than a minor or transitory impact.

The ICG has the following Terms of Reference (ToR):

* To consider all relevant guidance for visitors to the continent;
* To revise and, where needed, strengthen the guidelines adopted through Resolution 3 (2011);
* To consider the coherence and relation between the General Guidelines and Site Guidelines, as well as their systematic review methodology;
* To consider how to ensure that Site-specific Guidelines are as specific as possible in terms of considerations for which activities are suitable or not at each site;
* To consider ways to improve planning, prioritization and implementation of Site-specific Guidelines development; and
* To report back to CEP XXIII.

The ICG convenor followed a 3-step strategy to address the ToR:

Step 1: Development of a discussion paper

This step includes listing all relevant guidance documents for visitors to the continent and developing a discussion paper, which serves as a working basis for the subsequent steps. Referring to points 3. to 5. of the ToR, the paper outlines existing regulations for visitors to Antarctica, the relationship between the General Guidelines and Site Guidelines as well as a structural and content analysis of Site Guidelines and the touristic activities. Systematic review methodologies and the future development of Site Guidelines are considered as well.

Step 2: Revision of the General Guidelines for Visitors to the Antarctic

Based on the outcome of the discussion paper, the convener will provide a proposal for revised General Guidelines for Visitors and edit it in coordination with Members.

Step 3: Systematic review and formatting (layout) of the Site Guidelines and General Guidelines

Based on the proposals of the discussion paper, the convener will develop a template to be used for future revisions of Site Guidelines.

***Summary of the ICG process***

Within the opening announcement of the ICG (30.08.2019), Germany compiled a preliminary list of the relevant Recommendations, Decisions, Resolutions and Measures relating to guidance for visitors to the Antarctic. The draft list was based on the list of “ATCM Recommendations (until 1995) and Decisions, Resolutions and Measures (1995 – present) relating to Antarctic tourism (based on the Antarctic Treaty Database)” from the Discussion document for the International Workshop on Antarctic Tourism and added the resolutions and decisions adopted at the ATCM in Prague. Together with the list, it was proposed to develop a discussion paper to serve as a basis for the work on the visitor guidelines. A first draft of the structure of this discussion paper was submitted together with the preliminary list of regulations.

The discussion paper was finalized in December 2020 after four discussion rounds. Argentina, Australia, France, India, the Netherlands, New Zealand, Norway, Poland, the United Kingdom, the United States and Uruguay as well as IAATO and ASOC participated in the discussion rounds, commented on the paper and gave valuable input. The discussion paper contains, among other aspects, a historic overview of the development of guidelines for visitors, a comprehensive listing of existing hard law regulations and adopted soft law instruments concerning visitors to Antarctica and a review of the structure of the General Guideline and the Site Guidelines. Different aspects like definitions, the general scope of the guidelines, the revision of structures, the inclusion of activities and other new information as well as the possibility of a digitalized format were thoroughly discussed.

It must be noted that the paper serves as a foundation for the actual revision of the Guidelines for Visitors to Antarctica, reflects the work of the ICG as a report and is a working document that portrays the group's discussions; it is not an agreed product that reflects the opinions of all ICG participants. The document can be found on the CEP forum page.

A first draft of the revised General Guidelines was circulated with the finalized discussion paper on 03.12.2020. During two discussion rounds, Argentina, Australia, France, the Netherlands, Norway, Poland, Spain and the United States as well as IAATO and ASOC commented on the drafts, suggested alterations and gave valuable hints on aspects to be considered.

***Preliminary results and outlook***

The comprehensive debate on fundamental aspects that related to the strengthening and further development of all the guidance for visitors (including activity guidelines) took more time than originally planned. Due to the cancellation of ATCM XLIII in Helsinki, the ICG was extended without discussion for one year and was able to continue its work until 2021. Another intersessional period will be necessary to complete the work in order to achieve the goals set: namely, to produce up-to-date and improved General Guidelines and Site Guidelines, to aid in ensuring that tourist and non-governmental activities have no more than a minor or transitory impact.

Based on the aspects discussed in the discussion paper, the General Guidelines for Visitors to the Antarctic were revised and adapted. Although there was extensive debate regarding the inclusion of activity-specific information and rules of behavior (for example: snorkeling, scuba diving, snowmobiling, etc.), the participants in the ICG were unable to agree on the inclusion of such information or rules in the General Guidelines. However, there was a broad consensus to keep the General Guidelines as general and comprehensible as possible. The revised Guidelines are hereby submitted to the CEP for approval (see Attachment 2).

The next step is to revise the Site Guidelines for Visitors according to the suggestions in the discussion paper with the aim of making the guidelines clearer, more specific and more user-friendly. In particular, it has to be decided how to deal with activity-specific information. A revision also includes an update on the layout of the guidelines. In order to harmonise the General Guidelines with the Site Guidelines, the layout of the documents should be coordinated. Since the ATS has been responsible for designing and composing so far, it must be clarified whether the ATS would like to develop a new layout itself or whether this should be done by the parties involved in the ICG. We propose to develop the layout within the framework of the ICG and to revise all existing guidelines until the next ATCM in order to adopt them as a complete package in a new design in 2022. The ATS would be provided with a corresponding template for the further support and creation of new Site guidelines.

As there was great support for the proposal to make the guidelines available in a more user-friendly and clearer digital format in the future, the development of a separate app would be recommended, in addition to the project of a manual of regulations and guidelines relevant to tourism and non-governmental activities in the Antarctic Treaty area. Similar to the already existing IAATO app (IAATO Polar Guide), the various guidelines could be accessed by visitors on site. Cross-links within the guidelines, e.g. between the General Guidelines and the Site Guidelines, would ensure that the relevant regulations are available at any time at a click. A further added value could be the inclusion of additional information, e.g. on flora and fauna, historical sites or protected areas, to help visitors educate themselves about the Antarctic environment. Feedback functions for reporting incidents or the current state of the visitor sites would also be conceivable. Similar to the layout, the question of who would be responsible for the development of such an app and who would ultimately host it needs to be clarified. A parallel development with the layout of the guidelines would be ideal. This way, the app could be presented at the next ATCM together with the revised Visitor Guidelines as a complete package.

***Other issues for consideration/additional points raised by participants***

Several points relating to guidelines relevant for visitors and tourism in Antarctica in general were raised during the discussion rounds of the ICG, which go beyond the scope of the ICG. The CEP may wish to give further consideration to the following issues:

* Separate guidelines for specific activities following the model of the corresponding IAATO guidelines
* The mixing of scientific and tourism activities.
* The lack of guidance to evaluate the impacts related to sports or recreational activities.
* The need for harmonization of standards to ensure that all NCAs apply the same standard.
* The question of whether the existing proposed minimum distances when approaching animals are sufficient and scientifically justified and whether the precautionary principle is sufficiently taken into account.

***Recommendation***

The ICG suggests that the CEP

* Agrees to the revision of the content of the General Guidelines and recommends the adoption of the attached Resolution.
* Extends the ICG for a further year with the following ToRs:
* To consider the coherence and relation between the General Guidelines and Site-specific Guidelines, as well as their systematic review methodology;
* To consider how to ensure that Site-specific Guidelines are as specific as possible in terms of considerations for which activities are suitable or not at each site;
* To consider ways to improve planning, prioritization and implementation of Site-specific Guidelines development;
* To present the revised General Guidelines and Site Guidelines in a new layout
* To initiate the development of an app for the digital representation of the Visitor Guidelines, and
* To report back to CEP

**Resolution X (20XX)**

**Updated General Guidelines for Visitors to the Antarctic**

**The Representatives,**

*Recalling* Recommendation XVIII-1(1994) Guidance for those organising and conducting tourism and non-Governmental activities in the Antarctic and Resolution 3 (2011) General Guidelines for Visitors to the Antarctic;

*Recalling* Resolutions 5 (2005), 2 (2006), 1 (2007), 2 (2008), 4 (2009), 1 (2010), 4 (2011), 4 (2012), 3 (2013), 4 (2014), 2 (2016), 1 (2018) and 2 (2019), which adopted and updated lists of sites subject to Site Guidelines for Visitors (“Site Guidelines”);

*Acknowledging* that the General Guidelines for Visitors to the Antarctic must be reviewed and revised as further information becomes available;

*Noting* that Resolution 3 (2011) provides guidance on visitor behaviour throughout the entire Antarctic;

*Affirming* the value of providing general environmental advice to visitors to complement site-specific information;

*Noting* the desirability of providing contemporary advice to visitors to Antarctica to guide them in minimising their impacts at all sites;

**Recommend** that:

1. their Governments endorse the attached updated General Guidelines for Visitors to the Antarctic;

2. the Guidelines be placed on the website of the Antarctic Treaty Secretariat;

3. their Governments urge all those intending to visit sites in Antarctica to ensure that they are fully conversant with and adhere to the advice in these General Guidelines for Visitors to the Antarctic.

Attachment: Updated General Guidelines for Visitors to the Antarctic