Report from the Intersessional Contact Group (ICG) on a voluntary on-board observer operational framework for tourist vessels operating within the Antarctic Treaty area

English version provided by the author

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Summary

ATCM XLII established an open-ended ICG, convened by France, on the issue of a voluntary on-board observer operational framework for tourist vessels operating within the Antarctic Treaty area. According to the initial proposed schedule, the discussions extended over a two-year period. This paper summarizes the outcome of discussions, and presents the results of the ICG.

The ICG reached a general agreement about the attached “Discussion document” and “Monitoring checklist”. According to the Terms of Reference agreed for this ICG, these documents present a voluntary operational framework for Parties wishing to implement it at the national level.

As a recommendation, ATCM should consider encouraging Parties to implement the proposed framework by means of a Resolution (see below).

Background

Following the Workshop held in Rotterdam from April 3 to 5, 2019, entitled “Proactive Management of Antarctic Tourism: Time for a Fresh Approach”, ATCM XLII agreed « to establish an open-ended ICG on the ATCM online discussion forum on the issue of a voluntary on-board Observer operational framework for tourist vessels operating within the Antarctic Treaty area ».[[1]](#footnote-1)

The task assigned to this ICG was “to propose a draft operational framework that could be implemented, on a voluntary basis, to Parties willing to deploy observers on tourist vessels under their jurisdiction”.

The following terms of references (ToR) were agreed upon:

1. To study existing frameworks in order to provide feedback;
2. To share information and ideas on issues related to a voluntary on-board observer operational framework, such as:

* The role of observers and the tasks potentially assigned to them;
* The profile and qualifications required for observers;
* The type of vessel concerned and the frequency of observations;
* The potential financial issues involved.

1. Depending on progress, to propose a draft voluntary on-board observer operational framework

Organisation of the ICG

The ICG operated during the intersessional period that extended between ATCM XLII and XLIII (2019 / 2021). Thirty-six contributions were shared between participants, namely Australia, Argentina, Chile, Finland, Germany, IAATO, the United Kingdom, the United States, ASOC, and France as the convener.

A general outline of a Discussion Document prepared by the convener integrated the results of the discussions as the work progressed. This Discussion Document was completed during the following rounds of discussions:

* Stage 1, Round 1 – Drafting of the Introduction and Chapter 1 of the Discussion document: “*Benchmarking: study of existing frameworks*”
* Stage 2, Round 1 – Drafting of first part of Chapter 2 of the Discussion Document: General objectives and legal issues of the voluntary framework
* Stage 2, Round 2 – Drafting of second part of Chapter 2 of the Discussion Document : Operational issues

The completed Discussion Document arising from these discussions provided the basis for the “voluntary on-board observer operational framework” referred to by ToR 3 of the ICG. In addition, participants also prepared a “monitoring checklist”, which aims to be used as an operational tool to assist in the implementation of monitoring.

Summary of the discussions

Introduction and Chapter 1 of the Discussion document: “*Benchmarking: study of existing frameworks*”

Participants were invited to comment on a benchmarking study, presented as part of Chapter 1. It is based on the following schemes:

* New Zealand Observer Scheme for Antarctic and Sub-Antarctic Tourism
* IAATO Mandatory Observer Scheme
* CCAMLR Scheme of International Scientific Observation

This Chapter provides concrete examples of how to handle important issues of such mechanisms: their general objectives, roles and responsibilities of stakeholders, tasks assigned to the observers, appointment issues, profile and qualifications required for observers, etc.

First part of Chapter 2 of the Discussion Document: General objectives and legal issues of the voluntary framework

Participants of the discussion stressed the need to address up-front the following specific issues:

* The overall objectives of the proposed framework;
* Legal issues, especially the relationship between the proposed framework and the existing inspection regimes under the Antarctic Treaty and the Madrid protocol.

A specific round of discussions was dedicated to these points. This resulted in the definition of clear overall and specific objectives for the operational framework and a reconsideration of the wording used throughout the Discussion Document to maintain a clear distinction between the present monitoring system and the Antarctic Treaty inspections under art. VII (e.g. replacing “observers” and “observation” by “monitors” and “monitoring”). The legal status and the type of the proposed framework were clarified as well.

Second part of Chapter 2 of the Discussion Document: Operational issues

Participants put forward the need to clearly establish the role and responsibilities of the monitors, as well as the follow-up of their monitoring.

Accordingly, they discussed the overall mission of the monitors and the specific tasks they will have to carry out. A “monitoring checklist” consisting in a list of points of attention for monitors stemmed from this part of the discussion. Participants also agreed on ways and means to report to the ATCM the monitoring and subsequent actions taken.

Finally, participants shared their views on the remaining operational issues, namely:

* Profile and qualifications required for the monitors;
* Tasks and responsibilities assigned to the state Party, including the issues related to the appointment of monitors;
* Tasks and responsibilities assigned to the operators;
* Types of vessels concerned and frequency of monitoring;
* Cooperation between NCAs, and relationship with existing observation frameworks;
* Funding.

As part of this final round, participants discussed the list of provisions of the Antarctic Treaty System that should be monitored, and the way to consider domestic authorizations or permits. They remind that the voluntary nature of the framework entails the following considerations:

* It would be appropriate for the Parties to determine which information should remain at the national level, and which should be shared.
* Each Party will define its own policy with respect to the operational issues addressed in the Discussion Document. In this sense, criteria proposed by the framework should be considered as guidelines.
* In the same vein, types of vessels concerned, frequency of monitoring, and funding issues are presented as examples and guidance only.

General overview of the completed voluntary monitoring framework

During this two year discussion, the ICG provided a thorough analysis of the points set out in the ToR. Furthermore, the group has thoroughly considered how a voluntary on-board observer operational framework could be set up in Antarctica, in the context of the Treaty system.

Similar frameworks such as those considered as part of the Discussion Document have proved their efficiency. The implementation of the proposed framework will enhance the National Competent Authorities’ understanding of activities carried out in the Antarctic Treaty area, and their knowledge of visited sites and operator practices. It will allow monitoring for consistency with domestic and international norms adopted within the Antarctic Treaty System framework. It will provide Antarctic Treaty Consultative Parties with an efficient tool in order to address the challenges arising from the increase and diversification of tourist activities within the Antarctic Treaty area.

This common framework is intended to be implemented on a national scale. Voluntary Parties will operate national schemes to monitor tourism activities falling under their own jurisdiction (i.e. the activities they have authorized).

Bearing in mind its voluntary nature, the operational framework prepared by this ICG is intended to be used as guidance by voluntary Parties and to support and harmonize practices. To that effect, the framework should be conceived as a formal “toolkit” for Parties to transcribe and adapt in national practice and legislation if needed.

Recommendation

It is recommended that the ATCM endorses the proposed framework, and encourages voluntary Parties to implement it at the national level, by adopting the following Resolution.

Resolution X (20XX)

**The Representatives,**

*Recalling* article 3 Environmental Principles of the Environment Protocol;

*Noting* that Resolution 3 (2011) provides guidance on visitor behaviour inside the Antarctic Treaty area;

*Considering* the issues relating to the growth of tourism numbers, the increasing diversity of tourism activities and compliance with current regulations;

*Recalling* previous ATCM discussions[[2]](#footnote-2) pointing out the value of on-board observer schemes to address Antarctic tourism related issues;

*Convinced* that a common and standardized on-board observer framework will provide voluntary NCAs with a valuable tool enabling them to thoroughly monitor activities implemented under their jurisdiction.

**Recommend** that:

1. Voluntary Parties endorse and implement the proposed on-board observer framework for tourist vessels under their jurisdiction;
2. Such voluntary Parties promote a cooperative approach as part of the implementation of the framework

1. Final Report of the ATCM XLII, 2019, par. 383 [↑](#footnote-ref-1)
2. Especially WP 23, ATCM XXVI, Madrid, 2003; Chairman’s Report, ATME 2004, par. 33; Final Report of the ATCM XXXII, 2009, par. 172; WP 48, ATCM XXXIII, Punta del Este (2010); Final Report of ATCM XXXIII, par. 240; WP 48, ATCM XXXIV, Buenos Aires, (2011); WP 43, ATCM XXXV, Hobart, (2012). [↑](#footnote-ref-2)