

## **Chairman's Report from the Aspen Meeting on Antarctic Tourism**

(Agenda Item 11)

(Submitted by IAATO)

The International Association of Antarctica Tour Operators (IAATO) hosted an open and informal meeting on Antarctic tourism in Aspen, Colorado, USA, 29-30 April 2002. The meeting addressed the nature and scale of tourist activities in Antarctica, possible future trends of tourism, and provided material useful for consideration of Antarctic tourism at the ATCM XXV. The 16 individuals in attendance represented Antarctic Treaty Consultative Party governments, SCAR, ASOC, IUCN, Oceanites, IAATO and several IAATO member companies. (List of participants appears at end of report.) The meeting proved to be a useful and productive discussion.

In summary, the key discussion points are noted:

- **Ship-Based Tourism** – upward trends noted; larger ships pose potential problems of concern to some
- **Land-Based Tourism** – risk assessment is needed, contingency plans in place for self-sufficiency
- **Regulatory Framework** – examination of existing regulations, whether additional ones are required in light of increasing numbers of tourists; alternately, tourists considered same as other human presence, now covered under Protocol
- **Implementation** – consistency lacking due to individual Antarctic Treaty Party's (ATP's national laws; examination of self-regulation by tourist operators)
- **Cumulative Impacts** – key elements resulting from La Jolla Workshop (June 2000) need action; Oceanites' Site Inventory a major asset in identifying long-term effects
- **Information Needs** – proposed for occasional visitors (sailing vessels/yachts) regarding guidelines for visits, advance notification, communication between tourist operators and ATPs.
- **Jurisdiction** – mechanisms relating to gateway ports, observers on tourist vessels seen as possible means of compliance with regulations

The chairman's report and meeting agenda are included in this information paper.

**Aspen Meeting on Tourism**  
**April 29, 30, 2002**  
**Chair's Summary**

**By R. Tucker Scully**

An informal meeting on Antarctic tourism, organized by the International Association of Antarctic Tour Operators (IAATO), took place in Aspen, Colorado, 29-30 April 2002. The meeting addressed the nature and scale of tourist activities in Antarctica, including possible future trends, and considered the existing framework for regulation and oversight of tourist activities in Antarctica with a view to assessing its effectiveness and identifying possible gaps.

The participants, who took part in their personal capacities, included officials from Antarctic Treaty Consultative Party (ATCP) governments, representatives of the Scientific Committee on Antarctic Research (SCAR), the Antarctic and Southern Ocean Coalition (ASOC), IUCN (the World Conservation Union), Oceanites, IAATO and a number of IAATO member companies. Discussion resulted in a number of ideas and suggestions that, it was felt, could contribute to the detailed consideration of Antarctic tourism called for at the Antarctic Treaty Consultative Meeting in Warsaw later this year.

Four opening presentations helped establish the context of the discussions: an overview of Antarctic tourism by Denise Landau, Executive Secretary of IAATO, an overview of adventure tourism in Antarctica by Anne Kershaw of Adventure Network International, a summary of the results of the Oceanites' Antarctic Site Inventory by Ron Naveen of Oceanites and an overview of regulatory mechanisms for Antarctic tourism by Mike Richardson of the United Kingdom.

At the outset it was recognized that visitation in Antarctica includes not only visits organized by commercial operators but also by ATCP governments - on board their vessels and at their stations, and including paying customers as well as official visitors. In this regard, there was concern over what appears to be a growing number of instances in which private and/or commercial tourism is taking place under the guise of official visits. It was stressed that the regulations and measures elaborated pursuant to the Antarctic Treaty, including the Environmental Protocol, apply equally to all such activities regardless of their sponsorship and should be implemented in that fashion.

Further, because of differences in the nature of their possible impacts, there was logic in distinguishing between ship-borne and land-based activities in addressing Antarctic tourism. "Adventure tourism" could be an aspect of both and it was also recognized that individual tours could include both ship-borne and land-based components.

Ship-Borne Tourism: With respect to ship-borne tourism, there was discussion of the upward trend in overall visitation over the past decade, with the number of tourists having doubled during that period. The bulk of tourist visits continues to take place on relatively small vessels. A large number of sites have been visited, but landings tend to be concentrated at a fairly limited number. Ensuring that these types of visits comply with applicable measures under the Treaty and Protocol will be continue to be a priority, as will steps to monitor possible impacts (see the section on cumulative impacts, below).

At the same time, there was also discussion of recent visits to Antarctica by large cruise ships and the likelihood of increase in this type of visit. The size and carrying capacity of such large vessels – both in number of passengers and in the amount and type of fuel (e.g. heavy bunker oil), as well as their capability for operating safely in Antarctic waters - led to concerns over possible accidents and the potential severity of resulting impacts. These included not only environmental impacts but also impacts upon science programs and other operators as a result of likely search and rescue demands.

Additional concerns relating to site impacts would be raised if large cruise vessels undertook passenger landings in light of the numbers involved.

These concerns led to the view that completion, adoption and implementation of the Antarctic Shipping Guidelines would close a significant gap and constituted a priority objective for the ATCPs. It was recognized that this would require action not only by the ATCPs, but also within the International Maritime Organization (IMO). In the interim, ATCPs should pay particular attention to ensuring that those operating vessels in Antarctic waters, particularly large cruise vessels, were aware of and complied with measures already in force.

Land-based Tourism: While subject to the environmental regime of the Treaty and Protocol, including the EIA provisions, land-based tourism, often because of its location, may also pose risk of significant non-environmental impacts – impacts upon the health and safety of the visitors themselves and impacts upon Antarctic science programs and possibly other tourist operators, as well as their personnel, in the event of an accident or other emergency situation. The lack of binding measures to address these potential impacts was seen as a second gap in the regulatory framework. Therefore, adoption and implementation of a measure or measures to address the need for risk assessment, adequate planning and self-sufficiency in relation to tourist expeditions, including communications, medical, search and rescue and insurance requirements, was viewed as an additional priority objective for the ATCPs.

The Regulatory Framework: Having identified two gaps in the framework for regulation and oversight of tourist activities in Antarctica, the group turned to an assessment of the existing components of that framework, beginning with discussion of the possible value of a strategic approach to tourism. This latter point raised the question as to whether tourism – because of its commercial nature - should be approached as an activity requiring special treatment in light of the Environmental Protocol’s designation of Antarctica as reserve devoted to peace and science; or whether tourism should be approached as a component of overall human presence in Antarctica subject to the common standards applicable to such presence deriving from obligations and measures of the Antarctic Treaty and the Environmental Protocol. The issue of whether recent and projected growth in tourism justified consideration of overall limits or regulatory caps on tourist visits was also raised in relation to the need for a strategic approach. It was felt that the question of how to answer these questions, or whether they needed to be answered, would benefit from assessment of whether the existing regulatory framework was being fully and effectively applied. The group organized its further discussion on this basis and touched upon the implementation of existing legal obligations; cumulative impacts, including monitoring and possible site management; information needs; and jurisdiction.

Implementation: There was a general sense, supported by anecdotal evidence, that there are instances both of lack of implementation and of inconsistency in implementation of measures applicable to tourism by ATCP governments. The first category includes failure to provide a sufficient basis in domestic law for implementing and/or enforcing all of the relevant measures as well as failure to enforce specific measures themselves. The second category refers to instances in which inconsistency in implementation as among governments results in differing substantive obligations upon operators carrying out the same activity. Such variation appears to stem from differing interpretations of measures and go beyond variance resulting from differing legal systems. Examples of such inconsistency include differences of interpretation regarding activities that would trigger initial or comprehensive environmental evaluations (IEE or CEE) in the EIA process, and whether the definition of mineral resource activities prohibited by the Protocol extends to the collection of meteorites. (This latter point, it was noted, demonstrated the need for the ATCPs to be alert to new and/or unforeseen activities that might arise in the context of tourism or other visitation to Antarctica.)

With respect to these points, attention was drawn to the rolling review of the annexes to the Protocol agreed to at the most recent Antarctic Treaty Consultative Meeting (ATCM XXIV) in St. Petersburg. It was felt that it would make sense to consider the need for enhanced implementation, and consistency therein, by the ATCPs as an integral part of the reviews.

The group emphasized the important contribution that self-regulation by the tourist industry itself could make to effective implementation of the measures applicable to tourism in Antarctica. The experience of IAATO was highlighted in this regard. There were a variety of views as to how far self regulation alone could go, particularly if tourism continues to grow - views that linked back to the discussion of a strategic approach, including the question of overall limits or regulatory caps. Continued and enhanced efforts at self-regulation by the tourist industry would nonetheless be highly desirable.

Cumulative Impacts: There was emphasis on the importance of addressing the possible cumulative impacts of ship-borne tourism, particularly at sites where there are regular landings. The Oceanites' site inventory work represented a valuable contribution to this effort - one of the few sustained attempts in the field to respond to this important issue.

The group felt that the workshop on cumulative impacts held in La Jolla, California in June 2000 had identified key elements of a structured response to the issue and highlighted the need to expedite implementation of the workshop's recommendations. Constitution of the independent steering group called for in these recommendations, as well as other steps to add impetus to their implementation, was a particular priority for the ATCPs, including at ATCM XXV in Warsaw.

It was pointed out that cumulative impacts upon the marine environment are an issue that may also warrant attention.

Information Needs: In spite of the efforts of ATCP governments and IAATO, there continue to be examples of visitors departing for or arriving in Antarctica who are apparently unaware of the relevant regulations and guidelines applicable to their activities. This underscored the need for sustained efforts to ensure that all visitors are made aware of these obligations – as summarized, for example, in Recommendation XVIII-1. Specific steps at “gateway” ports from which many visitors depart for Antarctica were encouraged, though it was noted that it is important to ensure that visitors are aware of the obligations as far in advance of departure as possible. Other suggestions toward this end included revisiting the idea of a lay guide to the Treaty and Protocol and inclusion of reference of the applicable requirements in sailing or navigational guides to Antarctica.

On a related point, first raised in the discussion of ship-borne tourism, it was noted that there is need to obtain more detailed information on visitation to Antarctica by yachts – private or chartered. Examples were cited of yacht visits in which the crew was not cognizant of the applicable measures. There was no basis for concluding at this point that yachts pose significant problems, but ATCPs were encouraged to seek more complete data on the scale of visits by yachts, including on operators offering yachts for charter to Antarctic waters.

There was also consideration of communications between tourist and other operators in Antarctica. It was felt important to ensure that all those operating in a particular area were aware of each other's activities and itineraries, both to avoid conflicts in use, in particular negative impacts upon science activities, and to facilitate mutual assistance in the event of emergencies. Both private and government operators should be able to, and be aware of how to, communicate with each other on a real time basis, particularly in light of the trend toward increased government-sponsored tourism.

More effective and timely implementation by the ATCPs of existing obligations for advance notification of expeditions to Antarctica, including tourist visits, would contribute to this objective.

Jurisdiction: Discussion also touched on whether there were jurisdictional tools that might enhance the effectiveness of the measures applicable to tourist activities in Antarctica, particularly with respect to activities undertaken by operators or vessels of non-Consultative Parties. Jurisdiction over access to stations or historic building exercised by individual ATCPs was one such tool, with several Parties having initiated the practice of denying visits by non-IAATO members.

It was also suggested that development be explored of a Treaty/Protocol-based system for placement of observers on board tour vessels, perhaps modeled upon Article VII of the Treaty.

Assertion of port state jurisdiction at ports from which vessels depart for Antarctica offered another avenue that could be explored. It was recognized that such jurisdiction is based upon a nation's authority to set conditions for entry to its ports and that its extension to conditions for departure could be problematic. However, the port state inspection procedures to promote compliance with international standards, developed under MARPOL and other IMO instruments, offered a possible model. (It was noted that these procedures were already relevant with respect to aspects of Annex IV of the Protocol).

Other jurisdictional tools that should be investigated included the possible capacity of nations to regulate the activities of companies, wherever incorporated, doing business within their territory, as well as a nation's extra-territorial jurisdiction over its nationals. It was recognized that non-discrimination between parties and non-parties was a prerequisite for jurisdictional approaches that sought to reach non-party activities.

Finally, discussion of jurisdiction brought to the fore problems posed by the increasingly multilateral nature of tourist activities, governmental as well as private. There are a growing number of situations in which more than one ATCP government has the authority to regulate such activities. The ATCPs should address the issue of criteria for determining which government (or governments) is responsible in these situations to avoid activities slipping through the cracks.

*(R. Tucker Scully (retired), U.S. Department of State and Head of the U.S. Delegation at numerous meetings of the Antarctic Treaty Parties)*

#### Participants

Ray Arnaudo (U.S. Department of State)  
Matt Drennan (IAATO – Lindblad Expeditions)  
Alan Hemmings (IUCN)  
Joyce Jatko (U.S. National Science Foundation)  
Anne Kershaw (IAATO – Adventure Network International)  
Denise Landau (IAATO)  
Joe Montgomery (U.S. Environmental Protection Agency)  
Ron Naveen (Oceanites)  
Birgit Njaastad (Norway)  
Mike Richardson (U.K. Foreign and Commonwealth Office)  
Ricardo Roura (ASOC)  
Tucker Scully (Chair)  
Patrick Shaw (IAATO – Quark Expeditions)

Victoria Underwood Wheatley (IAATO – Abercrombie and  
Kent/Explorer Shipping)  
Jose Valencia (Chile and SCAR)  
Emma Waterhouse (Antarctica New Zealand)

## Aspen Tourism Meeting Agenda

Monday April 29, 2002

- 0845 Introduction and Opening remarks
- 0900 Opening Key Note Address by Amanda Boxtel Challenge Aspen
- 0920 Purpose and Scope of Meetings
- 0930 Overview of Antarctic Tourism by Denise Landau
- 1000 Overview of Adventure Tourism by Anne Kershaw
- 1030 Coffee Break
- 1050 Overview of Regulatory Mechanisms in Place by Mike Richardson
- 1150 Oceanites' Antarctic Site Inventory, 1994-2002:  
Results, achievements, and future plans by Ron Naveen
- 1215 Lunch
- 1330 Discussion on Tourism:
- Identify key issues and areas of concern
  - Potential and current impacts of adventure tourism on national programs in relation to station operations/science programs
  - Concerns regarding Adventure Tourism, present and future
  - Search and rescue/medivac and self sufficiency and insurance
  - Liability
  - Diversification of activities
  - IAATO versus non IAATO vessels
  - Yachts
  - MARPOL, SOLAS, ISM, Aviation requirements/issues
  - Antarctic Shipping Guidelines
  - Increasing number of vessels/Concerns relating thereof
  - Science versus Tourism; compatibility and cooperation
  - Cumulative Impacts
  - Potential Site Specific Management possibilities
- 1515 Coffee Break!
- 1530 Continued Discussion
- 1700 Meeting Adjourns

Tuesday, April 30, 2002 Gaps and the Way Forward

- 0830 Identify the Current Gaps (regulatory, operational, environmental)
- Identify activities/potential activities not effectively controlled (e.g. yachts, non IAATO members or addressed, monitoring of cumulative impacts)
  - Variation in Government legislation
  - Role of IAATO/What more can IAATO do-relative to Self Regulation
  - Antarctic Tourism: Where does it fit within the ATCM
- 1030 Coffee Break
- 1200 Lunch
- 1315 Mechanisms to Bridge the Gaps
- 1515 Coffee Break
- 1530 Discussion and Wrap Up
- 1700 Meeting Adjourns