



REGULATORY MECHANISMS THAT ADDRESS ANTARCTIC TOURISM

Submitted by the International Association of Antarctica Tour Operators (IAATO)

Numerous legal mechanisms exist to address activities of all human presence in Antarctica, enacted either by the Antarctic Treaty of 1959, by mainly marine legislation that applies to virtually all ships at sea, or by the Protocol on Environmental Protection to the Antarctic Treaty (1991). The Protocol, in particular, folded many of the earlier regulations into its Articles and Annexes, thus strengthening the mechanisms now applicable to everyone who visits Antarctica, whether in the science community, support for science, or tourism. IAATO has adopted these regulatory mechanisms as they materialized, and in some cases, practiced them before respective Treaty regulations came into force. For example, tour operators and their passengers practiced a 'Code of Environmental Conduct' prior to the existence of IAATO in 1991, a 'Code' that is now in force as Recommendation XVIII-1 (1994) (see below).

All tourists on IAATO member expeditions, whether a citizen of a Treaty signatory of the Protocol or not, are obligated to observe requirements of their native country by virtue of national legislation enacted as a result of ratification of the Protocol; or subject to requirements of the country in which the tour operator is based.

Many of these regulations and related legal mechanisms that apply to human presence in Antarctica are listed below. Most, if not all are applicable to tourism, and if so, are adhered to closely for IAATO-member activities. The primary source for regulatory mechanisms enacted by Treaty Parties (Appendix 1) is "Polar Updates: Antarctica 2002/2003", compiled and copyrighted by Poles Apart." The latter also provided the section on "Air Regulations", as aircraft activity is a vital component of not only Treaty Party logistics, but also IAATO members. Appendix 1 includes regulations of 14 Treaty Parties, including those in which tour operators are currently located. Also included are regulations for some sub-Antarctic islands, which are commonly included in the itineraries of tour vessels visiting Antarctica, and are listed here for completeness. Note that this is a work in progress and will be updated as needed.

Sections on Marine Regulations, Station Visit Guidelines and those initiated by IAATO as operative documents complete the list.

Readers are encouraged to forward additional information to the IAATO Secretariat that might have been omitted and can be included in this list; succeeding regulations and amendments might also materialize in the future.

1. Relevant Treaties, Laws And Regulations, Resolutions etc.

- Antarctic Treaty of 1959
- Convention for the Conservation of Antarctic Seals (CCAS 1972)
- Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR 1980)

- Protocol on Environmental Protection to the Antarctic Treaty (1991)
 - Annex I-Environmental Impact Assessment
 - Annex II-Conservation of Antarctic Fauna and Flora
 - Annex III-Waste Disposal and Waste Management
 - Annex IV-Prevention of Marine Pollution
 - Annex V-Area Protection and Management
- Recommendation XVIII-1:
 - Guidance For Visitors To the Antarctic (including all available languages)
 - Guidance for Those Organising and Conducting Tourism and Non-Governmental Activities in the Antarctic
- Resolution 5 (1995) Antarctic Treaty Inspection Checklist for Tourist Ships

2. Air Regulations

- *Convention on International Civil Aviation* (Chicago Convention), 1944, came into force 1947, and subsequent Annexes and Protocols
- Annex 16 (Environmental Protection) to the *Convention on International Civil Aviation*. Volume I, Aircraft Noise; Volume II, Aircraft Engine Emissions
- Resolution A33-7: *Consolidated statement of continuing ICAO policies and practices related to environmental protection* – Adopted October 2001. The statement is revised every three years by ICAO Council’s Committee on Aviation Environmental Protection (CAEP)
- The *Chicago Convention* is the international agreement that regulates civil aviation. It is regularly and frequently improved by the adoption of Annexes, Protocols and additional Conventions. In this way ICAO operates in a similar manner to the IMO; the CAEP is a direct equivalent to MEPC

3. Marine Regulations

- SOLAS, International Convention for Safety of Life at Sea, 1974 and its Protocol of 1988
- ISM Code (International Management Code for the Safe Operation of Ships)
- IACS (International Association of Class Societies)
- International Convention on Loadlines, 1966 (LoadLines 66)
- Protocol of 1988 relating to the International Convention on Load Lines, 1966 IL PROT 88
- STCW-95 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW Convention)
- Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72)
- International Convention on Tonnage Measurements of Ships, 1969 (Tonnage 69)
- Arctic Shipping Pollution Prevention Regime (ASPPR) Certificate
- U.K.: Sailing vessels operating from a commercial basis are part of the Small Boat Registry and are subject to the control of Marine Coastguard Agency (MCA)
- Marine pollution is regulated by the International Convention for the Prevention of Pollution of Ships, adopted by the International Maritime Organisation (IMO) in 1973. The convention was subsequently modified by a Protocol passed in 1978 and is known as MARPOL 73/78. IMO’s Marine Environmental Protection Committee (MPEC) regularly reviews the provisions of the convention
- Resolution MEPC.42(30) (entered into force 1992): Designation of the Antarctic area as a “Special Area” under Annex I (Regulations for the Prevention of Pollution by Oil) and Annex V (Regulations for the Prevention of Pollution by Garbage)

- Resolution MEPC.57(33) (entered into force 1994): Designation of the Antarctic area as a “Special Area” under Annex II (Regulations for the Prevention of Pollution by Noxious Liquid Substances)

4. IAATO Guidelines And Operating Procedures

- IAATO Bylaws
- Zodiac Guidelines for Passengers and Staff
- IAATO Marine Wildlife Watching Guidelines
- IAATO Slide Show/Guidelines and Briefing Presentation
- IAATO Expedition Leader and Ship’s Officers Seasonal Instructions
- IAATO Pre-Season Checklist
- IAATO Vessel Call Data
- IAATO Ships Schedules
- IAATO Expedition Leader Schedules
- IAATO Emergency Medical Evaluation Response Plan (EMER)
- Special Activity Guidelines: Helicopter, Scuba, Camping, Mountaineering, Kayaking, Remotely Operated Vehicle
- Expedition Leader and Staff Resource Notebook

5. Station Visit Guidelines

- Palmer and McMurdo Station Guidelines and Station Visits
- Procedures for Tourist or Non-Governmental Expeditions Requesting a Visit to a British Antarctic Survey Research Station
- South Pole Operating Procedure for visits to Amundsen–Scott Station

APPENDIX 1 Regulatory Mechanisms that Address Tourism

Appendix A

Regulatory Mechanisms that address Antarctic Tourism

Key legislation and guidelines are given for states that have a major stake in Antarctic tourism, whether due to the location of tour operators, ship or aircraft registries or the activities of their nationals. All states are included that have ports or airports frequently used as departure points for Antarctic tourist activities.

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ARGENTINA	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>Ley Nacional 24.216 (1993)</i> —Enacts Environmental Protocol into national law. <i>Ley Nacional 25.260 (2000)</i> —Ratifies Annex V of the Environmental Protocol. <i>Disposición 87/2000 (2000)</i> —Contains provisions for the implementation of the Protocol.
Guidelines and Sources	
	<i>Guía para la evaluación de impacto ambiental en la antartida</i> (Guide for the evaluation of environmental impacts in Antarctica); <i>Protección Ambiental en la Antártida. Guía Práctica</i> (Environmental Protection in Antarctica. Practical Guide); <i>Implementación del Protocolo al Tratado Antártico sobre Protección del Medio Ambiente por parte del Programa Antártico Argentino. Período 1999-2000.</i> XXIII ATCM, IP34, 2000. <i>Implementación del Protocolo al Tratado Antártico sobre Protección del Medio Ambiente por parte del Programa Antártico Argentino. Período 2000-2001.</i> XXIV ATCM, IP35, 2001.

AUSTRALIA	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>The Antarctic Treaty Act (1960)</i> —gives effect to the Antarctic Treaty. <i>Antarctic Treaty (Environment Protection) Act (1980) [AT(EP) Act] and amendments: Environmental Impact Assessment Regulations (1993); Waste Management Regulations (1994)</i> —implement parts of Antarctic Treaty System and Environmental Protocol. <i>Antarctic Seals Conservation Regulations No. 398 (1986)</i> —controls via permit system the disturbance, taking of and killing of seals. <i>Environmental Protection and Biodiversity Conservation Act (1999) [EPBC Act]</i> —deals with environmental assessments, permits and export of specimens.
Guidelines and Sources	
	<i>Environmental code of Conduct for Australian Field Activities in Antarctic</i> <i>Guidelines for visits to Australian facilities</i> <i>Australian National Guidelines for Cetacean Observation</i> <i>Australian guidelines for preparation of initial and comprehensive environmental evaluations.</i> XXII ATCM, WP19, 1999. <i>Australian Annual Report to the CEP.</i> XXIV ATCM, IP41, 2001.

Australian Sub-Antarctic Territory: Heard and McDonald Islands	
Key Legislation	
	<i>Heard Island and McDonald Islands Act (1953)</i> —provides for administration of these territories. <i>The Heard and McDonald Islands Environmental Protection and Management Ordinance (1987)</i> .
Guidelines and Sources	
	<i>Heard Island Wilderness Reserve Management Plan (1995)</i> (currently being revised)
Australian Sub-Antarctic Territory: Macquarie Island State Reserve	
Key Legislation	
	<i>Tasmanian National Parks and Wildlife Act No 47 (1970)</i> . <i>National Parks and Reserved Land Regulations (1999)</i> <i>Wildlife Regulations (1999)</i>
Guidelines and Sources	
	<i>Guidelines for Tourist Operations and Visits to Macquarie Island Nature Reserve World Heritage Area, 2002/2003</i> .

CHILE	
	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	Supreme Decree No. 361 (1961)—enacts Antarctic Treaty. <i>Supreme Decree No. 396 (1995)</i> (published 1998)—enacts Environmental Protocol. <i>Supreme Decree No. 583 (1997)</i> —adopts Recommendation XVI-10 relating to Annex V of the Environmental Protocol. <i>Supreme Decree No. 429 (2000)</i> —approves National Antarctic Policies.
Guidelines and Sources	
	<i>Annual report of the Republic of Chile pursuant to Article 17 of the Protocol on Environmental Protection to the Antarctica Treaty. XXIV ATCM, IP58, 2001</i> .

FRANCE	
	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	Environmental Protocol introduced into French law 1998; implementing legislation to be completed. <i>Ordonnance no 2000-374 (2000)</i> —Entry and visit conditions for foreigners to French austral and Antarctic territories. <i>Code de l'environnement; Partie législative Annexe a l'ordonnance No 2000-914 (2000)</i> —Disposition applies to French austral and Antarctic territories (and others). <i>Arrêté no 2001-19 du 29 juin 2001 instituant une taxe de mouillage dans les Terres australes et antarctiques françaises</i> —Introduces mooring charges for vessels visiting French austral and Antarctic territories. <i>Arrêté no 2001-20 du 29 juin 2001 instituant une taxe territoriale de séjour dans les Terres australes et antarctiques françaises</i> —Introduces a visitor's tax for persons visiting French austral and Antarctic territories. <i>Arrêté no 2001-25 du 24 juillet 2001 réglemetant l'introduction dans le Territoire d'animaux domestiques</i> —Control of introduction of domestic animals into French austral and Antarctic territories. <i>Arrêté no 2001-39 du 12 octobre 2001 réglemetant l'introduction dans le Territoire de spécimens d'espèces animales ou végétales non indigènes</i> — Control of introduction of non-indigenous species into French austral and Antarctic territories.

Guidelines and Sources	
	<i>Journal officiel des Terres australes et antarctiques françaises</i> (Nos. 4, 5, 7, 8, 10, 11,12,13). 2000, 2001.
French Sub-Antarctic Territory: Îles Crozet, Îles Kerguelen, Îles Amsterdam–Saint Paul	
Key Legislation	
	See Key Legislation under France
Guidelines and Sources	
	<i>Journal officiel des Terres australes et antarctiques françaises</i> (Nos. 4, 5, 7, 8, 10, 11,12,13). 2000, 2001.

GERMANY	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>Act Implementing the Environmental Protection Protocol of 22 Sept 1994, amended 21 Sept 1997</i> —implements Environmental Protocol. <i>Regulation on scientific commission for Antarctic issues of 22nd July 1999.</i> <i>Regulation on costs of 17th April 2001.</i>
Guidelines and Sources	
	<i>Guidelines for Visitors to the Antarctic, 2002.</i> <i>Annual report of the Federal Republic of Germany pursuant to Article 17 of the Protocol of Environmental Protection to the Antarctic Treaty. XXII ATCM, IP1, 1999</i>

JAPAN	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>Law Relating to Protection of the Environment in Antarctica, No. 61 (1997)</i> —Implements Environmental Protocol. <i>Law relating to the Prevention of Marine Pollution and Maritime Disaster No. 136 (1970).</i>
Guidelines and Sources	
	Minister of Environment of Japan publish pamphlet, <i>Antarctica</i> (Japanese and English versions). <i>Annual report under the Protocol on Environmental Protection to the Antarctic Treaty for Japan, XXIV ATCM, IP14, 2001.</i>

NETHERLANDS	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>Wet Bescherming Antarctica (Protection of Antarctica Act) (1998)</i> — Implements Environmental Protocol. Came into force 2001. <i>The Decree on the protection of Antarctica (1998)</i> —Provides procedure for permit applications. Came into force 2001.
Guidelines and Sources	
	<i>Nederlandse Antarctica regelgeving.</i> Instructions on how to apply for a permit (in English). LASER, 2001. <i>Instructions for the application form for a permit under the Wet bescherming Antarctica.</i> LASER, 2001. <i>Application form for a permit under the Wet bescherming Antarctica.</i> LASER, 2001. <i>Annual report pursuant to the Protocol of Environmental Protection to the Antarctic Treaty. The Netherlands. XXIV ATCM, IP8, 2001.</i>

NEW ZEALAND	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>Marine Mammals Protection Act (1978)</i>—Applies to NZ territorial waters, including the internal waters of the Ross Sea.</p> <p><i>Maritime Transport Act (1994)</i>—Implements Annex IV of Environmental Protocol.</p> <p><i>Antarctica (Environmental Protection) Act (1994) No. 119 [A(EP) Act]</i>—Implements Environmental Protocol.</p> <p><i>New Zealand Antarctic Institute Act (1996)</i>—establishes the New Zealand Antarctic Institute to manage New Zealand Antarctic activities.</p>
Guidelines and Sources	
	<p><i>Guidelines and Procedures for Visitors to the Ross Sea Region</i>, available from AntNZ (MFAT publication).</p> <p><i>Annual report of New Zealand pursuant to Article 17 of the Protocol of Environmental Protection to the Antarctic Treaty</i>. XXIV ATCM, IP51, 2001.</p>
New Zealand Sub-Antarctic Territory: Campbell, Auckland, Bounty, Antipodes and Snares Islands	
Key Legislation	
	<p><i>Reserves Act (1978)</i></p> <p><i>Conservation Act (1987)</i></p>
Guidelines and Sources	
	<p>Following publications available from DoC</p> <p><i>Subantarctic Islands, Minimum Impact Code.</i></p> <p><i>New Zealand Subantarctic Guidebook; Subantarctic and Southern Islands.</i></p> <p><i>Pest and Quarantine Guidelines.</i></p> <p><i>New Zealand Subantarctic Islands - Nomination for World Heritage Listing</i></p>
NORWAY	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>Lov om Bouvet-øya, Peter I's øy og Dronning Maud Land. Act No. 3 (1930 and subsequent amendments)</i>—Applies Antarctic Treaty to Peter I's øy and Dronning Maud Land.</p> <p><i>Regulations Relating to Protection of the Environment in Antarctica T-1113 (1995)</i>—Implements the Environmental Protocol and Annexes.</p> <p><i>Annex to Regulations Relating to Protection of the Environment in Antarctica</i>—Further details for implementation of Environmental Protocol.</p>
Guidelines and Sources	
	<p><i>Antarctic Waste Management Handbook</i>, 1997. ISBN 82-7666-148-3. Contact Norwegian Polar Institute.</p> <p><i>Annual Report Norway</i>. XXIV ATCM, IP42, 2001.</p>
Norwegian Sub-Antarctic Territory: Bouvetøya	
Key Legislation	
	<p><i>Forskrift om fredning av Bouvetøya med tiliggende territorialfarvann som naturreservat. Regulation No. 9 (1971)</i>—(Norwegian, unofficial English translation available) Regulations pertaining to protection of Bouvetøya and surrounding territorial waters as nature reserve.</p>
Guidelines and Sources	
	<p><i>Management Plan for CEMP–Bouvetøya (1997).</i></p>

RUSSIAN FEDERATION	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>Adoption of the Federal Law on ratification of the Protocol on Environmental Protection to the Antarctic Treaty. No. 79-F3 (1997)</i>—Roshydromet given authority to issue permits and coordinate EIA procedures.</p> <p><i>Decision No. 1580 'On the provision of implementing the Protocol on Environmental Protection to the Antarctic Treaty' (1997).</i></p> <p><i>Law No. 1476 'On the Adoption of the Procedure for Consideration and Issuance of Permits for Activities of the Russian Individual Personas and Legal Entities in the Antarctic Treaty Area' (1998)</i>—Contains provisions for permits and EIA requirements, control for observance and penalties.</p> <p><i>Adoption of the normative documents for considering the application for activity of the Russian individual persons and legal entities in the Antarctic Treaty Area and conclusions on them. No. 139 (1999)</i>—Contains permit form and regulations relating to permits, special permits, observers and representatives.</p>
Guidelines and Sources	
	Handbooks and instructions currently being prepared.

SWEDEN	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>Antarctica Act (SFS 1993:1614)</i>—Came into force 1994. Enacts the Environmental Protocol.</p> <p><i>The Antarctica (Swedish Activities) Ordinance (SFS 1994:95)</i>—regulates the application of the Antarctica Act.</p> <p><i>Regulation No 1996:649.</i></p>
Guidelines and Sources	
	<p>Factsheets:</p> <p><i>Antarctica is Unique!: Why a permit is needed to go to Antarctica (1996).</i></p> <p><i>Antarctica Act (1996).</i></p> <p><i>Environmental Impact Assessment—A study of the ice-breaker Oden in polar operations (1993).</i></p> <p><i>Antarctic Waste Management Handbook, 1997. ISBN 82-7666-148-3.</i></p> <p><i>Annual Report Pursuant to the Protocol on Environmental Protection to the Antarctic Treaty. XXIV ATCM, IP15, 2001.</i></p>

SOUTH AFRICA	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>South African Citizens in Antarctica Act, No. 55 (1962).</i></p> <p><i>Maritime Zones Act, No. 15 (1994).</i></p> <p><i>Antarctic Treaties Act No. 60 (1996) and amendment (1997)</i>—Incorporates Environmental Protocol into law of the Republic. Provisions of this Act prevail over those of previous acts.</p>
Guidelines and Sources	
	<i>Annual report pursuant to Article 17 of the Protocol of Environmental Protection to the Antarctic Treaty. XXIV ATCM, IP36, 2001.</i>

South African Sub-Antarctic Territory: Prince Edward Islands	
Key Legislation	
	<i>Prince Edward Islands Act No. 43 (1948).</i> <i>Environment Conservation Act, No. 73 (1989).</i> <i>Maritime Zones Act, No. 15 (1994).</i>
Guidelines and Sources	
	<i>Prince Edward Islands Management Plan.</i>

UNITED KINGDOM	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<i>Antarctic Act 1994</i> —implements the Environmental Protocol. <i>The Antarctic Regulations 1995, No. 490 (1995)</i> —further details of permit requirements, jurisdiction and offences. <i>The Antarctic (Amendment) Regulations 1995, No 2471 (1995)</i> —entry into force of The Antarctic Regulations 1995, No. 490 (1995). <i>The Antarctic (Amendment) Regulations 1998, No. 1007 (1998)</i> —details of restricted areas (SPA and SSSI) and historic sites and monuments. <i>The Antarctic (Amendment) Regulations 2000, No. 2147 (2000)</i> . Further details of restricted areas (SPAs and SSSIs) and historic sites and monuments.
Guidelines and Sources	
	<i>Guide to Environmental Impact Assessment of Activities in Antarctica (1995)</i> published by FCO. <i>List of Protected Areas in Antarctica (1997).</i>

Falkland Islands (Islas Malvinas), South Georgia and The South Sandwich Islands	
Key Legislation	*Note: There is a sovereignty dispute between the United Kingdom and Argentina regarding the Falkland Islands/Islas Malvinas, South Georgia and the South Sandwich Islands
	<i>Conservation of Wildlife and Nature Bill, 1999</i> —Enacted to protect wildlife in the Falkland Islands. <i>Falkland Islands Dependencies Conservation Ordinances, (1964 & 1975)</i> <i>The Marine Environment (Protection Bill), 1995</i> —Marine conservation in Falkland Islands waters. <i>South Georgia and South Sandwich Islands Visitors Ordinance (1992)</i> <i>Visitors (Landing fees) Regulations; Harbour (Fees) (Amendment) Regulations; Customs (Fees) (Amendment) Regulations (1998)</i> —Details of harbour, customs and visitor landing charges.
Guidelines and Sources	
	<i>Information for Visitors to South Georgia, 2001</i> — <i>South Georgia and the South Sandwich Islands (1998)</i> —Information about South Georgia. <i>South Georgia and South Sandwich Islands Gazette.</i>

UNITED STATES OF AMERICA	Consultative Party to Antarctic Treaty. Ratified Environmental Protocol.
Key Legislation	
	<p><i>The Antarctic Conservation Act of 1978, Public Law 95-541, as amended, 16 U.S.C. 2401 et seq.</i></p> <p><i>The Antarctic Science, Tourism and Conservation Act of 1996, Public Law 104-227, amends the Antarctic Conservation Act of 1978.</i></p> <p><i>Act to Prevent Pollution from Ships, Public Law 96-478, 33 U.S.C. 1901 et seq.</i></p> <p><i>U.S. Marine Mammal Protection Act of 1972, Public Law 92-522, 16 U.S.C. 1371 et seq.</i></p> <p><i>Antarctic Marine Living Resources Conservation Act of 1984, 16 U.S.C.A. 2431-2444.</i></p> <p><i>US Environmental Protection Agency 40 CFR Part 8, Environmental Impact Assessment of Nongovernmental Activities in Antarctica, (Federal Register/ Vol. 66, No. 235/Thursday, December 6, 2001/ Rules and Regulations)</i></p>
Guidelines and Sources	
	<i>Antarctic Conservation Act of 1978—July 2001 update containing ACA, regulations and supplementary information.</i>