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## **Antarctic Treaty Inspection Process for Tourist Vessels Suggested Improvements**



# Antarctic Treaty Inspection Process for Tourist Vessels

## Suggested Improvements

### Information Paper submitted by IAATO

#### ***Introduction***

Over the past few years a number of tourist vessels have been inspected<sup>1</sup> under the provisions of Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol. IAATO welcomes such inspections, and the Association's Member Companies are well aware of the importance and value of Inspections and have complied readily with inspection processes.

Treaty and Protocol Inspections have demonstrated that IAATO operates well found vessels that are staffed by experienced mariners and expedition personnel.

IAATO's experience of inspections of tourist vessels suggests that there may well be improvements to the processes and procedures of inspections that would benefit all parties. This paper therefore sets out several recommendations for the consideration of the Consultative Parties.

#### ***Recommended improvements***

##### **(i) Inspection Checklists**

In 1995 the ATCM adopted the Antarctic Treaty Checklist, Part B for "vessels within the Antarctic Treaty Area" (Resolution 5 (1995)). See Appendix A. Copies of that Checklist are provided to all IAATO vessels. However, since that time a number of changes have been made to international shipping standards.

**In consequence, IAATO believes it timely that the ATCM review, and if necessary amend, Checklist B.**

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<sup>1</sup>To list all the inspection reports of tourist vessels over the years would increase the length of this paper. A few tourists' ships are referred to below.

- ATCM XXIII WP 32 -Report of the Joint Inspections under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol by United Kingdom, Australia and Peru. (Vessels inspected: *Professor Molchanov*)
- ATCM XXVIII WP 23 2005 Report of the Joint Inspection under Article VII of the Antarctic Treaty and Article XIV of the Environmental Protocol by the United Kingdom and Germany Tourist Vessels *Akademik Ioffe, Marco Polo*
- See: ATCM XXVI IP 118-ASOC/UNEP/Rev 1 A Review of Inspections Under Article VII of the Antarctic Treaty and Article 14 of its Protocol on Environmental Protection, 1959 for a thorough list of inspections 1959-2001.

While use of Checklist B for vessel inspections is not mandatory, but rather intended to provide a guideline to observers conducting inspections, the majority but not all of inspections of tourist vessels undertaken to date have used the Checklist as their basis.

Checklists provide comparability and consistency between inspections; not only between vessels inspected in the same season, but even between inspections conducted by different Parties in different years.

**1. IAATO therefore recommends that, unless there is a compelling reason otherwise, inspections of vessels should follow a standard format, and that this is most appropriately achieved through use of the ATCM-adopted Checklist B.**

### **(ii) Timing of Inspections**

Special constraints imposed by Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol are also included in the chapeau to Checklist B, that:

*“Inspections of vessels can only be undertaken at points of discharging and embarking cargoes and personnel”.*

Inspections to date have also normally taken due account of the itinerary of tourist vessels. Through close co-ordination with the master of the inspected vessel, in advance of an inspection, observers have usually ensured that the planned scheduling of the vessel has not been unduly disrupted by the inspection process. Given the increase in tourism and the pre-scheduling of landing sites to assure that one ship is at one place at one time it is important to work with the Captain to assure that the vessel schedule if at all possible can be maintained.

**2. The recognition of a vessel’s scheduled timetable could be usefully incorporated into any review of Checklist B. In that regard the reviewers of the Checklist might draw on the comparable experience of the text of the CCAMLR System of Inspection (for fishing vessels) which indicates that:**

*“the [CCAMLR] inspection shall be carried out so that the vessel is subject to the minimum interference or inconvenience.”*

Furthermore, the CCAMLR System recognizes that if a vessel is actively engaged in harvesting operations, then the inspection process, through the transfer of inspectors, should be undertaken “as soon as practical”. Although the inspection procedures of vessels between CCAMLR and the Antarctic Treaty/Environmental Protocol differ in that vessels under the latter are not actively underway, the principle of not unduly impairing the operational, efficiency of a vessel (while conducting nevertheless a fair and comprehensive inspection) ought to be the same.

### **(iii) Relevant Expertise**

The operations of any sizable sea-going vessel are invariably complex. This is particularly so in relation to the machinery spaces housing e.g. propulsion units, fuel storage and waste treatment plants.

**3. In consequence IAATO recommends that inspections should be undertaken by observers with particular expertise in the design and operation of vessels. In practice, it is recommended that inspection teams, planning to undertake inspections of vessels,**

**should include marine engineer officers – or their equivalent, within the inspection team to provide that relevant expertise.**

**(iv) Draft Inspection Reports: Mechanisms for Feedback**

Crucial differences exist between Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol in relation to post inspection procedures. Notably, enhanced transparency is incorporated into the latter through the requirement that draft reports of inspections must be made available for comment to those that have been subject to inspection, and for those comments to be made available to all Parties and to the Committee of Environmental (CEP) and thereafter to be made publicly available. Such transparency is not a factor of the procedures of Article VII of the Antarctic Treaty.

That important feedback mechanism of Article 14(4) of the Protocol raises certain issues when it comes to the inspection of vessels. The ability for those being inspected to comment on reports is, under Article 14, restricted to Parties. Yet a significant proportion of tourist vessels, which might be managed by tour operators under the jurisdiction of a Party to the Protocol, are flagged to non-Party States.

It is important to be aware that many of the crew members on board tourist vessels may not speak the language of the inspection team. Crew members could also feel intimidated about answering questions out of their particular job responsibility and or in their non native language. Cultural differences amongst crew also can affect a way in which a crew member may answer a question. Consequently it is important that any perceived deficiency is cleared with the Captain before the inspection teams disembarks the vessel.

The negotiators of the Protocol clearly envisaged transparency in relation to inspections as an important feature. Logically therefore, such transparency ought to be extended to those inspections for which no Treaty Party has responsibility.

This suggestion is based on the premise that an Inspection Report sent to the Government of a non-Treaty Party might elicit a formal protest as to the legal competence of an inspection undertaken of a non Treaty-flagged vessel on the High Seas within the Antarctic Treaty Area. Providing the Inspection Report in such an instance only to the tour operator responsible for the operation of the vessel should avoid this situation. Tourist vessel operators should be given the reciprocal opportunity to comment on the report and any comments be circulated as appropriate as per Article XIV (4) of the Protocol.

**4. To achieve this IAATO would recommend that a working practice be agreed by the ATCM whereby draft reports of Inspections of vessels would be provided both to the Flag-State of the vessel and to the tour operator in relation to those vessels flagged to Antarctic Treaty States, and to the tour operator only\* in relation to vessels flagged to non-Treaty States.**

**To reflect modern communication practices, it is also recommended that draft reports of Inspections should be provided electronically, requiring acknowledgement of receipt, as soon as possible after an inspection, as well as in hard-copy form.**

**Furthermore, it is recommended that if significant deficiencies or non conformities are observe in the operation of a vessel are identified during the course of an Inspection that these facts be brought to the attention of the Captain of the vessel before the Inspection Team disembarks. By doing so may enable such deficiencies or possible misunderstandings, and/or concerns to be rectified sooner rather than later. If**

**appropriate comments from the Tour Operator be given the opportunity to comment, the reports circulated as per Article XIV of the Protocol.**

**Appendix A:** Resolution 5 (1995) Antarctic Treaty Inspection Checklists Resolution 5 (1995) Antarctic Inspection Checklists

## Appendix A

### **Resolution 5 (1995) Antarctic Treaty Inspection Checklists Resolution 5 (1995) Antarctic Inspection Checklists**

The Representatives,

*Recommend* that:

*Considering* that inspection checklists are useful as guidelines for those planning and conducting inspections under Article VII of the Antarctic Treaty and in assessing implementation of the provisions of the Environmental Protocol pending its entry into force;

*Noting* that inspection checklists are not mandatory and are not to be used as a questionnaire;

The Consultative Parties should encourage the use of the checklists attached:

Checklist A Permanent Antarctic Stations and Associated Installations

Checklist B Vessels within the Antarctic Treaty Area

Checklist C Abandoned Antarctic Stations and Associated Installations

Checklist D Waste Disposal Sites

ATTACHMENT

Antarctic Inspection Checklists

These checklists, which are not intended to be exhaustive, are designed to provide a guideline to observers conducting inspections in Antarctica in accordance with the provisions of Article VII of the Antarctic Treaty.

Not all items in the checklists are necessarily applicable to the activity being inspected or directly related to Article VII of the, Antarctic Treaty or the requirements of the Protocol on Environmental Protection to the Antarctic Treaty.

It is recognized that some of the items could be addressed through the Antarctic Treaty Exchange of Information. It is also recognized that the purpose of an inspection is to verify through observation. Therefore, any inspection report should clearly identify which information was observed and which was taken from documents.

It is recommended that observers seek out and examine all relevant documents prior to undertaking inspections, including the Antarctic Treaty Exchange of Information, the relevant national Annual Reports to SCAR and the COMNAP/SCALOP Advance Exchange of Information.





**1 Resolution 5 (1995) Antarctic Treaty Inspection Checklists**  
**CHECKLIST B**  
**(For purposes of this paper, only Checklist B is included)**

**Vessels within the Antarctic Treaty Area**

Observers undertaking an inspection of a vessel in the Antarctic Treaty Area should bear in mind that:

- i) only a vessel flying the flag of a Treaty Party can be inspected;
- ii) an inspection can only be undertaken under the terms of Article VII (3) of the Antarctic Treaty which states that inspections can only be carried out at points of discharging or embarking cargoes or personnel in Antarctica, and;
- iii) Article VI of the Antarctic Treaty safeguards High Sea rights under international law within the Antarctic Treaty Area.

Inspections which are not in accord with (i) and (ii) above, including inspections of vessels chartered by Treaty Parties, can only be carried out with the explicit consent of the master of the vessel.

**1. GENERAL INFORMATION**

- 1.1 Name of ship visited
- 1.2 Radio call sign
- 1.3 State and/or Port of Registration
- 1.4 Owner, manager and/or charterer of vessel
- 1.5 Ship type (general cargo, scientific research, etc.)
- 1.6 Date launched, if known
- 1.7 Primary activity of vessel at time of inspection (scientific research, logistic support, tourism, etc.)
- 1.8 Planned itinerary
- 1.9 Expected length of annual operating period in the Antarctic
- 1.10 Area of operation in the Antarctic in past year
- 1.11 International logistic cooperation
- 1.12 Presence of mandatory documentation (e.g., IMO inspection reports),

**2. INSPECTION DETAILS**

- 2.1 Date
- 2.2 Time of visit
- 2.3 Location of visit
- 2.4 Duration of visit
- 2.5 Last inspection (nation(s), date)
- 2.6 Persons conducting inspection

**3. PERSONNEL**

- 3.1 Name of captain
- 3.2 Name of expedition leader or person in charge
- 3.3 Total number of personnel on board
  - crew (e.g., captain, officers, crew and catering staff)
  - staff (e.g., scientists, expedition or tour staff, helicopter pilots)
  - passengers (e.g., members of the expedition that are not crew or staff)
- 3.4 Maximum accommodation capacity of vessel
- 3.5 Previous Antarctic experience of captain and deck officers
- 3.6 Previous Antarctic experience of other crew and staff
- 3.7 Training of crew, staff and passengers (safety, life-boat drills, emergency response, etc.)

#### **4. SCIENTIFIC RESEARCH**

- 4.1 Principal scientific programmes undertaken by the vessel
- 4.2 Dedicated scientific facilities on the vessel
- 4.3 Number of research cruises planned during the season
- 4.4 Number and nationality of scientists
- 4.5 Advance notice, use and control of radio-isotopes

#### **5. PHYSICAL DESCRIPTION OF VESSEL**

- 5.1 Basic dimensions (gross tonnage, length, beam, draught, etc.)
- 5.2 Marine classification, including ice strengthening classification

#### **6. NAVIGATION AIDS**

- 6.1 Navigation aids and equipment (radar, sonar, depth sounding equipment, weather facsimile receiver, weather/ice satellite picture facilities, Global Positioning System (GPS) or similar)
- 6.2 Back-up or emergency equipment carried
- 6.3 Availability and currency of hydrographic charts
- 6.4 Availability and currency of Antarctic pilot reference material

#### **7. COMMUNICATIONS**

- 7.1 Communication facilities
- 7.2 Presence of emergency beacons (EPIRBS, etc.)

#### **8. TRANSPORT**

- 8.1 Type and number of small craft (landing craft, inflatables, survey launches, etc.)
- 8.2 Total capacity of lifeboats and liferafts; whether lifeboats are motorised, open or enclosed, and covered by a relevant survey certificate
- 8.3 Type and number of helicopters
- 8.4 Number of helicopter movements per Antarctic season

#### **9. VESSEL FACILITIES - GENERAL CARGO**

- 9.1 General cargo - types, amount
- 9.2 Presence and use of Cargo Record Book
- 9.3 Cargo handling equipment
- 9.4 Frequency and method of resupply to shore stations

#### **10. VESSEL FACILITIES - FUEL BUNKERS AND CARGO**

- 10.1 Fuel bunkers - types, amount and use of fuel (marine gas oil, petrol, etc.)
- 10.2 Fuel cargo - types, amount (aviation fuel, etc.)
- 10.3 Types and capacity of fuel tanks, Use of double-bottomed tanks
- 10.4 Deck storage of fuel
- 10.5 Prevention and protection against leaks and spills
- 10.6 Monitoring of fuel pumping systems and storage tanks (method)
- 10.7 Transfer of bulk fuel (include transfer method)
- 10.8 Responsibility for fuel management
- 10.9 Processing of oily water (oily water separator, direct to storage tanks, etc.)
- 10.10 Capacity to retain on board all oily waste whilst in the Antarctic Treaty Area
- 10.11 Presence and use of Oil Record Book

#### **11. VESSEL FACILITIES - ENGINES AND POWER GENERATION**

- 11.1 Number, type and capacity of engines and generators

- 11.2 Subsidiary propulsion (bow and/or stern thrusters, etc.)
- 11.3 Daily fuel consumption of engines and power generation (tones)
- 11.4 Filtering and monitoring of engine emissions (method)

## **12. VESSEL FACILITIES - MEDICAL**

- 12.1 Medical facilities (e.g., numbers of patient beds)
- 12.2 Medical personnel

## **13. VESSEL FACILITIES - HAZARDOUS SUBSTANCES**

- 13.1 Responsibility for management of hazardous substances
- 13.2 Types and quantities of hazardous substances being transported or used on board ship
- 13.3 Storage and monitoring arrangements
- 13.4 Protection against leaks and spills

## **14. FIREARMS / EXPLOSIVES**

- 14.1 Number, type and purpose of firearms and ammunition
- 14.2 Amount, type and purpose of explosives
- 14.3 Storage of explosives and method of disposal

## **15. MILITARY SUPPORT ACTIVITIES**

- 15.1 Describe any military support to the vessel (e.g., personnel)
- 15.2 Details of military equipment held on the vessel

## **16. ANTARCTIC TREATY SYSTEM LEGISLATION**

- 16.1 Availability of Antarctic Treaty System documentation on the vessel
- 16.2 Understanding and application of the provisions of the Antarctic Treaty and related agreements

## **17. EMERGENCY RESPONSE CAPABILITY**

- 17.1 General
  - a) Search and rescue capability
  - b) Incidents in the current Antarctic season resulting in damage to the vessel or impact on the Antarctic environment
  - c) Method of reporting incidents
- 17.2 Medical
  - a) Evacuation plan for medical emergencies
  - b) Ship's capacity to mobilise in support of medical emergencies elsewhere
- 17.3 Fire
  - a) Fire emergency plan
  - b) Fire fighting equipment
  - c) Training of personnel for fire fighting
  - d) Fire fighting exercises (frequency)
- 17.4 Pollution (oil and chemical spills)
  - a) Shipboard oil pollution contingency plan
  - b) Spill response materials and equipment available on board
  - c) Training of personnel to deal with spills
  - d) Spill response exercises (frequency)
  - e) Ship's capacity to mobilise in support of spill response elsewhere

**18. ENVIRONMENTAL IMPACT ASSESSMENT**

- 18.1 Awareness of captain (and deck officers), and chief scientist and/or expedition leader of EIA
- 18.2 EIAs prepared for activities currently being undertaken (e.g., research cruise)
- 18.3 Environmental monitoring of activities undertaken by the vessel (e.g., monitoring of seismic surveys)

**19. CONSERVATION OF FLORA AND FAUNA**

- 19.1 Methods of making crew, staff and passengers aware of prohibited activities and guidelines relating to the conservation of Antarctic flora and fauna
- 19.2 Vessel guidelines regarding the use of aircraft, small boats and ship's personnel close to concentrations of wildlife
- 19.3 Details of any native mammals, birds or invertebrates that have been killed, injured, captured, handled or disturbed during the past year; Methods used to kill, capture and or handle animals; Issue of permits and reasons for their issue
- 19.4 Harmful interference with animals and plants due to vessel activities; Issue or permits and reasons for their issue
- 19.5 Whether non-indigenous animals or plants carried on board the vessel (dogs, birds, ornamental plants, etc.)
- 19.6 Actions taken to avoid accidental introduction of non-indigenous species (animals, plants, micro-organisms)

**20. WASTE MANAGEMENT**

- 20.1 Waste management plan for the separation, reduction, collection, storage and disposal of wastes
- 20.2 Responsibility for waste management on the vessel
- 20.3 Availability of an up-to-date waste management report
- 20.4 Training of crew, staff and passengers in waste minimisation and management and the need to minimise the impact of shipboard wastes on the environment
- 20.5 Publicly displayed notices concerning waste management practices on board
- 20.6 Current waste disposal methods:
  - a) Radioactive materials
  - b) Electrical batteries
  - c) Fuel (both liquid and solid) and lubricants
  - d) Wastes containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds
  - e) Poly-vinyl chloride (PVC), polyurethane foam, polystyrene foam, rubber
  - f) Other plastics
  - g) Treated wood
  - h) Fuel drums
  - i) Other solid, non-combustible wastes
  - j) Organic wastes
    - Residues of carcasses of imported animals
    - Laboratory cultures of micro-organisms and plant pathogens
    - Introduced avian products
    - Other organic wastes (food wastes, etc.)
  - k) Sewage and domestic liquid wastes
  - l) Waste produced by field parties
- 20.7 Adequate storage space on board to retain all wastes on board whilst in the Treaty Area
- 20.8 Equipment for waste management (compactors, shredders, comminuters, etc.)
- 20.9 Type of incineration; Disposal of ash; Control and monitoring of emissions

- 20.10 Type of sewage treatment; Disposal of sludge; Presence and currency of sewage record book
- 20.11 Recycling of wastes
- 20.12 Whether contractual arrangements have been made for the use of Port Reception facilities

## **21. MANAGEMENT OF PROTECTED AREAS**

- 21.1 Responsibility for ensuring compliance with management plans for protected areas
- 21.2 Current management plans and maps of relevant protected areas held on the vessel
- 21.3 Entry by crew, staff or passengers to protected areas during the current Antarctic season; Issue of permits and reasons for their issue
- 21.4 Problems with crew, staff or passengers not observing the restrictions of protected areas (e.g., lack of supervision)
- 21.5 Monitoring or management of protected areas

## **22. TOURIST AND NON-GOVERNMENTAL ACTIVITIES**

- 22.1 Advance notification provided as required under the Antarctic Treaty
- 22.2 Number of tourist or non-governmental expedition cruises already undertaken or planned by the vessel in the current Antarctic season
- 22.3 Location, date, number and nationality of research stations visited
- 22.4 Location, date and number of wildlife or other sites visited
- 22.5 Total number of tourists or expedition personnel carried
- 22.6 Number of tourists ashore at any one time
- 22.7 Normal ratio of staff to tourists during visits ashore
- 22.8 Procedures used to facilitate and control tourist and non-governmental activities, in implementation of Recommendation XVIII-1
- 22.9 Indications of environmental impact of crew, staff and passengers during visits ashore
- 22.10 Affiliation of tour organiser, ship owner or operator to any tourism association (e.g., International Association of Antarctica Tour Operators)