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Presented by:	IAATO
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IAATO Observer and Compliance Programs

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Information Paper Submitted by IAATO

Summary

At its 2019 Annual Meeting in Cape Town, South Africa, IAATO Operators voted unanimously to implement a mandatory observation program for all member operators (Also reference ATCM XLII (2019) IP138 *IAATO Mandatory Observer Scheme*.) Previously, observations were required only for Provisional Operators and were done on a voluntary basis for existing members. This paper discusses the results from observations performed during the last two seasons.

Additionally, this paper discusses the Compliance & Dispute Resolution (CDR) process that IAATO has had in place since 2013, which was further enhanced during IAATO's 2024 Annual Meeting. The CDR process is a mechanism for IAATO to address potential issues that arise during the observations or reporting made to IAATO during the year.

Background

In-field observations of companies have been conducted as part of the membership application process for most of IAATO's history. Companies applying to join IAATO are required to:

- file all necessary forms with their Competent Authority (copying the forms to IAATO),
- make a public presentation at the IAATO Annual Meeting,
- answer questions from Operators prior to operating, and
- carry an IAATO-approved observer during their first season of operation in Antarctica.

The company will not be considered by IAATO Operators for a membership status change from Provisional Operator to Operator until the successful completion of an observation. Change in status to Operator provides the company with voting rights and the ability to nominate representatives to all IAATO Committees.

IAATO introduced a voluntary Enhanced Observer Scheme for the 2010-11 season. The Membership recognized the value of these in-field observations as it provided individual Operators with an outside perspective of their operations and it provided the Membership with the ability to identify opportunities to further enhance guidance based upon best practices. The program became mandatory in 2019-20 and requires IAATO Operators to be observed during its first year of operation and thereafter be observed at least once every five years, subsequently. This applies to vessels, yachts, air and deep field operations. Vessel operators who have more than one vessel must have each vessel observed once every five seasons.

Observer Program

Prior to the Antarctic season, the IAATO Secretariat coordinates with Operators requiring observations and potential observers to make assignments based upon skillset and availability. Observers are identified by IAATO through recommendations from the wider Antarctic community and include members of the IAATO Secretariat, scientists, prior field staff and government officials (both current and prior). Two Competent Authorities, France and Germany, have coordinated with IAATO to have their own representatives conduct IAATO observations for companies they permit/authorize. Observers will discuss expectations with the IAATO Secretariat then later with the

respective company, facilitated by IAATO, to ensure that there is a consistent understanding regarding the role and the requirements of the observation.

During the observation, the observers complete an IAATO checklist, which is specific to the operations of the company. There are currently four checklists (Yacht – Dockside, Cruise Only, Deep Field and Ship with Landing) based upon the operation they are observing. The IAATO Secretariat is available to the observers before, during and after the observation to assist with any questions that arise. Once complete and agreed to by the Operator, the checklist is reviewed by the IAATO Secretariat and the IAATO Membership Committee.

The IAATO Membership Committee will aggregate any trends identified and work with the IAATO Secretariat and other IAATO committees to determine if additional guidance is needed or if there is an opportunity to further enhance current guidelines and/or protocols. At the IAATO Annual Meeting, the Membership Committee will share these findings and next steps with the membership. Overall, this process has allowed for greater understanding and learning for IAATO and its members. Additionally, it has resulted in more discussions between individual operators and their Competent Authorities to further clarify the understanding of certain activities and strengthen operator documentation.

If an item is identified that needs additional investigation, the IAATO Membership Committee will refer it to the IAATO Secretariat.

Compliance & Dispute Resolution Mechanism

Items can be brought to the IAATO Secretariat's attention for further investigation both during and outside the season. These items can be referred to IAATO through a variety of ways including its [Care & Concern](#) process, company reporting (both self-reporting and experience with another operator) and through the Observation Program.

For each situation, the IAATO Secretariat reviews the information received, communicates with the individual that brought the information forward, as well as the company, and assesses the item.

Level One – if the IAATO Secretariat determines that the item is a relatively minor or unintentional violation of IAATO policies, then next steps will be discussed and agreed upon with the company in question.

Remedies have included the company acknowledging the issue to others, enhancing their policy and procedures, discussing with their Competent Authority and presenting lessons learned to fellow IAATO members.

Level Two – if the IAATO Secretariat (1) determines that the item is a serious, intentional and/or a repeated violation of IAATO policies; (2) cannot agree to it being minor or unintentional; or (3) has a conflict of interest; then the item is referred to IAATO's Compliance & Dispute Resolution Committee. This Committee will begin an in-depth review of the item in question, which may include further enquiries of witnesses, the company and evidence gathering. Ultimately based upon the Committee's review, it may be determined that the item is dismissed or will be presented to the Operators to vote upon next steps related to the violation.

Level Two sanctions available range from reprimand to probation – which can constitute the need for certain actions by the company, including having additional observations successfully completed and a change in status from Member in Good Standing to Member Not in Good Standing – to expulsion from IAATO. It is IAATO's practice to notify the Operator's Competent Authority when the sanction is determined.

Results from the 2022-23 and 2023-24 Seasons

Due to the impact of the global pandemic, the Mandatory Observer Program did not come into full force until the 2022-23 Antarctic season. As a result of the delay, the last two seasons have had a significant number of observations performed, with at least 40% of the companies being observed each year.

	<u>2022-23</u>	<u>2023-24</u>
Provisional Operator	11	6
Mandatory	14	21
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Total Observations	25	27

Trends identified have included opportunities to:

- Further enhance Operator documentation including EIAs, policies and procedures
- Add more detail to existing and enhanced biosecurity measures
- Reaffirm which individuals are required to take the IAATO mandatory online assessment
- Enhance IAATO guidelines and operational procedures
- Create further documentation for Cruise Only Operators to further enhance standard operating procedures and onboard guest programs.

No items were identified by the Observer Program during both seasons that triggered a CDR review.

With Thanks

IAATO would like to thank France and Germany for their collaboration on supplying observers as well as other Antarctic Treaty Parties, ASOC and other Antarctic stakeholders who have recommended observers for IAATO's Observer Program.

Additionally, IAATO appreciates the continued support and feedback received and welcomes further collaboration with Treaty Parties regarding the identification of appropriate observers, as we continually enhance the Observer Program which allows us to support our commitment to safe and environmentally responsible travel to Antarctica.