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## The Development of a Framework for the Regulation of Tourism: An IAATO Perspective

Attachments:

- atcm48\_att139.e.docx: Attachment 1 – IAATO Observer Checklist SHIP w LANDING 2025-26
- atcm48\_att140.e.docx: Attachment 2 – IAATO Observer Checklist for Air and Deep Field Operations 2025-26
- atcm48\_att141.e.docx: Attachment 3 – IAATO Observer Checklist Cruise Only 2025-26
- atcm48\_att142.e.docx: Attachment 4 – IAATO Dockside YACHT Observation Part 1 – Observer 2025-26
- atcm48\_att143.e.docx: Attachment 5 – IAATO Dockside YACHT Observation Part 2 – Operator 2025-26
- atcm48\_att144.e.docx: Attachment 6 – IAATO Dockside YACHT Observation Part 3 – Guest 2025-26
- atcm48\_att145.e.pdf: Attachment 7 – IAATO Observer Scheme Responsibilities Guidelines



# The Development of a Framework for the Regulation of Tourism: An IAATO Perspective

## Summary

It was decided at ATCM 46 (2024) “to develop a comprehensive and consistent framework for the regulation of Antarctic tourism and other non-governmental activities” (Decision 5 (2024)). As part of that process, IAATO has been asked by Parties to contribute to these discussions and highlight those areas outside of IAATO’s remit and those areas where industry would benefit from guidance from the ATCM.

After one year of intersessional framework discussions in a workstream-focused approach, this document, an updated version of ATCM 46 (2024) IP111 *IAATO Considerations During the Development of a Tourism Framework*, highlights some new considerations for Parties. It outlines IAATO’s sphere of legal responsibilities and capabilities, while demonstrating how its operational infrastructure, developed over the last 35 years, has strengthened the management of tourism in Antarctica by upholding ATCM and other international requirements, as well as IAATO’s own operational procedures. This document emphasises specific challenges where ATCM action is essential, as well as opportunities that the Special Working Group on the Development of a Tourism Framework (WG3) may wish to consider during its ongoing discussions on developing a comprehensive and consistent framework for Antarctic tourism and other non-governmental activities.

## Background

IAATO is a trade association comprising over 100 international members, including 51 operators who receive a permit or authorisation from a National Competent Authority. IAATO Operators make up approximately 98% of all tourism visitation to Antarctica. IAATO members collectively develop, adopt, and implement policies and operational procedures to further their mission for safe, environmentally responsible private-sector travel. They recognise that Antarctica is an extremely fragile resource that must be managed sustainably to conserve its unique ecosystems and intrinsic wilderness value for future generations.

Since its inception in 1991, IAATO Operators have proactively self-managed their activities within the framework of the Antarctic Treaty System (ATS), effectively creating a level playing field at the highest standard for tourism activities in the Antarctic. As part of this effort, IAATO Operators must adhere to the principle that their planned activities will have no more than a minor or transitory impact on the Antarctic environment ([IAATO Bylaws Article II, Section E](#)). IAATO’s operational procedures, guidance and best practices reinforce this principle.

Guided by a steadfast executive committee and secretariat, IAATO remains committed to its core mission. We reaffirm that IAATO’s purpose is to ensure that tourism in Antarctica is carried out safely and sustainably, while upholding rigorous standards for its responsible management. Our focus is clear: IAATO is a steward of Antarctica, not a promoter of travel to it.

While the scope of IAATO’s work is far-reaching and comprehensive, as a trade association IAATO is not a regulatory body and is bound by certain legal responsibilities. IAATO cannot legally restrict trade, such as placing a cap on the number of visitors, vessels or operators that can operate in Antarctica, as this would constitute anti-trust or monopolistic practices. IAATO can coordinate and implement, but the authority to set binding limits and enforce compliance against all operators – including those outside IAATO’s membership - rests with outside regulatory bodies.

What IAATO can do, and has done for 35 years, is facilitate the implementation and enforcement of Treaty agreements within its membership. IAATO's Bylaws and operational infrastructure provide the following functions that may strengthen an ATCM framework:

- **Manage and coordinate expeditions authorised or permitted by the Competent Authorities, regardless of their country of authorisation.**
  - Parties authorise or permit their own operators through their respective National Competent Authorities. To provide a single operational picture of these operators in Antarctica, IAATO has built and refined infrastructure over the last 35 years. Through its Live Ship Scheduler and database, IAATO coordinates the vessel fleet in real time, managing site visits to ensure they stay within required limits.
  - As an additional measure, IAATO requires that operators who are registered in a country that is not a Party to the Antarctic Treaty or has not implemented the Environmental Protocol must submit advance notification and an Environmental Impact Assessment to IAATO for review and comment at least 30 days prior to operating. This extends the reach of the ATCM permitting framework to operators who may otherwise operate in a regulatory grey area.
  - In the last three years, when some competent authorities have only just begun to develop national legislation to incorporate Antarctic tourism, operators whose activities are not clearly regulated under national legislation are using outside experts to complete EIAs and not only submitting these documents to IAATO but also to their National Competent Authority, thereby reinforcing national regulatory development.
- **Require its operators to work within the parameters of relevant ATCM Measures**
  - This applies to all Measures, whether they have been fully ratified, and operators must abide by the hortatory text in Resolutions and any other ATCM agreements, such as Measures 4 (2004) and 15 (2009).
  - [IAATO Bylaws Article II](#)
- **Be agile in the development and implementation of industry procedures** to address emerging issues and concerns that may be relevant to ATCM agreements. Examples include:
  - Codifying in its [Bylaws](#), that IAATO does not support permanent infrastructure solely for tourism
  - Banning jet-skis and any type of surf, kite, skim or wind boards
  - Developing a collaborative response to HPAI with COMNAP and SCAR, with heightened biosecurity, assessment, and reporting requirements aimed at greatly reducing the risk of spreading the virus
  - Banning the recreational use of RPAS in coastal waters
  - Implementing the immediate closure of sites for IAATO Operators when necessary for safety or environmental reasons
- **Ensure operator compliance with ATCM and IAATO standards through monitoring**
  - The IAATO Observation Scheme for all vessels and deep field and air operators requires a five-year mandatory observation of existing vessels and field camps, with new vessels or field camps observed during the first year of operation.
    - IAATO completes an average of 22 observations per season
  - Observation criteria include relevant ATCM instruments, IAATO guidelines, and other relevant instruments (e.g. IMO Polar Code).
    - For details of IAATO's Observer report forms, see Attachments 1 to 7
  - Further details can also be found in ATCM 46 (2024) IP109 *IAATO Observation and Compliance Programs*, including international organizations

- Pre-observation coordination process with both the selected observer and the IAATO Operator
  - Provisional operators (New IAATO Members) observations
  - How observations help facilitate knowledge transfer
  - Paths of IAATO compliance procedures
- **Maintain a comprehensive database of all Operator activities** to help inform decision-making within IAATO and by Parties at ATCM, and to work with Parties to create new or update existing activity and site guidance when necessary
  - Creating a Deep Field and Air-specific Post Visit Report
  - An ever-expanding suite of IAATO Visitor Site Guidelines
  - Details can be found in ATCM 46 (2024) *IP107 A Catalogue of IAATO Operator Activities*
- **Support its operators with comprehensive information and training resources** on IAATO and ATCM agreements, providing a platform to promote excellence among all their personnel in the field and in their offices.
  - Mandatory online assessments require breadth and depth of knowledge for successful completion by staff, officers, crew, and observers. Preparation for the assessment requires a significant investment in learning the details of both ATCM and IAATO requirements and guidelines, directly strengthening compliance with Treaty instruments at the individual operator level.
  - Other educational resources include live webinars and online webinar libraries, regular informational emails to field staff, tailored animated briefing videos, and the IAATO Field Operations Manual
  - The IAATO Antarctic Expedition mobile app and desktop app provide easy access to the Field Operations Manual
  - More information can be found in ATCM 46 (2024) *IP 106 IAATO Field Operations Manual*
- **Provide a platform for communication and coordination within the tourism sector** to support self-sufficiency and compliance with relevant ATCM agreements, such as Measures 4 (2004) and 15 (2009).
  - The IAATO Live Ship Scheduler is a visual tool that integrates all software platforms the IAATO fleet currently uses, e.g., the hourly vessel-tracking site and the IAATO database, to allow vessels to schedule landings in real time during the season. Booking changes are instantaneous, enabling faster, more reliable IAATO fleet coordination. The booking parameters in the Live Ship Scheduler booking process comply with all ATCM and IAATO Site Guideline restrictions on vessel category and the number of landings per day. The IAATO Live Ship Scheduler is available to IAATO and non-IAATO Members.
  - For more details, see ATCM 46 (2024) *IP108 IAATO Site Management Methods*
- **Provide education and outreach to promote the value and importance of the Antarctic and Antarctic Treaty System** to both the travelling and wider public.
  - IAATO Operators, their staff, and clients become informed advocates for Antarctic protection and can contribute to long-term public support for protecting Antarctica.
  - ATCM 48 IPXXX *Workshop on Education - IAATO Education, Outreach and Ambassadorship – Strategic Overview*
  - ATCM 48 WP021 *Ninth report of the Intersessional Contact Group on Education and Outreach.*
- **Broaden facilitation of National Competent Authority (NCA) and IAATO Operator interactions**

- Coordinate dual National Competent Authority and IAATO observations, as well as assist with organization of familiarisation trips for National Competent Authorities to enhance firsthand field knowledge
- Work with Treaty parties to create opportunities for ATCM Site Guidelines review voyages

IAATO continues to stand ready to work with the ATCM to evolve existing or develop new successful visitor management techniques.

### ***Challenges and Opportunities to Strengthen Tourism Management:***

Discussions within the Intersessional Tourism Framework Workstreams have highlighted emerging challenges and opportunities for collaboration between Parties and IAATO to support effective management. These have the potential to strengthen both the ATCM and IAATO frameworks, while optimising human and financial resources. All of these revolve around the premise that, given the unique legal and logistical context of Antarctica, the most successful management of activities in the region comes through collaboration within and across all sectors of the community.

#### **Challenges:**

##### *Ratifying Tourism-related instruments at the earliest opportunity (Workstream 1 and 6)*

- Measure 4 ((2004), Insurance and Contingency Planning for Tourism and Non-Governmental Activities in the Antarctic Treaty Area) and Measure 15 ((2009), Landing of Persons from Passenger Vessels in the Antarctic Treaty Area) remain unratified.
  - While IAATO Operators are committed to all Measures, whether ratified or not, ratification of these and future Measures will help create a level playing field for Antarctic operators working outside IAATO.

##### *Holding bad actors responsible (Workstreams 2, 4, 5 and 6)*

- While IAATO acknowledges the challenges Competent Authorities face in pursuing bad actors, there are consequences when bad behaviour and/or non-compliance with Treaty instruments, particularly the Protocol on Environmental Protection to the Antarctic Treaty, go unpursued. This has and continues to embolden those actors who are either unpermitted/unauthorised or permitted/authorised but not following the rules.
- The responsibility for holding non-IAATO operators to account rests entirely with NCAs and the ATCM. IAATO can manage its members effectively, but the gaps in the system can only be closed through regulatory action by Parties.
- IAATO appreciates the willingness of Parties to receive feedback from IAATO on non-IAATO Operator activities of concern

##### *Aligning the permitting/authorisation process and existing guidance (Workstreams 2, 3 and 6)*

- Inconsistencies between National Competent Authority permitting/authorisation conditions and IAATO Operational Procedures create confusion for operators and risk undermining the value of the framework that the ATCM is working to build. A consistent, aligned approach would limit the potential for negative “permit shopping”, minimise confusion amongst operators and ensure a level playing field for all those working in the field.

##### *Providing clear definitions (Workstream 1)*

- Confusion around definitions can create issues in the implementation of ATCM instruments, for example, “visitor” versus “tourist” and consequently the expectations around who is expected to comply and who is not. Equally, a clear definition of permanent, semi-permanent, and non-permanent infrastructure would assist in planning and assessing potential operations.

- IAATO Operators have noted activities of concern, including those involving those supporting government operations who may be engaged in recreational visits. These activities do not always align with the strict Antarctic Treaty guidance that IAATO Operators are required to follow, and can raise alarm with other visitors. In these instances, IAATO reports directly to the responsible National Competent Authority. This underscores the need for consistent standards to apply across all Antarctic visitors, not only commercial ‘tourists.’

### Opportunities:

*Expand participation in the Voluntary On-Board Observer Program (ATCM XLIII Resolution 9 (2021)) (Workstream 5 and 6)*

- IAATO has found success in monitoring, mentoring and implementing positive change in operations through its own observation program, which also included deep field operations. Details are provided in ATCM 46 (2024) IP109 *IAATO Observer and Compliance Program*. This success was further enhanced when the observation program was conducted in collaboration with ATS Competent Authorities, Experts, and Observers. IAATO would welcome working with more National Competent Authorities, Experts, and Observers on joint observer programs, such as those with ASOC, France, and Germany.
  - Collaboration helps expand Party and stakeholder knowledge of how the industry operates in the field, and it reduces the human and financial capital costs of overlapping observation efforts.
  - Shared learning through the observation process helps both Parties and IAATO create stronger programs and guidance for operators
  - Additionally, IAATO welcomes the opportunity to aid in coordinating National Competent Authority familiarisation trips with IAATO Operators

*Build upon existing collaborative models and tools: (Workstream 2, 3, 4 and 6)*

- The current IAATO infrastructure is a self-funded organization that facilitates comprehensive management of vessel-based and deep-field IAATO Operators. It enables robust systems with checks and balances that allow for coordination, cooperation, and collaboration in the field. Further collaboration among IAATO, Competent Authorities, and external stakeholders will strengthen these systems to enable additional transparency.
  - IAATO has a Live Ship Scheduler System capable of real-time coordination of all vessel tourism in accordance with existing guidelines. It is currently used by all IAATO marine operators and accessible to non-IAATO operators. It can be adapted for various spatial management techniques as outlined in ATCM 46 (2024) IP108 *IAATO Site Management Methods*
  - All IAATO Operators follow a robust emergency and contingency-planning system to ensure interorganisational resilience

*Leverage Expert Knowledge: (Workstream 2, 3, 4 and 6)*

- Identify opportunities to leverage the extensive expert knowledge of IAATO Operator field personnel to assist in understanding the needs and changes related to specific areas in Antarctica. Field staff of IAATO Operators have the greatest opportunity to observe changes or events, such as high-mortality events, in the field. Field staff often have tertiary degrees in education, environmental sciences, and conservation management, and are passionate about protecting Antarctica. There is potential for this resource to assist, for example, with additional site monitoring and the regular evaluation of the ATCM Site Guidelines, as well as to use their expertise to find pragmatic solutions for managing tourism on the ground.
  - IAATO’s Site Stewardship and V-CaPS monitoring programs collaborate with existing monitoring programs (e.g., Happy Whale, Oceanites, ORCA, Penguin Watch) to assess sites and activities, and create stronger guidance where needed

- IAATO continues to expand on the suite of IAATO Site Guidelines and welcomes opportunities to work with Parties on ATCM Site Guideline Review voyages.

***With Thanks***

IAATO appreciates the opportunity to contribute to discussions around the development of a comprehensive and consistent framework for the regulation of tourism and other non-governmental activities in Antarctica and looks forward to further collaboration with Antarctic Treaty Parties, COMNAP, SCAR, CCAMLR, IHO/HCA, WMO, ASOC and others toward the long-term protection of Antarctica.