



# **ASOC Report**

**XXXI Antarctic Treaty Consultative Meeting**

**Kiev, Ukraine, 2-13 June 2008**

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# **ASOC Report**

## **XXXI Antarctic Treaty Consultative Meeting**

### **Kiev, Ukraine, 2-13 June 2008**

#### **1 Introduction and Summary**

The XXXI Antarctic Treaty Consultative Meeting (ATCM) was conducted in Kyiv, Ukraine from June 2-13, 2008. ASOC was represented by nine delegates (seven on the ASOC delegation and two as NGO representatives on national delegations). ASOC submitted six Information Papers on issues of tourism, climate change, Protected Areas, and shipping, which reflected the key priority issues identified by the Coalition.

Salient points of the ATCM include:

- No new tourism management instruments were adopted by the ATCM despite worrying developments over the past decade, growing complexity of the issue, and substantive discussions held at the ATCM.
- The Committee for Environmental Protection (CEP) managed a very high workload that limited substantive debate. The work of the CEP appears to be most productive in the establishment of Protected Areas on the Antarctic mainland.
- A joint workshop between CCAMLR Scientific Committee and the CEP will be held in 2009. Issues to be included in the workshop are the following: Climate change research, Ecosystem and environmental monitoring, Protected areas and spatial management measures, Species requiring special protection, Marine pollution, Biodiversity and non-native species.
- Based on the IUCN Red List Categories and Criteria, the Southern giant petrel population south of 60°S was defined as of Least Concern and therefore do not qualify as Critically Endangered, Endangered, Vulnerable or Near Threatened. In consequence, this species cannot be designated as an SPS under Annex II.
- There was an excellent debate about Antarctic shipping/vessels issues, and the Intersessional Contact Group's mandate was renewed for another year, with agreement to work much more closely with the IMO.
- Climate change issues received significant attention, although in the end no actions of significance were agreed.

This ASOC Report on the XXXI ATCM<sup>1</sup> focuses on the key issues for ASOC member groups. It does not intend to be an exhaustive report, but rather to complement the official report of the ATCM.

#### ***Structure of the report***

- Section 2 contains an overview of the ATCM.
- Sections 3-10 report in more detail on some of the key issues at XXXI ATCM.
- Section 11 contains the conclusions.
- Appendix 1 provides a glossary of commonly used Antarctic acronyms; Appendix 2 provides the Provisional agenda for CEP XII; Appendix 3 provides the Preliminary agenda for ATCM XXXII.

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<sup>1</sup> This report was written by Jim Barnes, Gennadi Milinevsky, Ricardo Roura, Tina Tin, and Rodolfo Werner.

## 2 Overview of the XXXI ATCM

### 2.1 ATCM structure and ASOC team

ATCMs give effect to obligations under the 1959 *Antarctic Treaty*, and the 1991 *Protocol on Environmental Protection to the Antarctic Treaty*. The XXXI ATCM was held in Kiev from June 2-13, 2008.

ATCMs are hosted by Consultative Parties (essentially voting members – currently 29)<sup>2</sup> in English-language alphabetical order. All Consultative Parties attended the Kiev meeting. There are also 18 Non-Consultative Parties – non-voting members, although the majority do not regularly attend ATCMs. The ATCM lasts two weeks, and conducts its business through a number of Working Groups – presently on Legal and Institutional, Tourism, Operational Matters, and the Committee for Environmental Protection (CEP).

The Antarctic and Southern Ocean Coalition (ASOC) has participating Expert status at ATCMs, the only environmental non-governmental group with such access. The intergovernmental UNEP and hybrid governmental/non-governmental IUCN are also invited environmental Experts.

The ATCM received a deluge of Working Papers and Information Papers tabled by Parties, Observers and Experts, as well as a set of Secretariat papers dealing mainly with budget issues. It produced a Final Report containing 14 Measures<sup>3</sup> (mainly management plans for protected/managed areas and historic sites and monuments); 7 Resolutions<sup>4</sup> (of which Resolution 2 on Site Guidelines for tourists, Resolution 3 on a Strategic Environmental Geographic Framework, and Resolution 5 on improving hydrographic charting are of particular interest); and 5 Decisions<sup>5</sup> (the one of greatest interest is the Decision to extend the Intersessional Contact Group on vessel issues).<sup>6</sup> Electronic copies of these documents (in the original language for Information Papers, and in English, French, Spanish and Russian for Working Papers) are available on the Antarctic Treaty Secretariat website - <http://31atcm.ats.aq/31atcm/>.

The official Final Report of the Meeting on the ATS website provides an official record of key discussions and decisions on all matters discussed. As an overall comment on how ASOC's team performed, our five substantive Information Papers were widely commended, and were used and referred to in the ensuing debates.

The ASOC delegation (Fig.1) comprised:

- Jim Barnes (ASOC Executive Director – France)
- Veronica Cirelli (ASOC Adviser – Fundación Vida Silvestre Argentina)
- Irina Mikityuk (ASOC-AKCP organizer – Ukraine)
- Dr. Gennadi Milinevsky (ASOC-AKCP organizer – Ukraine)
- Lic. Ricardo Roura (ASOC Senior Adviser – The Netherlands)
- Dr. Tina Tin (ASOC Adviser – France)
- Dr. Rodolfo Werner (Antarctic Krill Conservation Project - Science Coordinator, Pew Environment Program, Argentina)

In addition, two delegations included NGO representatives from ASOC:

- Michele Perrault (ASOC Board Member-Sierra Club) on the US delegation; and
- Dr. Simon Walmsley (WWF-UK) on the UK delegation.

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<sup>2</sup> Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China, Ecuador, Finland, France, Germany, India, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Peru, Poland, the Russian Federation, South Africa, Spain, Sweden, Ukraine, the United Kingdom, the USA and Uruguay.

<sup>3</sup> A Measure is legally binding once it has entered into force.

<sup>4</sup> A Resolution is hortatory.

<sup>5</sup> A Decision is an administrative action, usually relating to a short-term event, and like a Resolution, hortatory.

<sup>6</sup> Exact text of these Resolutions and Decisions can be obtained from the ATS website's official Report of the Meeting.



*Fig. 1 – ASOC team at XXXI ATCM: Left to right Barnes, Tin, Mikityuk, Perrault, Werner, Roura, Walmsley, Milinevsky, Cirelli.*

## 2.2 Materials

ASOC presented six Information Papers, including our annual report to the Meeting, which, like other observer and expert reports is reproduced verbatim in the ATCM Final Report:

- IP41 A decade of Antarctic tourism: Status, change, and actions needed
- IP56 Impacts of Climate Change on Antarctic Ecosystems
- IP57 Area protection: Time for Action
- IP58 Antarctic Shipping
- IP119 Designation of Marine Protected Areas within the Antarctic Treaty Area
- IP120 Report of ASOC to the ATCM

These papers, which were submitted in English, are available both on the ASOC website ([www.asoc.org](http://www.asoc.org)) and the ATS website ([www.ats.aq](http://www.ats.aq)). These and other ATCM materials are available on the ASOC website.

## 2.3 Press

Neither in the lead-up to or during the ATCM was there any substantial media coverage. The hosts tightly restricted media access at the conference centre, but there was some coverage in the Ukraine press, including a feature story on Gennadi Milinevsky's research work and ASOC positions. A French TV documentary crew operating in Kiev throughout the ATCM promises some more substantive coverage in the future. They did detailed interviews with people from a wide-ranging set of Parties and ASOC.

## 2.4 ASOC priorities

ASOC priorities for the XXXI ATCM were:

- Progress on regulation of commercial tourism;
- Agreeing to incorporate the impacts and uncertainties of climate change into Antarctic management and protection decisions;
- Taking on new responsibilities, with the IMO, for managing vessels operating in the Southern Ocean, including setting appropriate ice-strengthening and classification standards for various types of vessels, prohibitions on the disposal of garbage and grey water, phasing out use of heavy fuel oil in the Southern Ocean, and establishment of a vessel monitoring and control system;
- Promoting a positive “green” legacy as a result of the International Polar Year 2007-2009 (IPY), which includes much more sharing of scientific stations and logistics;

- Prompt entry into force of Protocol Annex VI on Liability.
- Greater cooperation between the ATCM and CCAMLR in creating marine protected areas (MPAs), and much more progress by the ATCM on land-based Protected and Managed Areas that cover pristine areas for science, areas set aside for their wilderness and aesthetic values, habitat areas, etc.
- Greater cooperation between the ATCM and CCAMLR in taking the political steps needed to stop IUU fishing in the Antarctic Treaty and CCAMLR Areas, and protecting krill, base of the marine food chain.
- Better scrutiny by the CEP and Parties of the significant infrastructure developments in the Antarctic planned for the next few years, and the associated need for review of application and scope of Environmental Impact Assessment (EIA), particularly in the light of IPY, the growth of infrastructure proposals and the need to incorporate emerging scientific data.
- Raising awareness about deficiencies in Protocol compliance, the entrenchment of chronic sub-standard Protocol implementation by many operators, and the increasing tendency to interpret minimally the more progressive environmental management initiatives that could be carried out under the Protocol.
- Following up the status of Russia's plan to penetrate Lake Vostok using technology that is widely regarded as unsuitable, in light of ASOC's appeal to the Duma recently to postpone the project indefinitely.

## **2.5 Key outcomes**

### ***Positives***

- Holding a robust debate on the state of Antarctic tourism over several days and in one shared forum between the Legal and Institutional Working Group and the Tourism Working Group, allowed a somewhat deeper discussion than before. ASOC's IP41 on tourism was welcomed by many delegations. The tone of the debate was different than before, with much more attention to risks, and a willingness on the part of many Parties to embrace significant changes in the regulatory setup for commercial tourism.
- The Legal and Institutional Working Group finally proceeded to discuss in detail the renewal and revision of Protocol Annex II as a package, although it still was not concluded and Parties thus may well return again next year to continue that process, still without clear instructions on what to agree on. The matter was referred to the Group by the CEP three meetings ago, after it had spent several years on the revisions. Based on the Kiev discussions, clearly the final result will be a greatly watered down version of what might have been, given the objections of a handful of Parties; it will be unscientific in fundamental ways, in failing to 'count' micro-organisms' and invertebrates, and of course leaving out mammals. Under the consensus system the lowest common denominator often prevails and this will be one such case.
- Willingness of a group of countries that want to continue serious intersessional informal discussions about biological prospecting issues, which will be open to participation by ASOC, UNEP and IUCN.
- The Lake Vostok drilling project has now been deferred for at least another year.

### ***Negatives***

- Failure of Parties to agree on any constructive regulation of any aspect of the commercial tourism industry despite the concerns raised by emerging forms of tourism and recent serious accidents, and fairly strong willingness by some influential Parties.
- Particular reluctance of Parties to address the issues associated with state-sponsored tourism.
- Failure of Parties to support a continuation of the Intersessional Contact Group discussing biological prospecting issues.
- Failure of Parties to agree even on a pathetically weak and anodyne Resolution about MPAs which essentially just reminded ATCPs of their earlier commitments, due to the objections of a handful of Parties with interests in Southern Ocean fishing.
- The unwillingness of any Party to engage with Russia over its intention to drill into Lake Vostok using questionable drilling technology, even after the latest in a series of accidents the last few years caused further delays in penetration of the Lake.

- A serious attempt to radically restrict use of Information Papers, which came up in budget-cutting discussions in the Legal and Institutional Working Group. There was a proposal to discourage IPs from being introduced and circulated 'unless requested by a CP'. Several Parties stated that the IPs "from observers and NGOs are very long, costly", which set the tone. ASOC's intervention urged Parties not to discourage experts, noting that we work very hard on our papers, we want to be helpful, but if we are not allowed to introduce them and have serious discussions, that will discourage ASOC from participating. To the side of the meeting, several delegations were discussing coming up with a new type of working paper without 'working' in the title, which observers and experts could use to ensure their papers are fully available to the meeting. Whether that turns into a real initiative remains to be seen.

### **3 Operation of the Antarctic Treaty System**

#### **3.1 Update on Non-Consultative Parties**

*Malaysia:* This was the 7th meeting that Malaysia has been invited to attend as an Observer. Malaysia has been seeking representation at the annual ATCMs (and making vague noises about becoming a Party) for some years now, without actually showing any substantial signs of taking that step. This meeting was little different, and there was little discussion of the matter publicly. The Meeting invited Malaysia to observe ATCM XXXII in Baltimore as a basis for taking concrete steps towards accession.

*Monaco:* Monaco announced it would become an ATCP and adhere to the Protocol.

*Venezuela:* Venezuela was represented by a sizeable delegation. Climate change is reportedly a trigger for Venezuela's active involvement in the ATS. Venezuelan scientists have recently participated in Antarctic expeditions with Uruguay and aim to establish their own station in the future.

#### **3.2 Future ATCM hosts**

USA will host ATCM XXXII in April-May 2009, while Uruguay and Argentina will host the ATCMs in 2010 and 2011 respectively.

#### **3.3 Statements of observers and experts**

*CCAMLR:* In one of the more notable statements, Dr. Denzil Miller, Chair of CCAMLR, noted that IUU Southern Ocean toothfish catches still stand at around 20% of the legally allocated catch, indicating that there has been no progress by CCAMLR and the ATCM to halt pirate fishing, in spite of periodic individual successes in arresting pirate vessels. Regarding krill fishing, Dr. Miller noted the growing number of intentions to fish – in 2007-2008, which represent 5 times the current catch level. He gave an introduction to the CCAMLR performance assessment, on which ASOC and COLTO share a representative, noting it will be undertaken during the next few months. Dr. Miller proposed a joint meeting with CEP in 2009, on MPAs, ecosystem monitoring, climate change research, species requiring special protection, marine pollution, etc.

*COMNAP:* This detailed report express concern about excessive concentration of stations, noting that can be alleviated by more cooperation, which is growing – 96% of national programs host other scientists, 78% share logistical facilities. COMNAP expressed heightened concern about non-native species, an emerging issue partly due to climate change, and also about rapid increases in shipping, which puts stress on their system of 7 regional rescue centers (including those affiliated with IMO and ICAO). COMNAP wants a more reliable communication to improve search and rescue capabilities – "a uniform, coordinated approach based on international practice".

*IHO:* This report focused on who is responsible for providing accurate, updated surveys at any particular place and producing the high-quality maps needed both for science and for safety of logistics and operations whether tourism or supplying stations, etc. IHO delivered a special lecture on the status of cartography and other aids to navigation in the Southern Ocean, reported on separately below in the section on Vessels.

*ASOC:* Irina Mikityuk introduced ASOC's report to the Meeting, highlighting IP41 on tourism, which calls for a Resolution that it will not be allowed to grow indefinitely; the need to take action on climate change; moving forward on creating protected areas in both the terrestrial and marine environments; calling for joint work with IMO to set appropriate standards for vessels. Noting the very slow pace of ratifying the Liability Annex, ASOC urged Parties to speed up ratification so that it can enter into force by end of 2009. Regarding CCAMLR, ASOC emphasized the goal of regulating krill on a

precautionary basis; noted that the toothfish population is declining in the Ross Sea, suggesting that commercial activities should cease for 5 years. Regarding Lake Vostok, ASOC expressed concern about the Russian proposal to drill into the lake, which could harm not only the lake but other connected lakes, and suggested testing the latest technology in a smaller lake. ASOC noted that it had written to the Russian State Duma urging reconsideration of its plans.

*IUCN:* IUCN introduced a comprehensive list of concerns and recommendations, including urging the CEP to use the scientific approach in creating protected areas pursuant to Annex V of Protocol, and noting progress at the 9<sup>th</sup> meeting of the Convention on Biological Diversity on MPAs. Regarding climate change, IUCN urged all Parties to reduce their carbon footprints in the Antarctic. Growth of tourism is also a major IUCN concern with priorities being to avoid land-based infrastructure and large cruise ships. Regarding introduction of non-native species, IUCN expressed concern that we have largely overlooked impacts on the marine environment, noting that marine debris, ballast water and hull fouling are key vectors for such introduction, and thus the need for regulation over all vessel types.

## **4 Meeting of the Committee for Environmental Protection**

### **4.1 Work plan**

The Committee for Environmental Protection (CEP) considered 197 working, organizational and information papers. The present structure of CEP meetings dissatisfies most delegates. Despite repeated requests by the Chair every single paper was introduced, which limited significantly the time for discussion of substantive issues. It was suggested to include the resume in future in every paper for simpler work with documents. The work of informal groups intersessionally was approved.

The CEP five-year work plan<sup>7</sup> was discussed leading up to CEP XI so that it was possible to broadly agree on the Chair's proposed five-year plan.

In the concluding part of the meeting a new CEP agenda was drawn. Some items that had not been covered by WPs or IPs in the past CEP meetings were removed from the existing agenda: emergency response and contingency planning, waste management, and prevention of marine pollution. These agenda items, however, are not unimportant - particularly in the context of growing tourism - and should be discussed by the CEP in the future as required.

### **4.2 Annex I – Environmental Impact Assessment (EIA)**

One of the more important documents for discussion concerned creation of a new Chinese continental station, and its initial CEE's conclusions about only minor and transitory impacts. There was a long discussion on "minor or transitory impact" of this construction, with many countries doubting that the new station, including a thousand-mile traverse, could fail to be more than "minor or transitory".

Parties raised quite a number of issues on the CEE, such as the impacts on the Larsemann Hills ASMA, which would be the departure point for the supply of the station; the need of consideration of cumulative impacts; waste disposal; and the future ice-drilling project. China has agreed to consider these issues in the Final CEE and to allow Parties to comment.

The CEE concluded that the construction and operation of a new research station would have less than minor and transitory impacts. Some Parties contended that construction of a new research station does have more than minor and transitory impacts. Other Parties argued that the preparation of a CEE a priori means that an activity has more than minor and transitory impacts, otherwise an IEE instead of a CEE would be prepared. Independently of the case of this particular CEE, Australia argued that the preparation of any CEE does not automatically constrain the conclusion to lead to more than minor and transitory impacts because the consideration of alternatives and mitigation measures could possibly lead to the conclusion of less than minor and transitory impacts. Some Parties argued that the importance of an EIA is in the process of considering the impacts and the need and possibilities of mitigation, while the conclusion itself is secondary.

ASOC introduced parts of IP41 relevant to the CEP discussion concerning the application of EIA to tourism. Responding to comments in ASOC's IP, the US, which is one of the Parties authorising most tourism expeditions to the Antarctic, dismissed the need for very large vessels to conduct CEEs prior to their activities.

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<sup>7</sup> Discussions for this work plan began on a two-day workshop conducted immediately before the 2006 ATCM in Edinburgh.

## 4.3 Annex II – Conservation of Antarctic Flora and Fauna

### **Review of Annex II**

This discussion continued on from last year, with all Parties finally agreeing at least to go through the complete set of changes suggested by the CEP, although one Party stated that it was agreeing to nothing until the whole package is agreed and taking a negative stance on many of the CEP's recommendations. By the end of the Legal and Institutional Working Group's time, a significant portion of the changes remained to be discussed, and it was agreed to continue it next year. However, given the initial comments from several Parties, it remains to be seen how this work will be completed, or when – much less ratified and brought into force.

### **Specially Protected Species**

In 2007, after several discussions SCAR agreed to attempt to hold a meeting to revise Southern giant petrel (*Macronectes giganteus*) data before XXXI ATCM in order to provide advice on whether this species should be listed as a Specially Protected Species (SPS) under Annex II to the Protocol on Environmental Protection. Consequently, a workshop was held in Cambridge in May 2008, with the participation of several Contracting Parties, and representatives of SCAR, BirdLife International and ACAP. In preparation for this workshop SCAR compiled an extensive database on abundance and trends of the species at all known breeding sites, and scrutinized the data according to the IUCN Red List criteria for regional assessments. In this context, SCAR introduced "WP 10 rev 1 Status of the Regional, Antarctic Population of the Southern Giant Petrel – Progress".

According to this paper, data for several sites are not current, but that by comparison with assessments for other bird species globally, the data are extensive. In addition, it was reported that data on fledging success, juvenile and adult survival, and breeding frequency are available for only a few breeding sites, and much variation exists between these site-specific data, so precluding demographic modelling of future trends. Finally, it was added that census data at sites are often not comparable among years. In summary, according to the IUCN Red List Categories and Criteria, the Southern giant petrel population south of 60°S is of Least Concern and does not qualify as Critically Endangered, Endangered, Vulnerable or Near Threatened. Thus, the present data and analysis do not support the designation of this species as a SPS under Annex II.

It was recommended that additional censuses of breeding sites and of fledging success be undertaken in a consistent scientific manner to enable better estimates in regards to current trends in Southern giant petrel population (north and south of 60°S). Furthermore, quantitative work should be undertaken, using both current and new data, so that quantitative demographic models can be applied to the species. Because these models rely on carefully collected, time series information, the collection of such information was encouraged. Census conducted in sites more than 10 years ago should be revisited at an appropriate time so that an assessment of the status of the species at these sites can be made.

Australia recommended making the data available to ACAP to assist in the global assessment of the species. In addition, Australia supported the development of a standardised methodology for population censuses of the species and recommended to share the results of the SCAR workshop with ACAP. Furthermore, Australia noted – and the CEP agreed – the importance of continuing with the commitments made by Contracting Parties in order to reduce disturbance, and especially to protect breeding habitat. IUCN also noted that in the IUCN Red List (released in May 2008), the status of the species is "near threatened". These assessments include the ongoing threats from Illegal, Unreported and Unregulated (IUU) fishing. The IUCN assessment also recommended conservation measures including continued monitoring, minimising disturbance at breeding sites, and adoption of mitigation measures in all fisheries within the species range.

Finally, New Zealand presented "WP 30 Rev 3 Draft Action Plan for Southern Giant Petrel *Macronectes giganteus*", noting that the primary objective of the document was to provide a means of continuing to test the Guidelines for CEP Consideration of Proposals for New and Revised Designations of Antarctic Specially Protected Species under Annex II of the Protocol. New Zealand noted that the concept of dependent and associated ecosystems to the Antarctic environment is of particular relevance to the protection of Southern giant petrels since the range of this species exceeds the limits of the Antarctic Treaty and CCAMLR Area. It also stressed the importance of producing the Action Plan in order to test the CEP guidelines and the process for collaboration between the CEP and Scientific Committee of CCAMLR in regards to protected marine species.

Since the Southern giant petrel will not be listed as a Specially Protected Species, the CEP concluded that it was not appropriate to adopt the draft Action Plan. The document will be made available at the website of the Antarctic Treaty as an example for future comments and considerations.

#### **4.4 Annex V – Protected Areas**

##### ***Management plans***

The CEP discussed draft management plans that had been reviewed by the Trial Informal Group (TIG), an *ad hoc* group set up in 2007 to streamline the process of reviewing protected area plans, which typically elicited little participation by Parties. Among the draft management plans discussed was the “Draft Management Plan for ASMA No. X: Southwest Anvers Island and Palmer Basin – presented under WP 39 (United States). Discussions for the establishment of this marine area have been followed by ASOC at the ATCM and CCAMLR. The TIG considered that the draft Management Plan was well written and that it adequately addressed the provisions of Annex V and relevant CEP guidelines. In addition, the TIG noted that the CCAMLR Scientific Committee had reviewed the draft Management Plan and had supported the proposal, noting that some minor changes would be required.<sup>8</sup> The TIG recommended only minor amendments to this Management Plan, and the United States submitted a revised draft adequately addressing those recommendations. Separate to the TIG, comments on the draft Management Plan were submitted by ASOC.

##### ***Marine Protected Areas***

The United Kingdom introduced IP 2 *Workshop on Bioregionalisation of the Southern Ocean* (Brussels August 2007), informing the meeting that the aim of the Workshop was to provide a scientific basis for the identification of representative areas for protection in the Southern Ocean. The United Kingdom noted that the results of the Workshop were endorsed by CCAMLR at its meetings in 2007 and that CCAMLR had agreed that these results were sufficient to allow progress on developing practical approaches to the selection of marine areas for protection.

The United Kingdom also presented IP 3 *Proposed approach for the identification of important marine areas for conservation*, proposing an approach for the identification of important marine areas for conservation based on the Systematic Conservation Planning methodology, noting that they intend to undertake a pilot study to identify key decisions and data set as required. Australia and IUCN strongly supported the development of a representative network of protected areas in the Southern Ocean. Australia also mentioned that the results of the Workshop could be used by the CEP and CCAMLR to inform marine spatial management. IUCN noted that ATCM would benefit from endorsing the UK approach in regards to the methodology to identify important marine areas for conservation, and encouraged other Contracting Parties to contribute to the development of best guidance to identify marine areas for conservation.

When one Party expressed its position that in general the matter of marine protected areas should be mainly discussed in the CCAMLR context, others pointed out that Article 3 of Annex V of the Protocol clearly states that development of marine ASPAs and ASMAs is within the CEP’s remit. Finally, the CCAMLR observer (Denzil Miller) informed the Meeting that CCAMLR has endorsed the administrative procedures to ensure that ATCM proposals for protected areas with marine components are reviewed without undue delay by CCAMLR (following ATCM Decision 9 (2005)).

In a later session of Legal and Operations, on June 6<sup>th</sup>, the UK presented draft text for a Resolution that simply recommended Parties to follow up on their agreed commitments to make progress on MPAs and enhance cooperation with CCAMLR (included in Annex V). The draft text read as follows: “*continue and intensify work towards protection of the Antarctic marine environment, which may include the establishment of protected and managed areas in accordance with Annex V of the Protocol on Environmental Protection, based on scientific information*”.

In spite of this, two Parties opposed the Resolution, saying that procedurally it was inappropriate, as discussion had been closed about this issue. Other Parties argued strenuously that there was no procedural problem in considering the draft resolution, that it was perfectly normal since this topic is under permanent consideration by the CEP and CCAMLR, that it falls under the responsibilities of the ATS, and that protecting the Southern Ocean is an inherent aspect of the CEP’s responsibilities. New Zealand thanked the UK for the draft text for a resolution, mentioning that many countries spoke up on

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<sup>8</sup> This included that krill fishing should be listed as one of the accepted activities. This was all a matter of avoiding setting a precedent – the area is mostly too shallow for krill fishing - less than 1% of the area could conceivably be used for krill fishing; and there was some exploratory fishing some years ago but this is very unlikely to be repeated.

MPAs during the previous discussion of the ASOC paper, hoping that agreement could be reached. One country asked to move the discussion for a later session, asking for a clear indication of the chair when the discussion was going to take place. Thus, the discussion was postponed for a future session.

Later on the discussion was reopened. New Zealand noted that they consulted with other delegations about the draft, and while there was a lot of support for a resolution, it was clear that there was not a consensus. Consequently, the proposal was withdrawn, with a mention that it will be resubmitted next year after some intersessional work.

### **ASOC IP 57 and IP 119**

ASOC presented IP 57 *Area Protection: Time for Action*, expressing the view that the current Annex review process provides a good opportunity to not only consider the effectiveness of Annex V to deliver best practice area protection in Antarctica, but also to review the barriers to effective implementation of current requirements.

Separately to the discussion in the CEP, ASOC introduced a paper on Marine Protected Areas (MPAs), which was submitted only in the Legal and Institutional Working Group's agenda item on the relationship between CCAMLR and the ATCM. ASOC introduced IP 119 *Designation of Marine Protected Areas within the Antarctic Treaty Area*. In this paper ASOC called on the ATCM to breathe new life into the MPA debate, asking the ATCM to:

- Reaffirm its clear intention to realise a representative and coherent network of MPAs within the Antarctic Treaty Area, through the designation of ASPAs and ASMAs under Annex V of the Protocol. This should take the form of a Decision.
- Ensure that a representative series of MPAs is established within the Antarctic Treaty Area by 2012.
- Resolve to place a substantial and representative part – at least 30% - of the total marine area inside the Antarctic Treaty Area within MPAs within a decade (i.e. by 2018).

The paper was well received, with many delegations thanking ASOC for the reminder in regards to the ATCM's responsibility for designating MPAs within the Antarctic Treaty Area. Particularly, New Zealand expressed that they share the frustrations expressed in ASOC's paper and hope that the bio-regionalization exercise will lead to positive results. The UK also thanked ASOC for the paper and reminded AT Parties that the ATCM shares the responsibility for comprehensive protection of the marine environment and should cooperate effectively with CCAMLR. Chile shared the views of New Zealand and the UK on the importance of the paper, although they also clearly expressed that they do not share the quantitative figures for protection presented in the paper, finally stressing the importance of collaboration between the ATCM and CCAMLR to establish marine protected areas.

The US also thanked ASOC and expressed the need for greater efforts to designate marine protected areas, noting that the bio-regionalization process is helping to address some of the issues addressed in the paper. Russia stated that protection of the marine environment is important and that the bio-regionalization process is the only scientifically-based tool to objectively determine protected areas. Russia also expressed that from a scientific perspective, it is not appropriate to decide in advance about a particular percentage to be protected, and stated firmly that the bio-regionalization process is supposed to be fully under CCAMLR's control.

In summary, the paper was well taken, supported by many delegations, but the percentages of marine area protection presented in the paper were not supported since there is not a scientific rationale for them.

## **5 Tourism Issues**

The Working Group on Tourism and Non-Governmental Activities in the Antarctic Treaty Area operated under a new Chair, Mr. Evan Bloom (USA). The issues discussed under this agenda item were divided into the following broad categories, not all of which will be discussed in detail here:

1. Overview of the Antarctic Tourist Activity in the 2007/08 season
2. Vision/Direction for Antarctic Tourism Policy
3. Passenger Ship Issues
4. Non-Governmental Land-based infrastructures

## 5. Other Matters

### 5.1 Overview of tourism in the 2007/08 season

According to IAATO a total of 37,506 tourists in all categories entered the Antarctic Treaty Area in 2007-08. The total number of Antarctic tourists was reported to increase by 23% from the previous season (Table 1). However, different categories of tourism experienced different trends. The greatest increase was on cruise-only tourism -i.e. tourism conducted on ships with a passenger capacity of 500 or more, which according to IAATO guidelines do not land passengers, and which registered an 87% increase in passenger numbers. According to IAATO tourist numbers are expected to decrease next season. However, there has not been a decrease in tourist numbers for many years, a fact noted by some Parties.

**Table 1 – Overview of Antarctic tourism**

Tourism category	2006-07	2007-08		2008-09 estimates	
	No.	No.	% change	No.	% change
Seaborne Traditional Tourism (with landings)	28,448	31,941	+12	29,424	-8
Seaborne Tourism Cruise-Only (no landing)	6,930	13,015	+88	11,400	-12
Air/Cruise	174	257	+48	264	+3
Air/Land-Based 'Traditional' Tourism	908	439	-52	460	+5
Over-flights (no landing)	1,046	613	-41	750	+22
<b>Total</b>	<b>37,506</b>	<b>46,265</b>	<b>+23</b>	<b>42,298</b>	<b>-9</b>

### 5.2 ASOC IP 41

ASOC tabled IP 41 *A Decade of Antarctic tourism: Status, change, and actions needed*, which was one of the papers used as background for the discussion in the Tourism Working Group. An earlier version of this paper had been submitted to the meeting on Antarctic tourism organised by IAATO in Miami in March 2008.

ASOC's IP 41 was very well received and generated lively exchanges. In particular, Table 2 in IP41 – outlining known cases of land-based facilities, including some used by states to manage or support tourism – led a number of Parties that were listed there to explain what their situation was. None of these Parties indicated that they disagreed with the content of ASOC's document or that it was incorrect (see paragraph 217 of the Final Report of the XXXI ATCM). Chile noted that it did not run any hotel and that it would be unconstitutional to do so. The UK said that it was investigating White Desert, a UK company operating land-based facilities in the Queen Maud Land area, and that it had apparently permits and logistics provided by another Party (an oblique reference to Russia). The UK described Port Lockroy as a "living museum" and a location of scientific research (which consists of a penguin survey). Uruguay – the only Party so far to have come out clean with its actual visitor program – noted that at the moment it was operating at full capacity for the IPY 2007-08 and had had no tourists at its station. USA noted that the ANI/ALE facilities were a "temporary field camp" (despite having been in place since the 1980s) and had been subject of US EIA procedures. Japan stated that it would welcome ASOC and IAATO to provide additional information on these facilities for the XXXII ATCM.

### 5.3 Vision for Antarctic tourism policy

A promising development at the opening of the meeting was the inclusion of an agenda item discussing strategic vision for tourism. UK's WP51 *Developing a strategic vision of Antarctic tourism for the next decade* stimulated this discussion. The UK sees now the need for Parties to make decisions about the future of tourism in the Antarctic independently of IAATO. The UK paper suggested that strategic decision should be made about e.g. the overall size of tourism vessels, and geographic limits or diversity of tourism activities in Antarctica. For this a vision had to be developed by the Parties. For ATCM XXXII the UK proposed that Parties simply had to agree on the notion that a vision for tourism was needed, and then arrange to discuss further how to develop such a vision.

While there was general support to this proposal, many Parties wanted action on specific issues, and several of the Parties that responded linked the UK proposal with their own proposals, most of which were not strategic in nature. Interestingly, some Parties re-floated the idea that a Tourism Annex was needed. India commented that what was at stake was "...the authority and effectiveness of the ATCM."

However, what seemed a relatively straightforward proposal by the UK was turned once again into something complicated that could not be discussed and decided upon within the time available. The UK will accept suggestions from Parties prior to November 2008 in order to make a submission to ATCM XXXII.

#### **5.4 Land-based tourism infrastructure**

There was long discussion with IAATO representatives about land-based tourism. IAATO suggested that it was not very profitable to build the hotels and create infrastructure for land tourism in Antarctica. More possibly – some countries could think to build some addition room in existing research stations for countries that needed money for Antarctic research. New Zealand noted that the use of scientific stations for tourist accommodation was incompatible with the role of Antarctic Treaty Parties.

Germany in WP06 *Environmentally sound tourism in the Antarctic Treaty Area*, submitted jointly with France, proposed a moratorium on the installation of land-based infrastructure while the ATS developed an overall strategy for environmental sound tourism. A draft Resolution was discussed prohibiting land based tourism. Several Parties had difficulties with this due to its implications to territorial politics - i.e. some claimant Parties already run facilities that could be regarded as land-based tourism infrastructure, while others do not and would be "left out" if a moratorium on new facilities was agreed upon; another claimant Party wanted to preserve a preserve the integrity of domestic legislation on Antarctic facilities that pre-date the Antarctic Treaty. For its part, a non-claimant Party noted that it could agree only on instruments that were viable under its own domestic legislation, which can only ban activities that have adverse environmental effects. According to this Party, a facility called "hotel" may or may not have adverse environmental effects, illustrating with the example of some sort of snow caves used in this country to accommodate tourists.<sup>9</sup> The Resolution's proponent (New Zealand) withdrew it since the original draft had metamorphosed into something beyond recognition, by which Parties discouraged the construction of private accommodation, but in no way diminishing the Parties' right to turn their scientific facilities into hotels.

#### **5.5 Miscellaneous tourism issues**

France introduced a proposal to regulate tourism with WP 34 *A mechanism for centralising tourism and non-governmental activity declarations and authorization requests suitable for taking cumulative impacts into account*. France proposed a complementary mechanism for centralizing data gathering on tourism and non-governmental activity authorization to allow national competent authorities to access these data in real time prior to each season, with the intention of improving consideration of possible cumulative environmental impacts. The proposal has some merits but it was noted that its implementation would be difficult to manage and raised some concerns about issues of jurisdiction.

Russia raised its concerns about marginal forms of tourism and non-governmental activity, which it identified as a significant problem (above mainstream tourism) although it did not specify who these actors are. It suggested that some NGOs had ventured into two inactive Russian stations – Leningradskaya and Russkaya – and broken into the buildings, some of which were subsequently destroyed by wind and snow. However, to access those remote facilities requires both an icebreaker and helicopter, and only some commercial tour operators and national Antarctic programs have access to those. In addition, the Russian bases had been closed down for some twenty years without any maintenance, and conceivably could have been affected by wind, snow, and other natural processes.

Russia requested a codification of tourism regulation (a new comprehensive legal act about the regulation of tourism and non-governmental activity - the "Code of Antarctic Tourism and Non-Governmental Activities"). This proposal was not discussed in much detail. The US introduced WP 43 *Further Development of Antarctic Tourism Policies*, proposing issues for action by the ATCM. It noted that the ATCM had a responsibility to treat tourism policy as a priority, particularly with regard to

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<sup>9</sup> It may be that building hotels is not profitable, but there are many forms of accommodation, already in use in some Arctic locations and in other remote locations, including Antarctica, that could be used to service Antarctic tourism. It is increasingly clear that land-based tourism is not about hotels.

safety and protection of the environment. The approach was broadly strategic, but it suggested very concrete proposals on a few issues such as improvements in search and rescue coordination and mapping, entry into force and implementation of Measure 4 (2004), and promoting collection of data on environmental impacts by tourists

## 5.6 Tourism regulation

For this ATCM, ASOC had high expectations that Antarctic Treaty Parties would take some sort of action with regard to tourism regulation, following an increase over the past few years on progressively more serious accidents involving passenger ships, culminating – so far – with the sinking of the *MV Explorer* off the South Shetland Islands in November 2007.

The papers submitted by Parties fell between two ends of a spectrum – some papers addressed tourism from a broad strategic perspective, while others focused on specific aspects of tourism. Three proposed Resolutions were discussed:

1. New Zealand coordinated a draft Resolution on the “Unending Increase and Diversification of Tourism in the Antarctic Treaty area”.
2. Germany and France proposed that Parties should adopt a moratorium on permanent land based tourist infrastructure until the ATCM agreed upon an overall strategy for environmentally sound tourism in the Antarctic Treaty Area, which was attached to WP 6.
3. New Zealand presented WP 21 *Control of Permanent Land-Based Facilities in Antarctica*, and recalled Resolution 5 (2007), which it had sponsored at ATCM XXX. New Zealand proposed that in order to limit the potential for disputes among the Contracting Parties in respect of jurisdiction in Antarctica in the face of the rapid expansion and diversification of tourism, the Parties should require all permanent land-based facilities that may be developed in Antarctica to be included within and under the control of a national Antarctic program.

After much inconclusive debate none of these Resolutions was agreed. Overall, Parties’ approaches to tourism generally fell within two schools of thought, which appeared again and again at the CEP and ATCM: those proposing to take a precautionary approach to address issues posed by tourism, and those requiring scientific information prior to making any decision that would place constraints on tourism developments. A few Parties blocked discussions or initiatives that were not consistent with their position on there being specific environmental harm, its approach to domestic legislation, or the placing of limits based on numbers that are not established on the basis of scientific data. Measure 4 (2004) remains the only instrument addressing key aspects of tourism that will be legally binding once it is ratified. However, one Party stated that it was difficult to implement Measure 4 (2004) under its domestic law. This appeared to be an intimation that it was not willing or able to implement this Measure, and led to comments by several Parties that when a Party supports an instrument that is subsequently approved by the ATCM it is on the understanding that it will ratify it domestically. This is in fact not unique of the ATS but common practice in international law.

ASOC expressed its disappointment at the lack of progress on urgent tourism matters. It prepared a graph illustrating the growing complexity of tourism and the mounting difficulty of ATCPs to discuss the issue meaningfully (Fig. 2). While partly humorous, the graph reflects a real and mounting problem. The growing entropy of Antarctic tourism suggests that the window of opportunity to regulate this industry is closing rapidly while Parties are unable or unwilling to act.

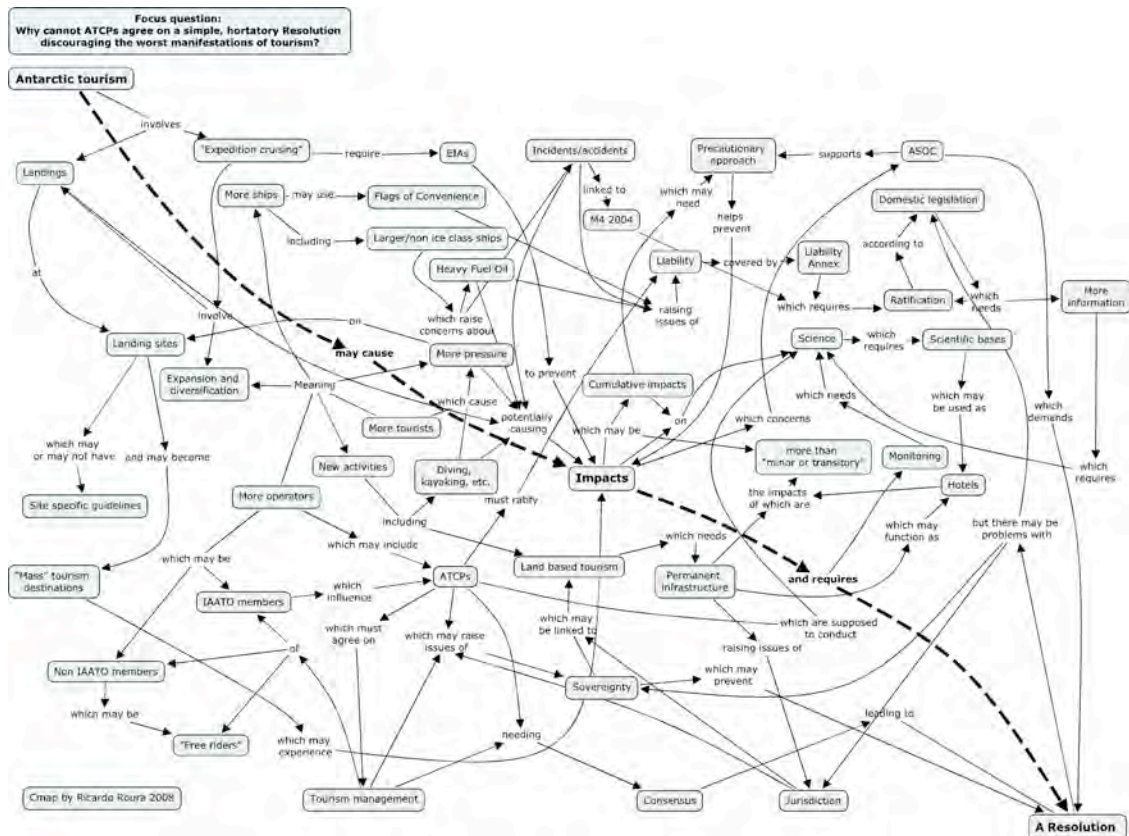


Fig. 1 – Tourism discussions follow multiple forking paths – and are inconclusive.

## 6 Shipping Issues

### 6.1 Intersessional Contact Group on shipping issues

One focal point was Norway's report on the ICG's work, on which ASOC participated actively. There was a range of very useful WPs and IPs from Parties on vessel-related issues, which came up most clearly in the tourism discussions, particularly the joint session with the Operational Working Group, including Chile's WP 42 *Background to pollution from Explorer* and COMNAP's IP 99 *Search and Rescue*. The latter asked the pertinent question, "What makes S&R in Antarctica different? Remoteness from assets, and difficult conditions. Because of Antarctica's juridical status, no one has any obligation legally to contact RCCs. There is no link at all between RCCs and sovereignty."

Norway reported consensus among ICG participants that risk-based decision-making should guide the identification of issues on which the ATCM should take the lead, and those on which it should eventually engage maritime experts at IMO and elsewhere. It noted the ICG had made progress on identifying important vessel hazards and risks and the mitigation of risks in the event of a maritime accident. The report considered that an extension of the terms of reference would enable the ICG to begin exploring possible specific proposals for addressing priority hazards and risks and referring appropriate issues to expert bodies.

The ICG recommended that Parties work actively in and with the IMO to update and extend to Antarctica the *Guidelines for Ships Operating in Arctic Ice-covered Waters*, to assess whether the IMO's Enhanced Contingency Planning Guidance for Passenger Ships Operating in Areas Remote from SAR Facilities could be further refined for Antarctic operations, and to ensure a rapid amendment of MARPOL to prohibit the use and carriage of Heavy Fuel Oil (HFO) as fuel on ships in the Antarctic area. The ICG also recommended that the ATCM task the CEP or other appropriate body to examine the environmental impacts of routine passenger vessel operations. All Parties supported the ICG recommendations and follow up in a continued ICG. The Meeting decided to extend terms of reference for the ICG, more explicitly focusing its work on preventing and mitigating the effects of a maritime incident, and refining its process of risk analysis to develop proposals for further discussion or action by the ATCM:

*“Decides to extend the IGC, focusing on preventing and mitigating effects of a maritime incident; continue and refine its process of risk analysis to develop further proposals for action by ATCM and for referral to the IMO and other relevant bodies.”*

New Zealand offered to host in Wellington in the second half of 2009 an Antarctic Treaty Meeting of Experts on management of ship-borne tourism in the Antarctic Treaty area. The agenda could include many of the issues covered by the ICG, as well as Search and Rescue. It was noted that the last such Meeting of Experts in 2000 considered guidelines for Antarctic shipping, which was still being discussed in IMO. Parties welcomed this offer, and noted that the ICG could provide a useful input into this meeting. The terms of reference for this Meeting will be discussed at ATCM XXXII.

Although IMO had been widely expected to participate in the meeting, and perhaps even submit an information paper, that did not happen.

## **6.2 ASOC IP 58**

ASOC introduced its IP 58 *Antarctic Shipping*, noting that the IMO and ATCM needed to work much more closely to ensure that all vessels using the Southern Ocean had appropriate standards for ice-strengthening and operations, and that IMO instruments are ratified and adopted by all ATCPs. The ASOC paper provided a list of the status of ratifications by Antarctic Treaty Parties of the instruments in Annex B. Several Parties thanked ASOC for providing an important paper, and supported its request for the highest standards to be applied.

ASOC drew the Parties' attention to the work carried out in the intersessional contact group (ICG) on Issues Concerning Passenger Ships Operating in Antarctic Waters (WP36). ASOC expressed the hope that the ICG would continue its work and involve the IMO more closely. Norway noted that it was important to delineate the respective areas of responsibility of the IMO and the ATCM. The UK noted the progress the IMO had made in respect of ballast water and heavy fuel oils, and underscored the importance that the ATCM retain policy lead for activities in Antarctica, while working effectively with the IMO. Norway agreed to continue chairing intersessionally. The ICG is discussed further below.

ASOC noted that Annex B of IP58 indicates the status of ratifications of relevant IMO instruments by ATCPs, showing that a number of Parties have not ratified various instruments, which is an important aspect of ensuring safety of life and avoiding marine pollution. ASOC urged all Parties to ratify the IMO instruments as quickly as possible.

ASOC's paper received very positive responses from many Parties, including regarding our call for the IMO and ATCM/CEP/CCAMLR to learn how to 'dance' with each other better, which two delegations picked up. We were able to inject a number of key points in the paper in the tourism debates, including during the joint meeting of the Tourism and Legal/Institutional Working Groups. We urged Parties to start thinking about a vessel traffic monitoring and control system in light of the increases in all types of vessel traffic. A number of Parties noted privately that they agree this is the direction in which we should go, but there was no public discussion.

The UK and Norway noted the ATCM role should be in setting policy guidance, but that must take account of how IMO functions in order to be effective.

## **6.3 International Hydrographic Organisation Lecture**

Another focal point was the special lecture by the International Hydrographic Organisation (IHO), which painted a stark and shocking picture of the operational realities in Antarctica, including how climate change fuelled iceberg loss is making the Southern Ocean more dangerous, and how poor our charting is of much of the Antarctic, leading to a heightened risk of accidents. There is an actual critical situation for navigation in Antarctica, financing is a challenge for nations, and there are no binding regulations for regional cartography development because this has no logic in economics. IHO proposed some proactive solutions led by a strong focus on obtaining updated cartographic data and work on the dramatic increase in the number of vessels and pollution probabilities. It was surprising that after the rigorous and shocking presentations, the ATCM didn't focus on any of the main critical points, nor did they take any new actions beyond an anodyne Resolution 5 (*Improving hydrographic surveying and charting to support safety of navigation and environmental protection in the Antarctic region.*)

## **6.4 Sinking of the MV Explorer**

A backdrop to the meeting was the sinking in November 2007 of the MV *Explorer*. It was on many people's minds and some people's lips. In that context, SP13 – a letter from Liberia, was discussed.

This brief letter made no reference to environmental issues arising from the accident. Most Parties agreed with New Zealand's regret that Liberia was not there to present the paper. Canada made a short oral presentation, providing no new information. Chile and Argentina outlined how much ship time and other resources went into their cooperative rescue, environmental monitoring and attempts to conduct remedial action.<sup>10</sup>

In the wake of the accident, plus several other accidents over the past two years, the Parties agreed to Resolution 6 (*Enhancing the role of Maritime Rescue Coordination Centres with Search and Rescue Regions in the Antarctic Treaty Area*), which is welcome, but arguably far short of the problems outlined during plenary discussions of the COMNAP report and other papers.

## **6.5 France's WP 33 on Responding to Pollution Accidents**

In the Joint Tourism-Legal/Institutional Working Group meeting, France introduced WP 33 about how to respond to pollution accidents that go beyond the area of a station. Noting that the ATS doesn't have a mechanism or instrument or coherent structure to deal with such accidents, France suggested a centralized information exchange information, formalizing the basic principle of assistance at sea with the first Party on the scene to take initial responsibility, broadening the jurisdiction of MSCCs, and an ad hoc alert structure with the authority to coordinate response to protect people and the environment. After some discussion, ASOC suggested that some of these points could be addressed by the ICG, which Norway agreed to do.

It is also interesting that IAATO stated that as of 2009, every vessel in their membership will be required to have long-range tracking (LRIT), and they will track the entire fleet, using Google Earth to pinpoint where vessels are located. Also, they will list assets – helicopters, divers, and ability to take extra people on board, for the RCCs.

## **7 Liability**

There was a reasonably good debate about the status of the present Liability Annex, as well as some serious discussion of the need to consider negotiating an additional liability instrument in view of the gaps in the first one.

Netherlands took the lead on this, noting when Parties adopted Measure 1 (2005) for Annex 6 to the Protocol, they acknowledged it was the first step in complying with Article 16; they agreed on Decision 1 calling for resumption of liability negotiations within 5 years – or 2009-2010. In that context, they noted that three years ago SCAR reported it didn't have time to answer questions posed by the Parties, and requesting a reiteration of the invitation to SCAR, along with COMNAP and other bodies, to submit papers next year. Although this elicited an interesting discussion, it resulted in no movement toward resuming negotiations.

About half the Parties reported on their progress in developing liability implementation packages that will work within their legal systems. Informal close-door discussions were held about solutions to various problems, and Germany proposed a continuing informal group, which was accepted.

ASOC observed that with the 50<sup>th</sup> anniversary celebration next year, a resolution this year to re-energize everyone to get ratification packages done as quickly as possible, with a target of the end of 2009, and to do some intersessional work to help solve the remaining problems. Although several countries supported this, there clearly was not a consensus for this, with so many countries not even willing to report publicly where they stand with their ratification processes.

## **8 Biological Prospecting**

As expected, there was a robust debate on this set of issues, led by the Netherlands, which chaired the Intersessional Contact Group (ICG) in which 13 ATCPs registered, with 9 providing substantive inputs. Its WP4 discusses issues including (1) definitions, (2) scope, (3) status of genetic resources, (4) access to those resources, (5) environmental impacts, (6) sharing of resources. The ICG was not successful in being able to list present biological prospecting activities, as only Argentina has provided responses to Resolution 7 (2005). A database of activities is being created by Belgium and UNEP, which as of the time of the ATCM held 107 records. Belgium, the Netherlands and several others

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<sup>10</sup> Remedial action consisted of dispersing the slick using a vessel. A Chilean navy official noted privately that the ship was half way through a cruise and that it carried a relatively small amount of fuel on board compared to many vessels that operate in the area.

supported joint work on a 'gap' analysis to show how various aspects of the issue are covered by present treaty obligations.

UNEP reported on recent policy developments at the UN General Assembly and the Convention on Biological Diversity, noting that the governing body of CBD agreed on a draft text on benefit sharing, which leaves out marine genetic resources in the AT Area (but that language is placed in square brackets) as well as marine biological resources beyond national jurisdiction. Regarding the evolving database, UNEP noted that it shows there is significant commercial interest in biological prospecting in Antarctica, it is likely to increase quickly, most of it is being carried out by 18 Parties, and there is little known about how this rise in patents has interfered with open and free exchange of scientific information. It also said the environmental impacts likely will not be negligible because with so many krill-based products in the database, there will be harvesting. UNU and UNEP expressed the hope that ultimately the database should be owned by the ATS.

IUCN made an intervention asking why only one Party (Argentina) has complied with Resolution 7 (2005), but this was not picked up by any Party in the ensuing discussions.

Although a number of Parties stressed the need for continuing intersessional work and/or a separate meeting immediately prior to the next ATCM, in the end this could not be agreed in view of the objections of Japan, US and others. There was wide support for obtaining input from SCAR, and terms of reference for that were agreed:

- Review the most recent published research that may involve bioprospecting in AT area and provide an assessment of these efforts from discovery to development to commercialization to product use, based on fundamental scientific principles.
- Provide a survey of ongoing bioprospecting research being undertaken within the SCAR community.

## **9 CCAMLR and Krill Issues**

To further strengthen co-operation between the CCAMLR Scientific Committee and the CEP, CCAMLR made a proposal to hold a joint SC-CAMLR and CEP workshop in 2009. In this context the CEP noted ATCM Resolution 1 (2006) on CCAMLR in the Antarctic Treaty System, which encourages increased co-operation between the ATCM and CCAMLR at a practical level in respect of the conservation and protection of the Antarctic environment.

The overarching theme for the workshop as proposed by the CEP could be: 'Opportunities for collaboration and practical co-operation between the CEP and SC-CAMLR'. The issues of common interest between both bodies and that could be discussed in the workshop are: Climate change research, Ecosystem and environmental monitoring, Protected areas and spatial management measures, Species requiring special protection, Marine pollution, Biodiversity and non-native species.

The idea of the workshop would not be to address these issues in great detail but to focus on the creation of the necessary mechanisms for practical cooperation in relation to the proposed issues. The duration of the workshop could be two days, and the timing of the workshop is still open but during the meeting it was proposed to convene it immediately prior to CEP XII, during the ATCM in Baltimore (US) in 2009. A Steering Group comprising both CEP and SC-CAMLR Members will be convened shortly and the CEP Chair and two Vice-Chairs will represent the CEP on this group. Finally, the proposed TORs for the workshop will be now sent to the next meeting of the CCAMLR Working Group on Ecosystem Monitoring and Management (WG-EMM) in July 2008 (St Petersburg, Russia) for their adoption.

As part of this agenda item, Argentina made an intervention in regards to Antarctic krill, concerned about the potential for increase in the fishery, the decrease in krill availability, etc., and called the attention of the CEP to its responsibility in regards to krill predator species, covered under the Protocol. Following this intervention, CCAMLR Executive Secretariat (Denzil Miller) informed the CEP that the current levels of krill catches had not increased despite the five-fold increase in notified catches for the 2007-08 season. Also, he reminded the CEP that the impact of krill fishing on krill dependent species is a central part of the risk-based ecosystem approach to management of marine resources taken by CCAMLR. After this exchange Neil Gilbert (CEP Chair) said that at least the CEP could express concern about the potential increase of the krill fishery and the impact on krill predators. Contracting Parties agreed and consequently, the CEP report reflected this last point.

CCAMLR presented the CEMP program (on ecosystem monitoring). Co-operation in this region with CEP is predetermined. The UK prepared the preliminary list of questions for the SC-CCAMLR-CEP workshop, and offered to create an intersessional group to discuss terms and format of this event.

## 10 Climate Change Issues

Most discussion of climate change occurred in the CEP, although it was also dealt with briefly in the Working Group on Operational Issues.

SCAR introduced its IP 60 outlining climate change trends. Surface pressures are increasing, leading to increased winds, for which there is no other explanation than climate change; more cyclones; summer and autumn warming on the eastern side of Peninsula is attributed to warming winds – about 0.5C per decade since 1946. Shallow ice cores from West Antarctica at Siple Dome show the warming since 1800. Tropospheric warming at 5 km has been found, which is the fastest on planet. The collapse of eastern ice-shelves along the Antarctic Peninsula is surprisingly fast. Statistically significant change has been detected in the Pine Island glacier (moving 40% faster than in the 1970s); the current rate of mass loss ranges from 50-130 gigatons per year, which is very significant change. There are very significant increases in temperature of the Southern Ocean itself at depths of 700-1100 meters.

SCAR presented IP 62 *Antarctic Climate Change and the Environment: A Progress Report*. It will be going out to review to the wider scientific community next week. It can be distributed to CEP members. Comments are due back by September. The report will be published in early 2009.

Norway and UK presented WP35 *Antarctic Climate Change Issues*, which calls for greenhouse gas (GHG) reduction, and recommends extensive follow-up, annual reporting, promotion of best energy practices, coordination of logistics, development of standard methodology for emission calculations and an expert workshop. The paper sparked off substantial discussion among Parties. In general, there was very little traction among Parties to support GHG reductions. The most proactive discussions focused on improving energy efficiency practices, optimizing logistics and in increasing the use of renewable energy sources. China, Japan and Korea all spoke up about how insignificant GHG emissions from Antarctica are, in comparison with the rest of the world. China insists that the role of Antarctica in climate change is for its study rather than to take any action. France, Australia, UK and the CEP Chair agreed that it is not the CEP's role to solve global problems. The CEP's role is to advise ATCM and, hence, to consider the implications of climate change to the management of Antarctica. France and UK both agreed that GHG emissions in Antarctica were not significant.

However, UK maintained that Parties have the responsibility to make a difference where they are able to do so, and that Parties should promote best practice with COMNAP. France maintained that Parties have an ethical responsibility to take steps to reduce GHG emissions in their Antarctic operations. The US agreed to talk about best energy management practices but does not agree to talk about mitigation measures, policies or legal regimes, believing that this should be discussed under the framework of the UN Framework Convention on Climate Change (UNFCCC). Uruguay said they already use biodiesel in Antarctica. Argentina and Brazil noted that they already deploy, or intend to deploy, renewable energy sources. COMNAP confirmed that energy saving procedures and alternative energy were already in place at many stations.

Russia introduced IP 47 *Variability of Antarctic climate* and insisted that there are no reliable data on the trends of climatic changes in the entire Antarctic region.

The UK presented WP 60 *Quantifying Atmospheric Emissions in Antarctic Comprehensive Environmental Evaluations*, and recommended the identification of a list of emissions to be reported in all CEEs and development of standardized approach in emission calculations. It received strong reactions from Parties including China and Ukraine that CO<sub>2</sub> should not be included in the assessment of impacts.

ASOC presented IP 56 *Impacts of Climate Change on Antarctic Ecosystems* and outlined our recommendations. There was little discussion in the Meeting but a number of delegations congratulated ASOC for the paper and welcomed our recommendations.

## 11 IPY

Compared to ATCM XXIX and XXX, the interest in IPY slightly waned this year, with far fewer countries making presentations on their IPY projects. The IPY International Programme Office provided an update and overview of IPY activities. ASOC continued to stress the lack of and the need for the consideration of the cumulative impacts of all scientific activities. It is very likely that ATCM XXXI will see a new wave of renewed interest in IPY, since 2009 marks the end of the IPY, and especially since the first day of ATCM XXXI has been designated as IPY Day where the Arctic Council has been invited for the first ever joint meeting with the ATCPs to highlight the achievements of the IPY.

## 12 Conclusions

Overall, the ATCM was a disappointment in terms of concrete results, while at the same time engendering the most in-depth discussion of tourism, biological prospecting and vessel safety issues witnessed before. There is widespread support for taking action on a number of important matters, yet a small group of Parties are sending out serious blocking signals, probably with the quiet support of other Parties that do not participate actively.

The motivations and *modus operandi* of these Parties differ, but from an ASOC perspective the outcome of their actions consists of permutations of: a diminution of environmental standards; negative re-interpretation of existing environmental protection instruments; and blocking of new environmental initiatives.

On the whole, Antarctic Treaty Consultative Parties appear hesitant to fully commit to environmental agreements negotiated more than a decade ago, and to address emerging environmental issues. This is taking place at a time when the Antarctic is under siege from a broad range of actual and potential resource exploitation activities including tourism, fisheries and bioprospecting.

ASOC will continue to promote legally binding restrictions and controls over these activities and to encourage Antarctic Treaty Consultative Parties to take seriously, both individually and collectively, their commitment to protect the Antarctic environment.

## Appendix 1 – Glossary

<b>AEON</b>	Antarctic Environmental Officers Network
<b>AKCP</b>	Antarctic Krill Conservation Project
<b>ASMA</b>	Antarctic Specially Managed Area
<b>ASOC</b>	Antarctic and Southern Ocean Coalition <a href="http://www.asoc.org/">http://www.asoc.org/</a>
<b>ASMA</b>	Antarctic Specially Managed Area
<b>ASP</b>	Antarctic Specially Protected Area
<b>ASTI</b>	Area of Special Tourism Interest (None designated)
<b>ATCM</b>	Antarctic Treaty Consultative Meeting
<b>ATCP</b>	Antarctic Treaty Consultative Party
<b>ATS</b>	Antarctic Treaty System
<b>CCAS</b>	Convention on the Conservation of Seals
<b>CCAMLR</b>	Convention on the Conservation of Antarctic Marine Living Resources <a href="http://www.ccamlr.org/">http://www.ccamlr.org/</a>
<b>COMMISSION</b>	Commission for CCAMLR
<b>CEE</b>	Comprehensive Environmental Evaluation
<b>CEMP</b>	CCAMLR Environmental Monitoring Program
<b>CEP</b>	Committee for Environmental Protection (of the ATCM) <a href="http://www.cep.aq/">http://www.cep.aq/</a>
<b>COMNAP</b>	Council of Managers of National Antarctic Programs <a href="http://www.comnap.aq/">http://www.comnap.aq/</a>
<b>CRAMRA</b>	Convention on the Regulation of Antarctic Mineral Resources (Not enacted)
<b>DFCA</b>	Discussion Forum of Competent Authorities <a href="http://forum.cep.aq/">http://forum.cep.aq</a>
<b>EIA</b>	Environmental Impact Assessment
<b>GOSEAC</b>	Group of Specialists on Environmental Affairs and Conservation
<b>HCA</b>	Hydrographic Committee on Antarctica
<b>HSM</b>	Historic Sites and Monuments
<b>IAATO</b>	International Association of Antarctica Tour Operators <a href="http://www.iaato.org">http://www.iaato.org</a>
<b>ICG</b>	Intersessional Contact Group
<b>IEE</b>	Initial Environmental Evaluation
<b>IHO</b>	International Hydrographic Organisation <a href="http://www.iho.shom.fr">http://www.iho.shom.fr</a>
<b>IMO</b>	International Maritime Organisation <a href="http://www.imo.org">http://www.imo.org</a>
<b>IOC</b>	Intergovernmental Oceanographic Commission <a href="http://ioc.unesco.org/iocweb/">http://ioc.unesco.org/iocweb/</a>
<b>IP</b>	Information Paper presented to either the ATCM or CCAMLR.
<b>IPO</b>	IPY Program Office
<b>IPY</b>	International Polar Year
<b>IUCN</b>	World Conservation Union (formerly International Union for Conservation of Nature) <a href="http://www.iucn.org">http://www.iucn.org</a>
<b>IWC</b>	International Whaling Commission
<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships
<b>PA</b>	Preliminary Assessment
<b>SATCM</b>	Special Antarctic Treaty Consultative Meeting
<b>SCALOP</b>	Standing Committee on Antarctic Logistics and Operations
<b>SCAR</b>	Scientific Committee on Antarctic Research <a href="http://www.scar.org/">http://www.scar.org/</a>
<b>SEA</b>	Strategic Environmental Assessment (Not used in the Antarctic Treaty System)
<b>SPA</b>	Specially Protected Area (now ASPA)
<b>SSSI</b>	Site of Special Scientific Interest (now ASPA)
<b>TANGO</b>	Tourism and NGOs Working Group
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>UNEP</b>	United Nations Environment Program <a href="http://www.unep.org/">http://www.unep.org/</a>
<b>WG</b>	Working Group
<b>WG-EMM</b>	CCAMLR's Working Group on Ecosystem Monitoring and Management
<b>WMO</b>	World Meteorological Organisation <a href="http://www.wmo.ch/">http://www.wmo.ch/</a>
<b>WP</b>	Working Paper
<b>WTO</b>	World Tourism Organization

## **Appendix 2 – Preliminary Agenda of ATCM XXXII, Baltimore 2009**

1. Opening of the Meeting
2. Election of Officers and Creation of Working Groups
3. Adoption of the Agenda and Allocation of Items
4. Operational of the Antarctic Treaty System: Reports by Parties, Observers and Experts
5. Operation of the Antarctic Treaty System: General Matters
6. Operation of the Antarctic Treaty System: Review of the Secretariat's Situation
7. Report of the Committee for Environmental Protection
8. Liability: Implementation of Decision 1 (2005)
9. Safety and Operations in Antarctica
10. The International Polar Year 2007- 2008
11. Tourism and Non-Governmental Activities in the Antarctic Treaty Area
12. Inspections under the Antarctic Treaty and the Environment Protocol
13. Science Issues, Including Climate-related Research, Scientific Co-operation and Facilitation
14. Operational Issues
15. Education Issues
16. Exchange of Information
17. Biological Prospecting in Antarctica
18. 50th Anniversary: Looking to the Future of Antarctica
19. Preparation of the XXXIII Meeting
20. Any Other Business
21. Adoption of the Final Report

## **Appendix 3 - CEP XII Provisional Agenda**

1. Opening of the Meeting
2. Adoption of the Agenda
3. Strategic Discussions on the Future Work of the CEP
4. Operation of the CEP
5. International Polar Year
6. Environmental Impact Assessment (EIA)
  - a. Draft Comprehensive Environmental Evaluations
  - b. Other EIA Matters
7. Area Protection and Management Plans
  - a. Management Plans
  - b. Historic Sites and Monuments
  - c. Site Guidelines
  - d. Other Annex V Matters
8. Conservation of Antarctic Flora and Fauna
  - a. Quarantine and Non-native Species
  - b. Specially Protected Species
  - c. Marine Acoustics
  - d. Other Annex II Matters
9. Environmental Monitoring and Reporting
  - a. Climate Change
  - b. Other Environmental Monitoring and Reporting Matters
10. Inspection Reports
11. Cooperation with Other Organizations
12. General Matters
13. Election of Officers
14. Preparation for Next Meeting
15. Adoption of the Report
16. Closing of the Meeting