



# The Antarctic and Southern Ocean Coalition

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December 8, 2008

## ASOC Press Advisory: Grounding of the *MV Ushuaia* in Antarctica

On December 4, 2008 the tourism cruise vessel *MV Ushuaia*<sup>1</sup> grounded at position 64°35.5'S 062°25'W, at the entrance of Wilhelmina Bay near Cape Anna in the NW Antarctic Peninsula. This is one of several maritime accidents by tourist ships operating in Antarctica in the past two years.<sup>2</sup>

ASOC is relieved to learn that according to industry sources<sup>3</sup> there was no imminent danger and no threat to human life. An international rescue was promptly put in place with the assistance of the relevant Marine Rescue Coordination Centers in Ushuaia, Argentina and Punta Arenas, Chile and several cruise and navy vessels. The passengers of the *MV Ushuaia* were transferred to the Chilean Navy vessel *Aguiles*, which transported them to the Chilean base Presidente Frei, on Fildes Peninsula, King George Island,<sup>4</sup> from where they were repatriated to Ushuaia by the Argentine Air Force.

The ship has punctured fuel tanks with a capacity of 55m<sup>3</sup> of Marine Gas Oil (MGO). According to various sources only a small amount of fuel leakage has taken place and an oil spill barrier has been deployed. An Argentine air force aircraft flew over the site to evaluate the oil spill, and reported a slick in the vicinity of the vessel that was assessed visually as being approximately 500 x 50 m.

This incident has striking similarities with recent incidents involving tourism cruise vessels in the Antarctic: The area was frequently visited and relatively well known; the ship had been operating in the Antarctic Peninsula for several years and the crew was experienced; weather conditions at the time of the accident were relatively good; nobody was hurt during the collision or evacuation; and help was at hand. As in other cases, the environmental impact of the sinking of the vessel is a cause of concern, with no clear information to date as to how much fuel has been spilled, and no satisfactory remedial action possible in the event of a large fuel spill. At least two bird colonies are reportedly located within 0.5-7 nautical miles of the incident.<sup>5</sup> The most immediate threat is to a colony of blue-eyed shags only 0.5nm from the site. Other nearby wildlife colonies include a small colony of chinstrap penguins

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<sup>1</sup> The *MV Ushuaia* is a Research Survey Vessel reportedly built in 1968, 84,73 m long with a gross tonnage of 2932 tones. She is flagged in Panama and has been operating in the Antarctic out of Ushuaia, Argentina, since 2003. Lloyds List reported that previously the vessel was grounded off Canada little more than three years ago, and that official records state that the ship's last port state control inspection showed up safety and pollution-related deficiencies. The intergovernmental online database <http://www.equasis.org> states that a 2005 inspection in St John's, Canada, revealed six problems with International Safety Management code compliance, lifesaving appliances, and annex one of the Maritime Pollution convention, which is related to oil. The last inspection recorded by Equasis prior to that was in Hampton Roads in 2001, when the vessel was known as *Malcolm Baldrige*. Five deficiencies, in one case related to structural safety, are listed.

<sup>2</sup> Recent incidents include the sinking of the *M/S Explorer*, a commercial tourism vessel in November 2007; the grounding of the *M/V Lybov Orlova* and the *M/V Nordkapp* at Deception Island in the South Shetland Islands in November 2006 and January 2007 respectively; and the cruise ship *M/S Fram* losing power on December 30 2007 along the Antarctic Peninsula and drifting into an iceberg. See also note to editors for details on some of these incidents.

<sup>3</sup> Situation Report on *MV Ushuaia*, Dec 4, 2008, available from <http://www.iaato.org/press.html>

<sup>4</sup> King George Island is also known as Isla 25 de Mayo (Argentina), Isla del Rey Jorge (Chile), and Waterloo Island (Russia).

<sup>5</sup> Situation Report on *MV Ushuaia*, Dec 4, 2008, available from <http://www.iaato.org/press.html>

around 6.6nm from the site. Fuel oil can be toxic and there is potential for an impact on fish and other marine life in the vicinity.

It is not yet clear what caused this incident, however, the fact that it involved a capable, albeit older, vessel with just over 120 people aboard throws into stark relief the risks posed by the increasing numbers of vessels and by enormous vessels which have now begun to operate in the Antarctic, some of which carry more than 2500 people.<sup>6</sup> Not only do these vessels carry more fuel, but also the largest ones tend to carry heavy fuel oil, which poses an even greater risk to the marine environment.

Tourism in Antarctica over the past decade has been characterized by steep annual increases, diversification, and geographic expansion. The current global economic crisis is likely to affect Antarctic tourism, but the overall trend for the past two decades is one of sustained growth. According to industry statistics, the number of visitors increased to 46,000 in 2007-08. Of these, more than 30,000 passengers set foot ashore, up from 10,000 a decade earlier. The largest increase in the past season has been on ships carrying over 500 passengers, which do not conduct landings, with about 13,000 passengers traveling in this fashion in 2007-08, up from 6,000 the previous year. Tourism is also diversifying, with a growing focus on activities such as kayaking, diving, skiing and mountain climbing.

Despite the rapid growth, expansion and diversification of tourism for well over a decade, and a spate of serious accidents involving tourism ships, the Antarctic Treaty System lacks a comprehensive policy for tourism in Antarctica. Furthermore, there are no legally-binding internationally agreed standards or operation procedures for vessels operating in the Antarctic. The last Antarctic Treaty Consultative Meeting (Kiev, Ukraine, June 2008) did not reach agreement addressing the increase of Antarctic tourism overall, nor on specific measures to address aspects of tourism of particular concern.

Given the growing complexity of tourism there is not a single specific action that Antarctic Treaty Parties should take to address the problems raised by tourism. Rather, range of measures is needed. There is an urgent need for Antarctic Treaty Parties to develop a vision for tourism in the Antarctic and to agree on a tourism strategy that delivers on that vision, and for the UN's International Maritime Organization (IMO) to extend the existing Arctic Guidelines to cover ships operating in the Antarctic - ensuring that the measures are sufficient in the stormier, more remote seas of the Southern Ocean. Steps to be considered include banning ships exceeding a certain size and carrying more than a certain number of people or a certain amount of fuel on board, establishing ice-strengthening standards for vessels which go into Antarctic waters, establishing stringent qualifications and training for ice navigators, and reviewing how effectively existing regulations are implemented.

In addition, ASOC notes the duty of Antarctic Treaty Consultative Parties to ensure the expeditious entry into force of Annex VI on Liability as a matter of urgency. Annex VI to the Antarctic environmental Protocol<sup>7</sup> on *Environmental Liability Arising from Environmental Emergencies* was signed in 2005 after more than a decade of negotiation. To date, the Annex has not entered into force. The only Parties that have ratified Annex VI are Sweden and Peru.<sup>8</sup>

- ✓ ASOC urges the Antarctic Treaty Consultative Parties to establish sensible operating rules for tourism and for the IMO to establish a legally-binding instrument for shipping in Antarctic waters before a catastrophe occurs.<sup>9</sup>

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<sup>6</sup> The largest vessel yet to operate in the Antarctic, the *Golden Princess*, sailed in Antarctic waters in the 2006-07 season carrying 3,700 people on board (i.e. about 30 times more people on board than the *MV Ushuaia*). The largest capacity vessel operating from Ushuaia in the 2008-09 season is the *MV Star Princess*, which carries up to 2,600 passengers and over 1,000 crew.

<sup>7</sup> The 1991 Protocol of Environmental Protection to the Antarctic Treaty, which entered into force in 1998.

<sup>8</sup> Annex VI was signed by Antarctic Treaty Consultative Parties at the XXVIII ATCM in Stockholm in June 2005 and it is not in force yet. Sweden ratified Annex VI on August 6, 2006 and Peru on October 7, 2007.

<sup>9</sup> While the IMO is considering extending Guidelines for ships operating in Arctic waters to cover ships operating in the Antarctic these will not be binding, only recommendatory.

- ✓ ASOC suggests that because of the sensitivity and vulnerability of Antarctic waters used by the tourism industry to the impacts of shipping, designation by the IMO as a Particularly Sensitive Sea Area should be considered.

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**Note to editors regarding recent incidents involving Antarctic tourism vessels**

- Sinking of the *MV Explorer* off King George Island, South Shetland Islands, 24 November 2007, after a collision with ice.<sup>10</sup> All on board were rescued. At the time of sinking, the *Explorer* is estimated to have been carrying 210 m<sup>3</sup> of D.M.F.O., oils, lubricants and petrol.<sup>11</sup> While most of the fuel may still be contained in the vessel, some fuel has spilt and what is left in the wreck will eventually be discharged into the marine environment.<sup>12</sup>
- Grounding of the *Nord Kapp* at Deception Island, 31 January 2007. The accident resulted in the spillage of marine diesel into the marine environment and resulting environmental damage.<sup>13</sup>
- Grounding of the *Luybov Orlova* at Deception Island, 15 November 2006. It is believed that the rescue call was made 15 hours after the vessel grounded, at which time no MAYDAY call was raised. There was potential for the situation to have worsened. The *Luybov Orlova* was towed off the sandbank, a process that took 3 hours to complete.<sup>14</sup>

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<sup>10</sup> This incident is described in XXXI ATCM/SP013, XXXI ATCM/WP042, and XXXI ATCM/IP 11, available from [www.ats.aq](http://www.ats.aq).

<sup>11</sup> According to Chilean officials, reported in XXXI ATCM/WP042, available from [www.ats.aq](http://www.ats.aq).

<sup>12</sup> As noted by a 2000 study of environmental emergencies carried out by the Council of Managers of National Antarctic Programs (XII SATCM/WP05), "fuel spills in the marine environment have a low probability of occurrence but pose a greater magnitude of risk to wildlife than terrestrial or ice sheet spills (Clearly, marine spills in the vicinity of rookeries, breeding grounds or primary habitats for marine mammals or birds pose a higher risk than marine spills in open sea or less sensitive areas)."

<sup>13</sup> This incident is described in detail in XXX ATCM/ WP 37, available from [www.ats.aq](http://www.ats.aq).

<sup>14</sup> This incident is described in detail in XXX ATCM/ IP 108, page 4, available from [www.ats.aq](http://www.ats.aq).