ECO was saddened by the tragic loss of 25 lives in the Southern Ocean in the past summer season, including the three crew of the yacht Berserk and 22 people from the fishing vessel No. 1 In Sung. With these losses in mind and a number of incidents in recent years that could have ended in disaster, including the sinking of the M/S Explorer in 2007, ECO has been following closely the work being undertaken at the International Maritime Organization (IMO) to develop a mandatory polar code for shipping, which was called for by ATCM Resolution 8 (2009). The Code is arguably an opportunity to ensure that all the necessary measures are adopted which meet the needs of ensuring the safety of vessels, the safety of lives at sea and protection for the environment with respect to all vessels that operate in the Southern Ocean. ECO is pleased to note that significant progress has been made at the IMO through the work of an intersessional correspondence group which has worked almost continuously since February 2010, two working groups and the Ship Design & Equipment subcommittee which has met twice since the last ATCM. There is now a reasonably complete framework for the mandatory Polar Code although some significant gaps remain and considerable negotiation over the detail still needs to take place.

But what will a mandatory Polar Code mean for vessels operating in the Southern Ocean? Well, ECO is worried that the Code could be somewhat meaningless! That is unless action is taken to ensure that it does meet the specific needs of Antarctic vessels. Currently it seems it is possible that the Code might have no role in preventing similar disasters to the Berserk, No. 1 In Sung and M/S Explorer. At the current time non-SOLAS ships, which includes fishing vessels and yachts, are not being addressed by the Code, albeit they are due to be considered at a later stage.

In terms of other vessels that currently operate in the Southern Ocean, unless a specific provision is included in the Code to apply the provisions (in so far as it is possible) to existing vessels, they could all fall outside of the Code. Furthermore, it is currently unclear whether or not non-polar class vessels will be acceptable in Antarctic waters at some times of the year, and what level of ice will require that only polar class vessels are allowed to be present. These questions are fundamental to the further development of the Polar Code. In order for the Polar Code to be meaningful to Antarctic vessels, ECO believes that only polar class ice vessels should be permitted or licensed to operate where ice is present and could pose a hazard.

ECO remembers that at ATCM XXXIII in Punta del Este, a Resolution was agreed that parties should keep abreast of the discussions at the IMO including reporting to the ATCM on progress. A web-based forum was established for this purpose and to allow an exchange of views between those interested in the development of the Polar Code – disappointingly it has seen little traffic. Parties have to ask themselves if they really want to miss the polar-class boat on this one.
CONGESTION AT THE POLE?
The South Pole location is a site that stimulates the interest and imagination of the public, particularly in 2011, with the 100th anniversary of Roald Amundsen, Robert Falcon Scott and their respective teams arriving there.

Most people think of Antarctica and the South Pole in particular as a remote location; a few have managed to get there. Antarctic tourism is a fairly exclusive activity, although the prices have decreased substantially; tourism to the South Pole is far more exclusive. People have the option of doing it the hard way and walking from the nearest land-based tourist facility some 1,000 km away; or alternatively can be dropped at a certain distance (a few hundred kilometres to a few hundred metres) so that they can walk the last steps to the pole. The practical outcome of this is that some years a small “tent city” has been developing there during summer, and groups of tourists congregate around the South Pole marker, which is adjacent to USA’s Amundsen Scott Station. Reasonably enough, tourist numbers are low, but enough to cause some bother to the resident scientific workers. By South Pole standards this might be regarded as a form of congestion.

Even the US program with its customary hard line towards tourism and NGO visits to its stations has had to accommodate somewhat this wave of visitors. This has led to the establishment of an area devoted to the establishment of tourist camps and other minor concessions (according to some tourist blogs, coffee and Danish pastries are available to those that make it there).

A hundred years ago a handful of hardy Norwegian explorers were the first human beings to reach the South Pole. Little could they have suspected that a hundred years later that site would be inhabited year round by researchers and regularly visited by tourists, and that many other locations in Antarctica would also experience one or both of these developments. At US$ 50+ K a pop, trips to the South Pole are ten times more expensive than the run-of-the-mill ten-day cruises to the Antarctic Peninsula; yet there does not seem to be a shortage of customers willing and able to pay sums of this kind. The congestion we now see at one of the two ends of the earth is witness to the inherent human desire to keep on searching for novel experiences and new virgin territory (incidentally, the North Pole is also a popular tourist destination). Now this is combined with the technical and financial means to explore the Antarctic continent through private enterprise, we are bound to see comparable developments elsewhere in Antarctica. Delegates really need to get to grips with the issue of land-based tourism now apparently developing elsewhere in Antarctica, and take action to avoid the immediate impacts on the environment and national programmes and the longer-term occupation of wilderness areas.