Tourism

ECO is dismayed to have learned that the International Association of Antarctica Tour Operators (IAATO) has eased membership obligations so as to include tour operators using very large vessels, and adventure tour operators who increasingly are reaching new ports of Antarctica. Until now, ECO hoped that IAATO was establishing standards for transport to Antarctica and activities there. It appears that this is no longer the case.

IAATO claims it was pressured into this action by states and others. ECO is not clear that this pressure did in fact come from states and believes this was an ill-advised action.

IAATO’s credibility would have been greatly enhanced had it weighed in against certain types of risky activities, rather than accepting these operators with open arms.

That this change comes at the same time as IAATO’s prediction that the number of Antarctic tourists will more than double from 2000/2001’s 12,248 passengers to 30,000 by 2005/06 is troubling indeed.

ECO hopes that delegates will note the juxtaposition of these two events, and decide that the time has come to take regulatory measures to put a cap on tourist numbers until there is a better understanding of the risks involved with large scale tourism, and an increasingly robust industry overall.

Ratification of Annex V: A Saga of Confusion

The Protocol and its first four Annexes were adopted together, and entered into force together in 1998.

Annex V was adopted at the Bonn ATCM as Recommendation XVI-10. Ten years on, it has still not entered into force.

The problem has been mainly that states have had to ratify something called Recommendation XVI-10, not just “Annex V”.

At this ATCM the US, as depository government for the Treaty and its Protocol, announced that Russia had ratified the Recommendation, that Ecuador may have done so (confirmation was being sought), but that two states had not – India and Poland.

ECO believes it is important that India, Poland and the US get together in the margins
of this meeting and sort out what is required in order for these states to deposit the necessary documents, Poland apparently believes it has done everything necessary.

Area Protection is an important tool for environmental protection and management, and Annex V needs to enter into force at the earliest possible moment.

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**Liability – Agreeing the Framework**

This week informal discussions on Liability have continued under the able Chairmanship of New Zealand’s Don MacKay.

ECO understands the discussions have been constructive. The broader conception of “environmental emergencies” unveiled at The Hague last year continues – in both the US and Chairman’s texts - although damage arising from either chronic or cumulative impacts is still unlikely to be adequately covered.

But is line-by-line discussion of texts on liability for damage arising through “environmental emergencies” really the most useful focus?

ECO submits not, unless there is agreement on the keystone issue of how Article 16 obligations are going to be met. This involves assuring Parties that they can agree to a restricted first liability annex such as this with confidence that other important issues – including liability for damage caused through chronic or cumulative routes, or as a consequence of planned activities gone awry – will subsequently be seriously addressed.

The approach suggested in Chairman MacKay’s 1999 proposal (WP 41) whereby generic elements for a liability regime are followed by schedules (or separate annexes) addressing specific areas of liability, still seems the best way to build this confidence.

ECO hopes that some time can be devoted this week to fleshing out this framework so that significant progress can be made by the conclusion of this ATCM.