ASOC Report

XXXVIII Antarctic Treaty Consultative Meeting

Sofia, Bulgaria

1 – 10 June 2015

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XXXVIII Antarctic Treaty Consultative Meeting
Sofia
1 – 10 June 2015

Summary
The XXXVIII Antarctic Treaty Consultative Meeting (ATCM) was conducted in Sofia, Bulgaria from 1-10 June 2015. ASOC was represented by 14 delegates (9 on the ASOC delegation and 4 as NGO representatives on national delegations). ASOC submitted 7 information papers (IPs) on topics including shipping, climate change, cumulative impacts, protected areas, and tourism, as well as the report of ASOC to the XXXVIII ATCM. ASOC also participated in several intersessional contact groups (ICGs) during the intersessional period.

The selection of themes of the information papers reflected the key priority issues identified by the Coalition. Salient points of the ATCM from an ASOC perspective include:

• Agreement to conduct intersessional work towards Developing a Strategic Approach to Environmentally Managed Tourism and non-governmental Activities in Antarctica, marking a return to focus on tourism from a strategic perspective, an approach that had been dropped in recent years.

• Agreement to put on hold the designation of Historic Sites and Monuments (a de facto moratorium) until there is more guidance about issues concerning the interface of Annexes III and V.

• Agreement to continue an intersessional discussion on outstanding values of the marine environment.

• Agreement to discuss proposals for the establishment of ASPAs and ASMAs in advance of submission.

1 Introduction
The XXXVIII Antarctic Treaty Consultative Meeting (ATCM) was conducted in Sofia, Bulgaria from 1 to 10 June 2015.

This Report on the XXXVIII ATCM 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. The report is structured as follows:

• Section 2 contains an overview of the XXXVIII ATCM.

• Sections 3 – 10 report in more detail on some of the key issues at XXXVIII ATCM.

• Section 11 contains conclusions and identifies main areas of future action.

• Appendix 1 lists commonly used Antarctic acronyms. Appendix 2 contains a list of ASOC documents submitted to the meeting.

1 This report was written by Claire Christian, Rod Downie, Lyn Goldsworthy, Jessica O’Reilly, Ricardo Roura, Barry Weeber and Rodolfo Werner.
2 Overview of the XXXVIII ATCM

2.1 ATCM structure

ATCMs give effect to obligations under the 1959 Antarctic Treaty, and the 1991 Protocol on Environmental Protection to the Antarctic Treaty.

ATCMs are hosted by Consultative Parties (the full voting members – currently 29)\(^2\) in English-language alphabetical order. There are also 21 Non-Consultative Parties\(^3\) – non-voting members, an increasing number of which are active in Antarctica and the Antarctic Treaty System although the majority are not. The ATCM lasts one and a half weeks, and conducts its business through a number of Working Groups – presently Legal and Institutional, Tourism, and Operational Matters. In addition, the Committee for Environmental Protection (CEP) meets during the ATCM.

The Antarctic and Southern Ocean Coalition (ASOC) has Expert status at ATCMs, the only environmental non-governmental group with such access.\(^4\)

The ATCM received 52 Working Papers and 137 Information Papers submitted by Parties, Observers and Experts, as well as a set of Secretariat papers dealing with operations of the Secretariat and summaries of information relevant to the meeting. It produced a Final Report containing 19 Measures\(^5\) (mainly management plans for protected/managed areas and historic sites and monuments); 6 Resolutions\(^6\) (4 of which are of interest, in varying degrees); and 6 Decisions\(^7\) (of which 3 are of interest).\(^8\) Electronic copies of these documents are available on the Antarctic Treaty Secretariat website - http://ats.aq/. Information Papers are available in the original language, and Working Papers are available in the four official languages - English, French, Russian and Spanish.

The Final Report of the Meeting on the AT Secretariat 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 6 substantive Information Papers were praised, and were used and referred to in the ensuing debates. ASOC made numerous interventions at the ATCM Working Groups and the CEP, a number of which are reflected in the official reports, and participated in open-ended contact groups on the side of the meetings.\(^9\)

2.2 ASOC delegation

ASOC was represented by 14 delegates either on the ASOC delegation or as NGO representatives on national delegations. The ASOC delegation was composed of:

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\(^2\) Argentina, Australia, Belgium, Bulgaria, Chile, China, the Czech Republic, 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.

\(^3\) Austria, Belarus, Canada, Colombia, Cuba, Denmark, Estonia, Greece, Guatemala, Hungary, Korea (DPRK), Malaysia, Monaco, Pakistan, Papua New Guinea, Portugal, Romania, Slovak Republic, Switzerland, Turkey, and Venezuela.

\(^4\) Formally ASOC is an “Expert” to the ATCM and an “Observer” to the CEP meetings. In practice the role of ASOC is that of observer, as the term is commonly used outside the ATS.

\(^5\) A Measure is legally binding once it has entered into force.

\(^6\) A Resolution is hortatory.

\(^7\) A Decision is an administrative action, usually relating to a short-term event, and like a Resolution, hortatory.

\(^8\) Exact text of these Resolutions and Decisions can be obtained from the ATS website’s official Report of the Meeting.

\(^9\) There are 37 entries for ASOC in the CEP Final Report and 25 in the ATCM Final Report, comparable in numbers to that of key ATCPs and exceeding some of them.
Mark Epstein (ASOC Executive Director and Head of Delegation, US); Ray Arnaudo (International Cryosphere Climate Initiative, US); Claire Christian (ASOC Secretariat Director, US); Ryan Dolan (Pew Charitable Trusts, US); Jill Hepp (Antarctic Ocean Alliance, US); Chris Johnson (WWF-ASOI, Australia); Dr. Ricardo Roua (ASOC Senior Advisor and CEP Representative, The Netherlands); Dr. Rodolfo Werner (Antarctic and Southern Ocean Advisor, Pew Charitable Trusts, Argentina) and Cath Wallace (ECO-NZ, NZ).

In addition, four government delegations included NGO representatives from ASOC:

Lyn Goldsworthy (representing Australian NGOs) on the Australian delegation; Rod Downie (WWF-UK) on the UK delegation; Jessica O’Reilly on the US delegation; and Barry Weeber (ECO-NZ) on the NZ delegation.

2.3 Materials submitted

ASOC submitted 7 IPs, 6 on topical information and a report to the ATCM summarising its activities over the previous year.

The ASOC team published two issues of the international newspaper ECO.

The ASOC information papers and ECOs are available on the ASOC website\(^\text{10}\).

2.4 ASOC priorities

ASOC’s general priorities for the XXXVIII ATCM were to promote:

- Increased efforts to mitigate climate change in Antarctica and around the world, specifically through promoting Antarctic climate change science and impacts in other international fora such as the United Nations Framework Convention on Climate Change (UNFCCC).
- Serious attention to the need to engage in a Step 2 of the Polar Code to ensure that the Antarctic environment is protected.

2.5 Key outcomes

Positives
- The work of the Climate Change ICG was well-received by the CEP, and its work will continue, particularly to further develop the climate change response work plan.
- The ICG on EIA guidelines will continue operation for another year, and areas of importance to ASOC such as cumulative impacts and wilderness protection are being considered.
- The CEP supported holding a joint SC-CAMLR/CEP workshop on climate change in 2016 prior to the ATCM, though details have not been finalized.
- The UK and Czech Republic presented the results of their work applying the RACER methodology to James Ross Island and received support from the CEP to develop a proposal for a multi-site ASPA in the region.

Negatives

• There were few significant outcomes on key ASOC issues including protected areas, climate change and tourism, although there was some progress on focused aspects of some these issues.

• The ongoing discussion on a proposed ASMA by China will continue. While China has the right to propose any areas under any category of Annex V, this particular proposal has met strong opposition since it was first proposed in 2013, China's refusal to accept an absence of consensus and its heavy handed approach is problematic and compounds problems in the context of CCAMLR MPAs and the ATS in general.

Presently indeterminate

• There was agreement to discuss tourism from a strategic perspective. However, similar discussions have taken place before inconclusively. Much of the discussion on tourism in recent years has been diverted away from mainstream tourism and towards forms of tourism unrelated to IAATO, which constitutes likely a very minor percentage of this activity. Diversions like this might continue in future discussions.

Key instruments approved

The Measures, Resolutions and Decisions approved of particular importance for ASOC are:

• Resolutions on the Antarctic Environments Portal, the CEP's Climate Change Response Work Programme, Important Bird Areas in the Antarctic, and the role of Antarctica in global climate processes.

• Decisions on Annex VI (to continue to evaluate progress towards it becoming effective); on approving the Multi-Year Strategic Work Plan; and on revising the rules of procedure for ATCM committees and working groups (which will result in a changed meeting schedule next year).

2.6 Operation of the Antarctic Treaty System

Belarus, Canada, Colombia, Turkey, Malaysia, Monaco and Venezuela sent delegations. All reported some level of Antarctic activity in cooperation with various ATCPs, and progress made on adhering to the Protocol. Malaysia will host the next SCAR Open Science Conference in 2016.

Future ATCM hosts will be Chile (2016), China (2017) and Czech Republic (2018).

The XXXIX will be held in Chile from 6 – 15 June, 2015.

3 Meeting of the Committee for Environmental Protection –

3.1 Strategic Discussions on the Future Work of the CEP

Environments Portal

One major topic of discussion was the Antarctic Environments Portal. WP 21 Antarctic Environments Portal: Project completion and next steps, was presented by Australia, Belgium, New Zealand, Norway, and SCAR. The Portal has now been completed. The CEP agreed to support the Portal and acknowledged that it could be used in decisionmaking. This is an important step because the Portal has generated some controversy, particularly from South American countries concerned that the information provided on the Portal would be biased and would not be reviewed by a diverse group of experts. The CEP also supported a
resolution commending the Portal, and the ATCM subsequently agreed Resolution 3 on the Portal. Norway hosted a reception celebrating the Portal as well.

25th Anniversary of the Environment Protocol

Discussions on the 25th anniversary of the Environment Protocol began at the previous ATCM, and were continued at this ATCM. Norway introduced WP 44 *A symposium celebrating the 25th anniversary of the Environmental Protocol to the Antarctic Treaty*, jointly prepared with Australia, Chile, France, New Zealand, and United Kingdom to start off the discussion. There was strong support for an event to commemorate the occasion, but there was not a clear agreement about how such an event should be structured. The language of the WP was very measured, and some Parties emphasized that any event should not be purely celebratory, but should look at future challenges as well. Another point of discussion was the extent to which the symposium should be externally focused, with many supportive of ensuring that the symposium engaged outside experts. The main aspect of the symposium that was agreed was that it should be one day long and should take place in conjunction with ATCM XXXIX, but the date was not fixed. To advance the development of the actual program, the CEP recommended the establishment of a steering committee made up of the paper co-sponsors and any other interested Members. Additionally, an ICG was established to develop a publication on the Protocol.

The ATCM subsequently established an ICG to act as the Steering Committee for the symposium. Though there is clearly support for a robust symposium, much intersessional work must be done to ensure this outcome.

3.2 Annex I – Environmental Impact Assessment (EIA)

No draft CEEs or IEEs were introduced at the meeting. However Italy submitted WP 30 *Towards the submission of a Draft Comprehensive Environmental Evaluation for the construction and operation of a gravel runway in the area of Mario Zucchelli Station, Victoria Land, Antarctica*. There are several concerns about the possible construction of this runway, which were raised during the CEP and on the margins by ASOC. The main concern is that the runway could facilitate an increase in human activities and footprint in the region, including tourism.

Australia and the UK presented WP 13 *Initial report of the intersessional contact group established to review the Guidelines for Environmental Impact Assessment in Antarctica*, in which ASOC participated actively. The ICG has been proceeding well, but still has another year of work before making final recommendations. Some key areas of agreement from the ICG concerning areas that should be updated in the EIA guidelines were:

- taking an holistic approach to defining the scope of the proposed activity;
- considering a range of alternatives to the proposed activity, and describing the factors considered when assessing alternatives;
- considering opportunities for international cooperation, where appropriate;
- considering all elements of the environment when describing the initial environmental reference state;
- clearly identifying the methods and criteria used to assess the significance of predicted impacts;
- considering the decommissioning phase of a proposed activity, where appropriate;
ensuring that mitigations measures consider in detail, where appropriate:
arrangements for fuel storage handling and spill response; measures to prevent the
introduction and transfer of non-native species; use of renewable energy systems;
opportunities to minimise ‘footprint’; waste management arrangements;

considering how climate change may affect proposed activities and their associated
environmental impacts.

Unmanned or Unpersonned Aerial Vehicles (UAVs) or Remotely Piloted Aircraft

There was a robust discussion on UAVs this year, with papers presented by IAATO,
COMNAP, SCAR, the United States, South Africa, and Poland on UAVs. IAATO has
decided to prohibit UAV use in coastal areas, but allow it in deep field areas if authorized by an ATP.
SCAR had some preliminary suggestions on how to avoid disturbing wildlife when using
UAVs.

The need to regularly review approach distances and management based on best available
knowledge was suggested. Generally the CEP recognized the utility of UAVs in scientific
research, but acknowledged the need for guidelines for their use to avoid safety or
environmental risks. This is to be discussed further at the next CEP. Though the issue is one
that should be discussed, it is possible that this issue could overshadow more substantive
discussions about tourism, human footprint, etc.

ASOC also presented its IP 111 on cumulative impacts under this agenda item, and received
positive comments.

3.3 Annex II – Conservation of Antarctic Flora and Fauna

Quarantine and Non-native Species

Several WPs and IPs were presented on the issue of non-native species. The issue is
considered to have the highest priority in the CEP’s Five-Year Workplan. The main outcome
was the establishment of an ICG to review the CEP’s Non-Native Species Manual, which was
last updated in 2011.

Other Annex II Matters

SCAR presented WP 27 Wildlife Approach Distances in Antarctica, which made a number of
recommendations to ensure that human activities do not disturb Antarctic wildlife, and noted
that current guidelines might not be sufficient. The CEP supported the paper’s
recommendations, and urged ATCPs to continue conducting research in this area, and to
implement a precautionary approach. Australia, New Zealand, Norway, the United Kingdom
and the United States, presented WP 40 reporting a recently completed analysis, by Birdlife
International, of Important Bird Areas (IBAs) on land in Antarctica. Marine IBAs are yet to be
defined. The CEP recognised the value of the IBAs report and advised the Meeting to adopt a
resolution. The ATCM adopted then Resolution D (2015) Important Bird Areas in Antarctica.

A large proportion of the IBAs identified are not protected as ASMAs or ASPAs.

3.4 Annex V – Protected Areas (including Marine Protected Areas)

The CEP considered papers that presented 17 revised ASPA management plans and one
revised ASMA management plan.

Five revised draft ASPA management plans that were due for adoption in 2015 will be revised
intersessionally prior to the next ATCM/CEP, as the proposing Party (Chile) had not presented
information to enable the review. It would be noted that several of these areas have (very small) marine components, and are unique among ASPAs in not being designated for an indefinite period. A reviewed ASMA for the Dry Valleys was adopted, without increasing the number of tourist sites from one to 11.

There were also discussions concerning the protection of geothermal areas, and fossil areas. The draft Geothermal Code of Conduct has been discussed intersessionally and is referred to CEP XIX for approval.

The SGMP will initiate work to develop guidance on determining whether an area should be designated as an ASMA.

The discussion over the proposed Chinese ASMA in Dome A continued. This was the fifth time that the proposal had been discussed (it had been discussed twice intersessionally in 2013-14 and 2014-15, in an informal contact group, and also at CEP meetings in 2013 and 2014). Usually ASMAs are shared by two or more Parties or has potential science-tourism conflicts while China is the only sponsor. China took a lack of participation in the discussions as a sign of approval and asked that the ASMA be adopted. Eventually Germany stated that it disagreed with the proposal. The proposal will be discussed intersessionally again, in another informal contact group.

Two HSMs were adopted (a Bulgarian hut from the 1980s, and a Soviet tractor from the late 1950s that had been in use until 2010); there were questions as to why would not these features be protected in their countries of origin where more people could see them, rather than in Antarctica. Norway proposed to initiate further discussion on the designation of Historic Sites and Monuments, in the broader sense, including considering alternatives for in situ preservation of historical values, and guidance on the issue of potential conflicts between the provisions of Annexes III and V to the Protocol. ASOC supported this point and noted that it was not always clear which Annex should apply in the handling of remains from past activities. The CEP agreed to put on hold the designation of further HSMs until the development of guidance criteria to be co-ordinated by Norway.

The CEP supported the main outcomes presented in a report by Belgium on the ICG on “outstanding values” in the marine environment under Annex V of the Protocol, and had established a further ICG, to be led by Belgium, to continue discussion on these matters.

Two of the conclusions of this ICG which seem to be important for the protection of the marine ecosystem are the following:

1. We encourage Parties and CEP to consider outstanding values of the marine environment under Annex V of the Protocol when proposing new ASPAs or revising existing one and to make use of the 2000 Guidelines.

2. We consider that the CEP’s efforts to advance the objectives and provisions of Annex V are separate but complementary to the on-going work by CCAMLR to consider the designation of MPAs.

Contrary to the previous two meetings in which this topic had been discussed, there were no substantive objections, and the TOR for the ICG were agreed smoothly. ASOC has been very involved in this work, and this will continue during 2015-2016.

A proposal by Norway to establish a non-mandatory preliminary assessment procedure for ASPA and ASMA proposals was accepted by the CEP. These guidelines, which were
discussed intersessionally prior to this ATCM, will be used for future proposals but not for
ASMA and ASPAs that have already been proposed (for example China’s ASMA proposal).
ASOC noted that such prior assessment process may be a useful contribution to a more
strategic approach in the development of a representative network of protected areas as long
as this does not discourage the submission of draft management plans.

ASOC presented IP 109 Antarctic Tourism and Protected Areas at the CEP, referring to the
connection between area protection and tourism regulation, also discussed in the tourism
section.

ASOC also presented IP 112 Expanding Antarctica’s Protected Areas System, which
highlighted the importance of strengthening the protected areas system, given the exposure of
the changing Antarctic environment to threats such as invasive species. It recommended that
the Committee critically review the scope of ASPA coverage in Antarctica and initiate an
integrated, region-wide planning process that enacted the obligations set out in Article 3 of
Annex V to the Protocol.

Both papers were well received.

There were also discussions concerning the protection of geothermal areas, and fossil areas.

3.5 Five-year Work Plan
The CEP added items to the Five-Year Work Plan, mostly for 2016 but a few for 2017.

4 Multi-Year Strategic Work Plan
The multi-year strategic workplan was first proposed in Baltimore (XXXIII) as a practical tool
for improving how the meeting addresses important issues in a systematic and constructive
way. There were several concerns particularly from Latin American countries. It was finally
accepted in Hobart 2012 via Decision 3 (2012), and first populated at the Belgium 2013
meeting.

This year indicated that the plan is starting to be embedded without a huge amount of work
from the original proponents. There were several references to the plan throughout
discussions and a number of proposals were added against the plan. The main issue
appeared to be new Chairs of working groups being unfamiliar with this particular tool.

5 Climate Change Issues
The publication of the Antarctic Climate Change and the Environment (ACCE) report (SCAR
2009), the 2009 UNFCCC Conference of Parties in Copenhagen, Denmark and the 2010
Antarctic Treaty Meeting of Experts on Climate Change in Svolvaer, Norway accelerated and
elevated conversations on climate change at the ATCM for several years.

This year’s ATCM showed a marked downtrending of interest and support in climate change
issues, a distinct disappointment in light of some hopeful gestures toward a binding climate
treaty later this year at UNFCCC’s COP 21 in Paris. One explanation for the extreme caution
exhibited at this year’s ATCM is that some government climate negotiators have requested
that no other international body make any sort of climate agreement outside of the most
general and rhetorical. That is, some governments are sensitive and territorial about global
climate negotiations and have asked the Antarctic Treaty delegates to remain mute on the
issue. If that is the case, these Parties succeeded. From ASOC’s perspective, this ATCM
spent considerable time on the subject of climate change with very little to show in terms of substance. SCAR’s great presentation on ocean acidification was all but ignored in the later discussion with several countries raising skeptical positions on climate change.

At the XXXV ATCM in Belgium (2013), a concurrent workshop was held to create a Multiyear Strategic Workplan on Climate Change. This workplan has been discussed in an intersessional contact group for the past two years. The workplan has a new name: the Climate Change Response Work Programme. Recommendations from the 2010 ATME on Climate Change are mapped out in this document, with some items being slated for work priority. It is a living document and therefore will continue to be edited. While this is a slow-moving project, it nonetheless focuses some work and attention to climate change and gives interested Parties a way to focus their papers in a useful way. The ATCM welcomed the advice of the CEP to organize a CEP/SC-CAMLR workshop, supporting to undertake collaborative long-term monitoring of change in the Antarctic environment. CEP scientists are committed to coordinating and supporting the research in the area of climate change.

ASOC submitted two papers related this climate change this year. IP110, Climate Change 2015: A Report Card, assesses current and future climate science and its environmental implications in several key areas, including glaciers and ice sheets, sea ice, temperature, ocean acidification, Antarctic species, and—new this year—blue carbon. ASOC created an infographic summarizing some of the key findings, underscoring our intent for this IP to be used for public outreach and education.

IP114, The Antarctic Treaty System, Climate Change and Strengthened Scientific Interface with Relevant Bodies of the United Nations Framework Convention on Climate Change (UNFCCC), spoke about potential intersections between the ATS and UNFCCC.

Many of the ideas of IP114 were echoed in WP16, submitted by Norway and the United Kingdom. This WP included a draft resolution relating to supporting Antarctic climate science and its environmental implications. While the resolution received broad general support, several Parties suggested substantial edits. These deletions from the preamble weakened the text from its original version, but the resolution still did call for support of the UNFCCC process and continued coordination of national Antarctic programs.

RACER trial result

WWF’s RACER (Rapid Assessment of Circum-Arctic Ecosystem Resilience) is a conservation planning tool that was developed to identify areas of conservation importance on the basis of their predicted resilience to climate change. Such areas of exceptional biodiversity and resilience are important as future wellsprings of biodiversity for the wider ecoregion in a climate-altered future.

Originally developed for the Arctic, the UK and the Czech Republic applied WWF’s RACER to James Ross Island, following a wider trial of the methodology covering the Antarctic Peninsula region last year. The CEP endorsed the RACER assessment and the proposal to develop a multi-site terrestrial ASPA for Ulu Peninsula, James Ross Island, based on resilience criteria. This is particularly significant as it is the largest area of ice-free ground in the peninsula region (the most rapidly warming place in the southern hemisphere) yet is currently not represented the Antarctic protected area system. For ASOC, the designation of protected areas to promote climate resilience is a critical task for the ATCM, so this application of the RACER tool was an important step as the UK and Czech Republic plan to use it to develop ASPA proposals.
6 Tourism Issues

Tourism was discussed at a one-day Special Working Group of Competent Authorities, and at the moribund Tourism Working Group (to be replaced from 2016 by a resuscitated Working Group 2 with responsibility for operations, science and tourism).

As a whole the discussion at the SWGCA and TWG was not substantial, with the SWGCA being slightly more interesting. With the exception of on future strategic discussions based on WP 24, much of the discussion was not on mainstream tourism per se, but on less common practices including forum shopping and yachts. It is however unclear how much of a problem these practices really are.

Special Working Group of Competent Authorities

This work followed up on an earlier WG organised by Germany and The Netherlands in Berlin in 2006, which took place independently from the ATCM and focused on implementation of the Protocol. The 2015 SWG focused on the experiences of CAs on tourism issues. The idea was to share experiences and report focus on issues and potential actions/way forward. Also, the idea was not to report interventions but the general jest of the discussions.

A list of topics was distributed prior to the meeting, and 13 Parties provided detailed information about their tourism process.

The meeting started with an opening by IAATO. Of note were the following points:

- IAATO deals with 56 operators, 14 competent authorities.
- IAATO does not duplicate or comment on CA processes, but supports the standardisation of operating procedures and assists in the development of best practice
- IAATO also noted difference between operators and contractors. Operators have legal responsibilities for the expedition, while contractors are service providers, planning advise and support and need to set limitations in services and responsibilities.
- IAATO noted the similarities and differences in CAs approaches. There are for instance variations in EIA requirements - some CAs require IEEs, other PEEs. The level of detail required for activities varies, as does the timeline - the length of time authorisation is valid 1-5 seasons; deadline for application of authorisations up to six months in advance to short notice.

Regarding forum shopping, a much maligned practice, IAATO said that different countries had different approaches to permit operators and that this affected business decisions, specially in the starting up phase. Therefore forum shopping was inevitable. IAATO considered that forum shopping was negative if operators were denied by one Party but succeed elsewhere, but positive when it involved operators from non-Treaty parties that would be otherwise outside the regulatory loop, or when operators choose countries with higher environmental standards to process their application. The solution was to encourage communications between all relevant parties and stakeholders and try to minimise negative forum shopping.

In an intervention ASOC questioned if there could be strategic approach to tourism when many tourism developments and specific activities are discussed between operators and individual CAs. There were issues of collective responsibility that CAs needed to address,
including:

1. Issues to do with the abuse of the system - rogue operators, forum shopping, etc., while also taking stock of the extent of non-permitted activity including commercial tourism and non-commercial NGOs and to ascertain if this really was a substantial problem or just a relatively minor if irritating problem?

2. Issues to do with the conduct of permitted tourism such as cumulative impacts as required by Art. 3 of the Protocol (Art 3 2 c ii), the establishment of new tourism sites, and the diversification of tourism.

Since forum shopping was inevitable the meeting highlighted the need to encourage communications between competent authorities, including through the EIEs, particularly when an application had been denied or when an unusual activity was proposed. A practical approach would be a targeted use of EIEs that provides more information on individual expeditions, an approach proposed by NO, UK, AR and others and adopted as a conclusion for the report, and greater contact between CAs (in various ways further detailed in the SWGCA report, which is part of the official ATCM report). Of note was an expressed desire to bring. Measure 4 (2004) on insurance and contingency plans for tourism and NGO activity into force, currently being held by 13 Parties including major players Norway, Russia and USA.

**Tourism Working Group**

The Working Group on Tourism and Non-Governmental Activities in the Antarctic Treaty Area (TWG) met for two days spread over three days.

The most significant paper was WP 24 Adopting a Strategic Approach to Environmentally Managed Tourism and non-governmental activities in Antarctica, jointly prepared by the United Kingdom, Norway, and the Netherlands. The proponents encouraged the Meeting to adopt a forward thinking, proactive approach to the management of tourism and non-governmental activities in Antarctica, with a view to drafting a work programme to develop a strategic vision for the management of tourism.

ASOC intervened to refer to the limited progress made on tourism regulation (with some progress made with the adoption of Resolution 7 (2009)) and said that it was time to move from strategic thinking on tourism to strategic action. The TWG agreed to run an ICG on Working towards Developing a Strategic Approach to Environmentally Managed Tourism and non-governmental Activities in Antarctica which would report back to ATCM XXXIX. The TOR involve a revision of prior discussions (which had themselves been inconclusive, albeit with some useful recommendations). The Secretariat will prepare a review of this information to enable discussion to begin in September 2015. It is expected that this ICG will last for two years.

India presented IP 104 rev.1 Towards a Comprehensive, Proactive and Effective Antarctic Tourism Policy: Turning Recommendations into Action, which was a thoughtful analysis of the failure of developing a tourism policy with any substance. ASOC reminded Parties that some of the actions identified in the paper were not yet enforced. For example Recommendation XVIII-1 was not yet in force with one Consultative Party (Ecuador, which was not mentioned in ASOC’s intervention) yet to ratify it. In private, Ecuadorian officials did not seem to be aware that Ecuador was holding the entry into force of this Recommendation.
The Russian Federation introduced WP 32 *On possibilities of monitoring adventure tourism and non-governmental expeditions in the Antarctic*, noting the inconsistency in permit requirements between different Parties, and with respect to non-Parties.

Some reference was made to the Polar Code and follow up work to report on non-SOLAS vessels, of which some Parties were supportive.

As usual, yachting was a major topic of discussion. Previous surveys have shown that the vast majority of yachts operating in Antarctica are either IAATO members or otherwise authorised vessels operating outside IAATO. Of the latter group, about half travel fairly regularly to the Antarctic carrying tourists. There are have been some problems with some yachts that travelled without a permit (the drunken sailors event at Wordie House some years ago; the sinking of a Norwegian yacht in the Ross Sea; and recently an unpermitted yacht that refused an inspection) but as a whole yacht activity does not seem to be a huge problem. However, several Parties insisted that the presence of unauthorised yachts in Antarctica was a growing concern.

ASOC presented IP 109 *Antarctic Tourism and Protected Areas*, which elaborated on the Antarctic tourism dynamics and recommended that Parties consider strategically using ASPAs and ASMAs to regulate current and potential future tourism. The paper was supported by NL, NZ and the UK. IAATO also made supportive statements. FR noted that it had proposed to use ASTIs (Areas of Special Tourism Interest, an instrument adopted by the ATCM in 1975; no ASTIs were ever designated and the Recommendation is no longer current; FR tried to resuscitate the concept in the 2000s but did not succeed).

IAATO presented IP 86 *IAATO Guidelines for Sea Kayaking and Underwater activities*. While the guidelines are welcome, they are quite generic, and the activities have been taken place for years. This has followed the usual pattern of clearing the activities, which first appear seemingly out of nowhere and are listed in passing in IAATO reports, then become quite mainstream, and then any actual or perceived problems are resolved by the industry adopting guidelines. Parties do not intervene, other than in processing these activities as part of the EIAs submitted by IAATO member companies.

IAATO presented an overview of Antarctic Tourism in the 2014/15 season, noting that there had been no apparent major changes between this season and the previous one (36,702 persons and 37,405 persons, respectively), although they expected passenger numbers to increase to approximately 40,029 individuals, on account of two new 200-person passenger vessels and an increase in air-cruise departures (which was a matter of concern for some Parties). The information showed that in the last two years IAATO was under-estimating the number of tourists. There was also less data than previous years on tourist activity and also on it is unclear what is happening at most sites visited by tourists.

Some Parties questioned IAATO regarding its future plans for refuelling vessels and bunkering of fuel and supplies in relation to this increase. IAATO indicated that none of its operators refuelled in the Antarctic nor bunkered fuel or supplies. It noted that none of its operators had expressed a desire to change current practice in this regard. However, private discussions UK officials suggested that this was a concrete possibility, linked in part to port developments by Chile in Fildes Peninsula, and that some Parties (the US for instance) were not opposed in principle to tourism vessels refuelling as already fishing vessels were allowed to refuel in the Antarctic.
As requested by ASOC about an increase in the number of tourism field camps with respect to the previous year, on account of additional operators listed in IAATO's report, and the operational locations of White Desert and Arctic Trucks, IAATO clarified that no new field camps had been established as Arctic Trucks was a contractor rather than an operator. There is some lack of clarity about these operations at least in the public domain (e.g. White Desert's website does not provide information concerning the location of its camp), although UK officials assured in the meeting and in private that they had information about these activities.

### 7 Shipping Issues

ASOC's IP 113 advocating a range of actions by ATCPs, including support for Step 2 of the Polar Code, was well-received. France made a very positive intervention saying that the paper was "perfectly aligned" with the French participation in the Polar Code and they have already submitted some information. They stated that it was important to provide more information to the IMO on these issues. NZ echoed the French comments and urged ATPs to support step 2. The US also thanked ASOC and noted that they were providing a paper to IMO. Originally, the suggested report language concerning this intervention would have indicated support of Parties for Step 2, but Argentina changed that to some Parties. While this is a less than ideal result, at least there is some official record of ATPs supporting Step 2.

### 8 Other Issues

#### 10.1 SCAR Lecture

The SCAR Lecture this year was titled "Southern Ocean Acidification". It gave a sobering overview of the potentially dramatic impacts ocean acidification could have on the Southern Ocean. The lecture was given by Richard Bellerby, Norwegian Institute for Water Research, Bergen, Norway and State Key Laboratory for Estuarine and Coastal Research, East China Normal University, China on behalf of the SCAR Action Group on Ocean Acidification.

In his presentation Dr. Bellerby noted the importance of MPAs as research tools to address climate change issues including ocean acidification. His presentation will eventually be available on the SCAR website (www.scar.org).

#### 10.2 Pew/AOA/ASOC event

Pew, AOA and ASOC hosted an event on the Thursday night of the first week of the ATCM. The meeting invited attendees to take the Penguin Plunge and showed a short video about CCAMLR that drew many positive comments. There were a couple of competing events the same night, but attendance was still good.

#### 10.3 Structure of Future meetings

There has been concern from a number of countries on the slow response of the ATCM to CEP recommendations and the mis-aligning of the CEP and ATCM agenda at the meeting. This year the CEP was discussion UAV/RPA occurred at the same time as the Operations WG discussion, even though Operations was supposed to receive the CEP advice. There was much discussion by heads of delegations and several countries wanted a two day gap between the start of the CEP and the ATCM. The meeting finally agreed to some small changes – whereby at the China ATCM the CEP will start a day earlier and the fill meeting will go on for an extra day. This agreement will help to improve the functioning of ATCM meeting and may assist in faster decisionmaking.
10.4 Liability
There was little progress on getting the liability annex into force and developing a process for unfinished liability negotiations. A decision on this unfinished process was put back to a decision at the 2020 ATCM. Ratifications are moving towards 50% of parties that need to ratify the annex so that may finally add to the urgency for further discussion.

10.5 Fossils and Rocks
Argentina raised the issue of potential loss of fossils for commercial reasons. Concern expressed over collection of fossils for commercial sale and that collection of fossils and other geological material should be only collected for scientific research. It was agreed to seek advice from SCAR and IAATO for future meeting.

10.6 Inspection Reports
There were a number of inspection reports presented to the meeting. How well these reports and their recommendations are followed up is unclear. Several members and ASOC requested report action by countries on responding to inspection recommendations.
## Appendix 1 – Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ASMA</td>
<td>Antarctic Specially Managed Area</td>
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<td>ASOC</td>
<td>Antarctic and Southern Ocean Coalition <a href="http://www.asoc.org/">http://www.asoc.org/</a></td>
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<tr>
<td>ASMA</td>
<td>Antarctic Specially Managed Area</td>
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<tr>
<td>ASPA</td>
<td>Antarctic Specially Protected Area</td>
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<tr>
<td>ATCM</td>
<td>Antarctic Treaty Consultative Meeting</td>
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<tr>
<td>ATCP</td>
<td>Antarctic Treaty Consultative Party</td>
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<tr>
<td>ATS</td>
<td>Antarctic Treaty System</td>
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<tr>
<td>COMMISSION</td>
<td>Commission for CCAMLR</td>
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<tr>
<td>CEE</td>
<td>Comprehensive Environmental Evaluation</td>
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<tr>
<td>CEP</td>
<td>Committee for Environmental Protection (of the ATCM) <a href="http://www.cep.aq/">http://www.cep.aq/</a></td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<tr>
<td>IAATO</td>
<td>International Association of Antarctica Tour Operators <a href="http://www.iaato.org">http://www.iaato.org</a></td>
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<tr>
<td>ICG</td>
<td>Intersessional Contact Group</td>
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<tr>
<td>IEE</td>
<td>Initial Environmental Evaluation</td>
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<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
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<tr>
<td>IP</td>
<td>Information Paper presented to either the ATCM or CCAMLR</td>
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<tr>
<td>IPY</td>
<td>International Polar Year</td>
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<tr>
<td>IUCN</td>
<td>World Conservation Union (formerly International Union for Conservation of Nature) <a href="http://www.iucn.org">http://www.iucn.org</a></td>
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<td>IWC</td>
<td>International Whaling Commission</td>
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<tr>
<td>MARPOL</td>
<td>International Convention for the Prevention of Pollution from Ships</td>
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<td>MEPC</td>
<td>Marine Environment Protection Committee (of IMO)</td>
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<td>MSC</td>
<td>Maritime Safety Committee (of IMO)</td>
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<tr>
<td>NAP</td>
<td>(National Antarctic Programs)</td>
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<td>SGMP</td>
<td>Subsidiary Group on Management Plans (of CEP)</td>
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<tr>
<td>WG</td>
<td>Working Group (currently Legal and Institutional, Operations, and Tourism)</td>
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<tr>
<td>WP</td>
<td>Working Paper</td>
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## Appendix 2 – List of documents submitted by ASOC to ATCM XXXVIII<sup>11</sup>

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Abstract</th>
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<tbody>
<tr>
<td>IP 109</td>
<td>Antarctic Tourism and Protected Areas</td>
<td>There is a clear connection between area protection and tourism regulation in Antarctica, even though this connection has not been used to its full extent to regulate tourism. This document discusses the interface between protected areas, in a broad sense, and the regulation and management of tourism. It also discusses how area protection may be used with respect to potential vectors of tourism expansion, particularly the use of airstrips and dedicated land based tourism facilities. Overall, tourism dynamics and current tourism developments suggest that tourism regulation should be examined from a regional focus. This would require “zooming out” spatial management instruments rather than solely “zooming in” into specific sites managed by guidelines. Recognising the dynamic of Antarctic tourism, ASOC recommend that Parties consider using strategically ASPAs and ASMAs to regulate current and potential future tourism, and makes specific recommendations detailed in the document.</td>
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<td>IP 110</td>
<td>Climate Change 2015: A Report Card</td>
<td>ASOC annually composes a climate change report card to present a summary of up-to-date scientific findings about current and future climate change in the Antarctic. In it, we reviewed environmental changes including temperature, ice sheets and glaciers, sea ice, ocean acidification, and species impacts. This year, we introduce a new category of “blue carbon” reflecting the uptake of carbon by krill. Climate change in Antarctica is happening now—it is not a future event. This makes scientific research in Antarctic worthy of the highest support possible. However, climate change in Antarctica is not simply a matter of scientific understanding. If we want to protect the Antarctic and its ecosystems, the Antarctic Treaty Consultative Parties should seek solutions that enable, to the greatest possible extent, the adaptation of the Antarctic environment to climate changes on the continent and work to limit future climate change through international agreements.</td>
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<td>IP 111</td>
<td>Cumulative Impact Assessment</td>
<td>This paper briefly reviews some of the discussions on cumulative impact assessment based on relevant documents submitted to the ATCM/CEP, and takes an environmentally-focused approach to cumulative impact assessment to suggest further action by ATCPs and CEP. Recognising the conceptual progress on cumulative impacts made so far, and the ongoing discussions on guidelines for EIA that may include further consideration of cumulative impact assessment, ASOC recommends that Parties: review earlier recommendations on cumulative impact assessment documents listed here; complete the review of EIA guidelines so that it adequately considers cumulative impacts, taking into account early considerations as required; carry out some case studies of cumulative impacts at particular sites; and augment and improve the consideration of cumulative impacts in the implementation of Annex I.</td>
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<tr>
<td>IP 112</td>
<td>Expanding Antarctica's Protected Areas System</td>
<td>Article 3, Annex V of the Environment Protocol states that Parties shall create protected areas within a systematic framework. To date over 70 Antarctic Specially Protected Areas (ASPs) have been designated by the Antarctic Treaty System (ATS), but a recent analysis finds that these areas are not fulfilling the terms of the Protocol (Shaw et al. 2014). This paper discusses that analysis and recommends that ATCPs can remedy this situation by increasing the size and number of ASPs, with a focus on achieving representation of all known Antarctic Conservation Biogeographic Regions (ACBRs) and designating inviolate areas, wilderness areas, and areas of interest to science. This will increase and enhance the terrestrial protection of Antarctica in line with the Protocol and with other international recommendations.</td>
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<tr>
<td>IP 113</td>
<td>Next Steps for Vessel Management in the Southern Ocean</td>
<td>An International Code for Ships Operating in Polar Waters (Polar Code) focused on cruise vessels and cargo vessels of over 500GT is expected to be completed in May 2015, and to enter into force from 1 January 2017. Part 1 of the Code and related amendments to the International Convention for the Safety of Life at Sea (SOLAS) were adopted in November 2014, while Part 2 of the Code, focusing on pollution prevention, is expected to be adopted along with amendments to the International Convention on the Prevention of Pollution from Ships (MARPOL) Convention in May 2015. This paper summarises a few new requirements of the Code and highlights some areas which ASOC believes should receive further consideration during Step 2 of work on the Polar Code. Step 2 of the work is focused on vessels such as fishing vessels, private yachts, and cargo vessels under 500GT, and is due to commence in 2016. Ahead of the work commencing, information is being sought on the number of “non-SOLAS” ships operating in polar waters and reports of accidents and incidents including those requiring search and rescue interventions since 2010. ASOC urges the Antarctic Treaty Parties to formally assist Step 2 of the development of a mandatory Polar Code by contributing to the information gathering exercise through the provision of copies of relevant ATCM papers and reports to the IMO. While Step 2 of work on the Polar Code will focus on the non-SOLAS vessels, such as fishing vessels, vessels under 500GT and private craft, ASOC is hopeful that some existing provisions can also receive further consideration, in particular so-called Category C vessels and damage stability requirements and matters relevant to environmental protection of polar waters. ASOC welcomes the adoption of the</td>
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first mandatory Polar Code to improve the management of vessels operating in the polar waters, and urges full participation by ATPs in Step 2 of work to complete consideration of the requirements of non-SOLAS vessels.

<table>
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<tr>
<th>IP 114</th>
<th>The Antarctic Treaty System, Climate Change, and Strengthened Scientific Interface with Relevant Bodies of the United Nations Framework Convention on Climate Change (UNFCCC)</th>
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<td></td>
<td>The Antarctic – in its scientific research of climate changes occurring in the region, including documentation of the first significant impacts of climate change, and increasing evidence that those changes will impact the entire globe, for example through sea-level rise and changes in ocean circulation patterns – figures broadly in our global understanding of anthropogenic climate change. As such, the Antarctic Treaty System has an important role to play in promoting the relevance of climate-related Antarctic research to the climate change community, including the United Nations Framework Convention on Climate Change (UNFCCC), in accordance with the intent of Art. III of the Antarctic Treaty, particularly Art III (1)(c) and Art. III (2), as well as Art. II(3)(c) of CCAMLR. ASOC urges better realization of this role for the ATCM and its scientific bodies, most notably the CEP and SCAR. This could be similar to the regular input by the relevant Arctic Council working groups in updating climate-relevant research to the broader climate community. ASOC also urges the ATCM to take all possible actions to address climate change in the Antarctic region, including through focused dialogue with CCAMLR.</td>
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Appendix 3 – Main intersessional discussions relevant to ASOC

- Norway and the United Kingdom to continue to lead the ICG on developing a Climate Change Response Work Plan, with a view to completing the work against the ICG terms of reference.
- Dr Penhale (United States) to coordinate informal intersessional discussions to further develop the scope / terms of reference for a possible second joint CEP/SC-CAMLR workshop. Members to consult with their respective SC-CAMLR representatives to prepare for discussion of this issue at SC-CAMLR XXXIII.
- Members to encourage further collaboration among interested experts to investigate the applicability of the Rapid Assessment of Circum-Arctic Ecosystem Resilience (RACER) methodology in Antarctica.
- All Members to prepare for in-depth discussions on unmanned aerial vehicles (UAVs) at CEP XVIII. The following to be prepared for CEP XVIII: reports by SCAR and COMNAP on the utility and risks of UAV operation in Antarctica; paper by IAATO on its experience and current practices relating to UAVs; papers referring to Members’ experiences.
- United States to conduct informal intersessional consultations with interested Members to discuss further the issue of coastal camping activities conducted by non-governmental activities, and how best to proceed.
- Australia and the United Kingdom to lead an ICG to review the EIA Guidelines.
- France, Belgium and interested Members to continue reflecting on matters relating to the level of environmental impact assessment conducted for activities.
- Subsidiary Group on Management Plans (SGMP) to continue its intersessional review of the management plans for Antarctic Specially Protected Area (ASPA) 144 Chile Bay, ASPA 145 Port Foster and ASPA 146 South Bay, and to conduct an intersessional review of ASPA 125 Fildes Peninsula and ASPA 150 Ardley Island.
- SGMP to conduct work under its terms of reference 4 & 5, as outlined in the work plan agreed by CEP XVIII, including initiating work to develop guidance for preparing and reviewing ASMA management plans, inter alia by developing a work plan for the process.
- China to lead further informal intersessional discussions on its proposal to designate a new Antarctic Specially Managed Area (ASMA) at Kunlun station, Dome A.
- United Kingdom to keep coordinating an informal process to seek and collate information on National Operators’ use of site guidelines.
- Members to consider guidance regarding wilderness values when participating in the ICG to review the EIA Guidelines.
- Belgium to lead ICG to discuss “outstanding values” in the Antarctic marine environment.
- Norway to lead informal intersessional discussions on the need for and development of procedures concerning ASPA and ASMA designation.
- Argentina to consider comments raised at CEP XVII regarding the protection of Antarctic fossils, to consult with interested Members and, as appropriate, to develop a new Working Paper for CEP XVIII.
- Members to consider how to accommodate monitoring issues in a future review of the Guide to the Preparation of Management Plans for Antarctic Specially Protected Areas.
- Prepare for review of Non-Native Species Manual. Consider informal discussion group/
- Interested Members to continue with work planned by New Zealand, Australia, Norway, the United Kingdom and the United States to develop a new methodology to analyse site sensitivities.