

**Final Report of the Thirty-first  
Antarctic Treaty Consultative Meeting**



ANTARCTIC TREATY  
CONSULTATIVE MEETING

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of the Thirty-first  
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Consultative Meeting**

Kyiv, Ukraine  
2–13 June 2008

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## ACRONYMS AND ABBREVIATIONS

<b>ACAP</b>	Agreement on the Conservation of Albatrosses and Petrels
<b>ASMA</b>	Antarctic Specially Managed Area
<b>ASOC</b>	Antarctic and Southern Ocean Coalition
<b>ASPA</b>	Antarctic Specially Protected Area
<b>ATS</b>	Antarctic Treaty System or Antarctic Treaty Secretariat
<b>ATCM</b>	Antarctic Treaty Consultative Meeting
<b>ATCP</b>	Antarctic Treaty Consultative Party
<b>CAML</b>	Census of Antarctic Marine Life
<b>CCAMLR</b>	Convention on the Conservation of Antarctic Marine Living Resources or Commission for the Conservation of Antarctic Marine Living Resources
<b>CCAS</b>	Convention for the Conservation of Antarctic Seals
<b>CEE</b>	Comprehensive Environmental Evaluation
<b>CEP</b>	Committee for Environmental Protection
<b>COMNAP</b>	Council of Managers of National Antarctic Programmes
<b>EIA</b>	Environmental Impact Assessment
<b>HCA</b>	Hydrographic Commission on Antarctica
<b>HSM</b>	Historic Site and Monument
<b>IAATO</b>	International Association of Antarctica Tour Operators
<b>ICG</b>	Intersessional Contact Group
<b>ICSU</b>	International Council for Science
<b>IEE</b>	Initial Environmental Evaluation
<b>IHO</b>	International Hydrographic Organization
<b>IMO</b>	International Maritime Organization
<b>IOC</b>	Intergovernmental Oceanographic Commission
<b>IP</b>	Information Paper
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>IPY</b>	International Polar Year
<b>IPY-IPO</b>	IPY Programme Office
<b>IUCN</b>	International Union for Conservation of Nature and Natural Resources – The World Conservation Union
<b>IUU</b>	Illegal, Unregulated and Unreported fishing
<b>RFMO</b>	Regional Fishery Management Organisation
<b>SATCM</b>	Special Antarctic Treaty Consultative Meeting
<b>SCALOP</b>	Standing Committee for Antarctic Logistics and Operations
<b>SCAR</b>	Scientific Committee on Antarctic Research
<b>SC-CCAMLR</b>	Scientific Committee of CCAMLR
<b>SPA</b>	Specially Protected Area
<b>SSSI</b>	Site of Special Scientific Interest
<b>UNEP</b>	United Nations Environment Programme
<b>WG</b>	Working Group
<b>WMO</b>	World Meteorological Organization
<b>WP</b>	Working Paper
<b>WTO</b>	World Tourism Organization



**PART I**

**FINAL REPORT**



**Final Report of the Thirty-first  
Antarctic Treaty Consultative Meeting  
Kyiv, Ukraine, 2–13 June 2008**

- (1) Pursuant to Article IX of the Antarctic Treaty, Representatives of the Consultative Parties (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 of Great Britain and Northern Ireland, the United States of America and Uruguay) met in Kyiv from 2 to 13 June 2008, for the purpose of exchanging information, holding consultations, and considering and recommending to their Governments measures in furtherance of the principles and objectives of the Treaty.
- (2) The Meeting was also attended by delegations from the following Contracting Parties to the Antarctic Treaty which are not Consultative Parties: Austria, Belarus, Canada, Colombia, the Czech Republic, Denmark, Greece, Monaco, Romania, Switzerland and Venezuela. A delegation from Malaysia was present by invitation of ATCM XXX to observe the Meeting.
- (3) In accordance with Rules 2 and 31 of the Rules of Procedure, Observers from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Scientific Committee on Antarctic Research (SCAR), and the Council of Managers of National Antarctic Programs (COMNAP) attended the Meeting.
- (4) In accordance with Rule 39 of the Rules of Procedure, Experts from the following international organizations and non-governmental organizations were invited to attend the Meeting: the Interim Secretariat of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Antarctic and Southern Ocean Coalition (ASOC), the International Association of Antarctica Tour Operators (IAATO), the International Hydrographic Organization (IHO), the International Maritime Organization (IMO), the Intergovernmental Oceanographic Commission (IOC), the International Programme Office for the International Polar Year (IPY-IPO), the International Union for the Conservation of Nature (IUCN), the World Tourism Organization (WTO), the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP).

- (5) The Host Country fulfilled its information requirements towards the Contracting Parties, Observers and Experts through Secretariat Circular Notes, letters and a website, which included both public and restricted areas.

### **Item 1: Opening of the Meeting**

- (6) In accordance with Rules 5 and 6 of the Rules of Procedure, Dr Valery Lytvynov, Director of the National Antarctic Center of Ukraine, opened the Meeting and proposed Professor Serhiy Komisarenko as Chair of ATCM XXXI. The proposal was accepted.
- (7) An opening address was given by the Vice Prime Minister of Ukraine, Grigoriy Nemyrya. The Meeting also heard welcoming messages from the Ukrainian wintering team at Vernadsky Station in Antarctica.
- (8) A welcome message from the President of Ukraine, Mr Victor Yushchenko, was read by the Chair. In the message, the President expressed his delight at having the opportunity to welcome the delegates to Ukraine. He stressed the importance of Antarctica as a unique wilderness reserve belonging to all of mankind and the duty to work together to study Antarctica and preserve its pristine nature for future generations. Antarctica had become a global research laboratory and through joint efforts of the countries this seemingly unfriendly land had become a region of true friendship, mutual understanding, and collaborative scientific endeavour among courageous representatives from many nations. The President pointed out the active part of Ukraine in international Antarctic studies and its commitment to the further development of such an important global research area. He emphasized that Ukraine stands for strict compliance with the Antarctic Treaty, and called for united efforts by all interested states in studying this severe but beautiful part of the planet. Mr Yushchenko looked forward to studies of Antarctica and its climatic and geological features that will show mankind how to address numerous environmental issues, enrich global science, and promote progress and security in human civilization. He wished all the delegates successful and creative work, inspiration and joy. The text of the message can be found in Annex D, page 391.
- (9) The Vice-Prime Minister of Ukraine, Grigoriy Nemyrya, made an opening address on behalf of the Ukrainian Government. He extended the Government's warmest welcome to the Representatives of the Parties to the Antarctic Treaty in the city of Kyiv. He recalled that Ukraine had joined the Treaty in 1992. The signing of the memorandum on the transfer of the British Base Faraday on Galíndez Island to Ukraine (London, 1996) had been a key milestone in Ukraine joining the international Antarctic community. The station is now named after Vladimir Vernadsky, the founder of the Ukrainian Academy of Sciences. The Vice Prime Minister recalled that since the establishment of Vernadsky Station, there have been 13 Ukrainian Antarctic expeditions. The station had hosted wintering teams and studies in many research areas during the summer season. The Vice-Prime Minister pointed out that Ukraine had signed long-term agreements, exchanged wintering personnel and scientists, and had developed a number of joint research programmes and logistic operations

with other nations active in Antarctica. He expressed the government's concern for Antarctica as the only virtually untouched part of the blue planet, where climatic conditions helped minimize the impact of human technological activities, and where present and future generations may still admire the exceptional beauty and purity of the first pages of the Earth's history. The Vice-Prime Minister also highlighted his Government's attention to issues such as the restriction and regulation of the use of natural resources in the Southern Ocean, as well as the management of environmentally sound tourism. He recalled that Ukrainian scientists had started 16 new projects within the framework of the Third International Polar Year and had recently begun modernizing station equipment, refurbishing research and engineering facilities, and developing expedition-based studies to cover not only the Argentine Islands area but also inland Antarctica. He pointed out the government's continuous efforts to establish the requisite national regulatory legal framework in support of Antarctic activities. The Ukrainian Supreme Rada had approved, in the first reading, a draft national Law on Antarctic Operations that would open up new opportunities for Ukrainian Antarctic researchers. Ukrainian IPY projects and the 31<sup>st</sup> ATCM had caused much interest in Ukrainian society, especially in the younger generation. The Vice-Prime Minister was confident that the delegates' work on the issues included in the agenda of ATCM XXXI would give a powerful impetus to strengthen international environmental cooperation and encourage the development of relevant international and national organizations. He wished the Meeting successful work and balanced and wise decisions to provide for the integrity of the unique Antarctic nature. The text of the message can be found in Annex D, page 393.

- (10) A welcome message from the Minister of Foreign Affairs of Ukraine, Mr Volodymyr Ogrzyzko, was read by the Chair. In the message, the Minister stressed the solid basis for international cooperation the Consultative Parties to the Antarctic Treaty had created in the previous century in this special area of the planet. The Antarctic Treaty had confirmed the wish of the international community to create a basis for the protection of both the vulnerable natural system of the continent and the adjacent waters. He saw the increase from twelve to forty-six Contracting Parties as evidence of understanding the importance of the Antarctic for humankind. The recognition of Ukraine's status as a Consultative Party in 2004 had enabled it to join fully in this global movement. The Minister stated that the Ukrainian research station "Academician Vernadsky" had been included in the 17 basic centres of the global climate change observing system of the World Meteorological Organization, which represented the recognition by the world community of Ukraine's capabilities and, at the same time, imposed certain international obligations on Ukraine. He recalled the serious efforts made by the countries participating in the Antarctic Treaty System, especially the Consultative Parties, concerning the preservation of the Antarctic continent and the creation of sixty-seven Antarctic Specially Protected Areas and six Antarctic Specially Managed Areas. He wished the delegates success in dealing with the numerous proposals concerning the establishment of new areas and revision of Management Plans of existing areas which had to be considered at the Kyiv Meeting. Finally, he expressed the hope that, apart from fruitful work, the delegates would have an opportunity to enjoy the Ukrainian hospitality, the cultural

achievements of the people and the unforgettable atmosphere of Kyiv. The text of the Minister's message can be found in Annex D, page 395.

- (11) The Ukrainian wintering team from Vernadsky Station sent their greetings to the delegates through a direct video link. The text of their message can be found in Annex D, page 397.

## **Item 2: Election of Officers and Creation of Working Groups**

- (12) Mr Evan Bloom, Representative of the United States (Host Country of ATCM XXXII) was elected Vice-Chair. In accordance with Rule 7 of the Rules of Procedure, Mr Jan Huber, Executive Secretary of the Antarctic Treaty Secretariat, acted as Secretary to the Meeting. Dr Valery Lytvynov, head of the Host Country Secretariat, acted as Deputy Secretary.
- (13) Three Working Groups were established:
- Working Group on Legal and Institutional Affairs;
  - Working Group on Tourism and Non-Governmental Activities;
  - Working Group on Operational Matters.
- (14) The following Chairs of the Working Groups were elected:
- Legal and Institutional Affairs Working Group: Dr Olav Orheim of Norway;
  - Tourism and Non-Governmental Activities Working Group: Mr Evan Bloom of the United States of America;
  - Operational Matters Working Group: Dr José Retamales of Chile.

## **Item 3: Adoption of the Agenda and Allocation of Items**

- (15) The following Agenda was adopted:
1. Opening of the Meeting
  2. Election of Officers and Creation of Working Groups
  3. Adoption of the Agenda and Allocation of Items
  4. Operation 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 2007-08
  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. Preparation of the 32<sup>nd</sup> Meeting
  19. Any Other Business
  20. Adoption of the Final Report
- (16) The Meeting adopted the following allocation of agenda items:
- Plenary: Items 1, 2, 3, 4, 7, 18, 19 and 20
  - Legal and Institutional Working Group: Items 5, 6, 8 and 17
  - Tourism and Non-Governmental Activities Working Group: Item 11
  - Operational Matters Working Group: Items 9, 10, 12, 13, 14, 15 and 16
- (17) The Meeting also decided to allocate draft instruments arising out of the work of the Committee for Environmental Protection to the Legal and Institutional Working Group for consideration of their legal and institutional aspects.

#### **Item 4: Operation of the Antarctic Treaty System: Reports by Parties, Observers and Experts**

- (18) Pursuant to Recommendation XIII-2, the Meeting received reports from: The United States in its capacity of Depository of the Antarctic Treaty and the Protocol, the United Kingdom in its capacity of Depository of the Convention for the Conservation of Antarctic Seals (CCAS); Australia in its capacity of Depository of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and Depository of the Agreement on the Conservation of Albatrosses and Petrels (ACAP); the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Council of Managers of National Antarctic Programs (COMNAP) and the Scientific Committee on Antarctic Research (SCAR).
- (19) The United States, in its capacity of Depository Government, reported on the status of the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty (see Annex F, page 479). Monaco had acceded to the Antarctic Treaty on the 31<sup>st</sup> of May 2008.
- (20) The United Kingdom, in its capacity of Depository of the Convention for the Conservation of Antarctic Seals (CCAS) reported that there had been no new accessions to the Convention. The UK reminded Parties to CCAS that the deadline for annual returns was end of June (see Annex F, page 493).

## I. FINAL REPORT

- (21) Australia, in its capacity of Depositary of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) reported that since ATCM XXX no new countries had acceded to the Convention (see Annex F, page 497).
- (22) Australia, in its capacity of Depositary of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) advised the Meeting that since ATCM XXX no new States had acceded to the Agreement (see Annex F, page 499).
- (23) The Executive Secretary of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) introduced the CCAMLR report (see Annex F, page 501) and informed the Meeting that the 26<sup>th</sup> Meeting of CCAMLR had been held in Hobart from 22 October to 2 November 2007. The most notable issues dealt with at that meeting included:
- CCAMLR fisheries in 2006/07;
  - Illegal, unreported and unregulated (IUU) fishing;
  - Ecosystem monitoring and management;
  - Deep-sea bottom fishing;
  - By-catch in longline and trawl fisheries;
  - Marine Protected Areas;
  - Cooperation with international organizations, particularly the ATCM; and
  - Performance review of the organization. The Meeting expressed its deep sympathy to CCAMLR and the Brazilian delegation for the loss of Dr Edith Fanta who was the Chair of the Scientific Committee to CCAMLR.
- (24) Regarding certain contents of these documents, Argentina pointed out that it had not ratified the New York Agreement on Straddling and Highly Migratory Fish Stocks of 1995 and reiterated the terms of its statement upon adoption of UNGA Res. 61/105 in the sense that none of the provisions of said Agreement may be deemed to be binding on the States that have not expressly manifested their consent to be bound by that Agreement.
- (25) As for cooperation between CCAMLR and regional fishing organizations, Argentina recalled that such cooperation should be undertaken on a case by case basis, rather than attempting to establish a permanent and unlimited cooperation scheme, due to asymmetries in memberships and significant differences existing between the objectives of CCAMLR and those of such organizations.
- (26) The Executive Secretary of the Council of Managers of National Antarctic Programs (COMNAP) introduced its report (see Annex F, page 513). The predominant focus included safety, efficiency and international collaboration. The relevant COMNAP activities dealt with Search and Rescue (SAR), Ship Position Reporting System, Antarctic Flight Information Manual, COMNAP Fuel Manual, training material and procedures concerning introduction of non-native species. The COMNAP Executive Secretary underlined COMNAP's commitment to provide useful, practical and non-political advice.

- (27) The Executive Director of the Scientific Committee on Antarctic Research (SCAR) introduced its report (see Annex F, page 543). He emphasized that this is SCAR's 50<sup>th</sup> anniversary year and SCAR's leading role in the network of the four main bodies of the International Council for Science (ICSU). SCAR's research focuses on five key themes in Antarctic science: (i) the modern ocean-atmosphere-ice system and its role in global climate change; (ii) the evolution of climate over the past 34 million years since glaciation began; (iii) the response of life to change; (iv) preparations to study subglacial lakes and their environs; and (v) the response of the Earth's outer atmosphere to the changing impact of the solar wind at both poles.
- (28) In relation to Article III-2 of the Antarctic Treaty, the Meeting also received reports from: the Agreement on the Conservation of Albatrosses and Petrels (ACAP); the International Association of Antarctica Tour Operators (IAATO); the International Hydrographical Organization (IHO); the International Union for the Conservation of Nature (IUCN); the Antarctic and Southern Ocean Coalition (ASOC).
- (29) The Australian Delegation presented a report on the Agreement on the Conservation of Albatrosses and Petrels (ACAP), on behalf of the ACAP Interim Secretariat. The Meeting of the Parties to ACAP had developed a work plan with priority actions to be implemented by the ACAP Advisory Committee, including actions relating to fisheries bycatch of albatrosses and petrels and management and protection of breeding sites. ACAP sought to work closely with the Antarctic Treaty Parties on matters of mutual interest, including protection of ACAP species occurring in the Antarctic Treaty area, minimizing disturbance to breeding areas, and exchanging information. The Advisory Committee was developing comprehensive species assessments for all ACAP species, and the outcomes of the recent SCAR workshop on the status of the southern giant petrel would be considered at the next Meeting of Parties to be held between 22 – 25 August 2008 in Cape Town, South Africa. Further Antarctic Treaty Parties were encouraged to become Parties to the Agreement to help achieve and maintain a favourable conservation status for albatrosses and petrels.
- (30) The Executive Director of the International Association of Antarctica Tour Operators (IAATO) presented its report (see Annex G, page 593). She made particular mention of the sad loss of the *M/S Explorer* and stated that, in addition to the assessment of the IAATO – wide response to the incident, the organization will analyse in detail the final report of the investigation. As of April 28, 2008 a number of changes in IAATO's bylaws were agreed. Other notable changes include the upgrade of IAATO's computerized Ship Scheduling Program, improved use and efficiency of the Post Visit Report Form, development of additional site guidelines and adoption of IAATO's new Wilderness Etiquette Procedure. IAATO's new Waste Management Policy for disposal of waste by vessels was also agreed. Educational outreach was addressed through the update of science sheets, educational posters and revision of the mandatory Safety and Conservation Briefing and support of IPY projects. The Executive Director of IAATO thanked Ukraine for having organised the 31<sup>st</sup> ATCM and informed the Meeting of her imminent rotation to another position.
- (31) The Representative of the International Hydrographical Organization (IHO) presented its report (see Annex G, page 615). He informed the Parties of the growing membership

of the Hydrographic Commission on Antarctica (HCA) to 19 full members. He informed the Parties of the issue of membership, the IHO 5 Year Work Programme approved by the 17<sup>th</sup> International Hydrographic Conference in May 2007 and the status of nautical charting. He urged Parties to consider whether rules or guidelines analogous to those of SOLAS Chapter V Regulation 9 could be adopted for Antarctica and highlighted the IHO collaboration with international organizations and the ATCM.

- (32) The United Kingdom welcomed the report of the IHO and highlighted the importance of hydrographic work in Antarctica.
- (33) The Representative of the International Union for the Conservation of Nature (IUCN) presented its report (see Annex G, page 631) and expressed its deepest sympathy to the Brazilian delegation and to CCAMLR for the loss of Dr Edith Fanta. The Representative focused on Antarctic and Southern Ocean Marine Protected Areas. She also identified the need to continue actual identification and designation of sites where scientific information already exists or precaution dictates that action be taken to protect the important values identified in Article 3.2 of Annex V. She informed delegates of the 9<sup>th</sup> COP of the Convention on Biological Diversity which adopted scientific criteria for identifying ecologically or biologically significant marine areas. She addressed the climate change issue and urged the Parties to adopt an extremely precautionary approach to the management of human activities in the Southern Ocean and Antarctica. Another area of concern was the substantial and continued growth of tourism activities and cumulative impacts in Antarctica. She also looked forward to the results of the International Polar Year project on non-native species as well as the Intersessional Contact Group (ICG) to examine the issue of biological prospecting.
- (34) The representative of the Antarctic and Southern Ocean Coalition (ASOC) presented its report (see Annex G, page 585). She drew the Parties' attention to the increase of tourism and urged them to adopt a resolution to consider the growth of Antarctic tourism as undesirable. She emphasized the climate change impacts on the Antarctic ecosystem and asked the Parties to adopt a proactive approach to mitigate the negative consequences of climate change. She reviewed the progress in meeting the objectives of Annex V of the Protocol and suggested the CEP could be charged with the task of providing explicit advice on values and on sites listed in Annex V not yet designated as Protected Areas. The ASOC representative also proposed that the ATCM, together with the IMO, may consider conducting a risk assessment of heavy vessel traffic in the region and the consecration of 30% of the Southern Ocean area as MPAs by 2018. She expressed ASOC's concern over the lack of progress made towards the ratification of Annex VI to the Protocol. Finally, she expressed ASOC's worry about Russia's intentions to continue with the penetration of Lake Vostok this season.

## Item 5: Operation of the Antarctic Treaty System: General Matters

### *Rules of Procedure*

- (35) The United Kingdom introduced WP 1 *Proposal by Australia, the United Kingdom and Norway to amend Rule 11 of the Rules of Procedure of the ATCM*, suggesting that it would establish a clearer and more transparent process for the establishment of Working Groups and the appointment of Working Group Chairs and Vice-Chairs. Several delegates welcomed this proposal which they considered would increase transparency, but some considered its approach might limit flexibility. After consultations the Meeting agreed to amend Rule 11 and adopted Decision 1 (2008) (Annex B, page 321). The Meeting requested the Secretariat to post the texts of its previous Decisions on the Rules of Procedure of the ATCM, namely Decision 2 (1995), Decision 1 (1997), Decision 1 (2004) and Decision 3 (2005) in such a way as to make clear that they are no longer current.

### *Annex II*

- (36) Australia introduced WP 18 *Annex II: Proposals for Completing the Review* and the associated IP 18, noting that it was a response to discussion at ATCM XXX on the Review of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty. Specific amendments to the Annex were proposed taking into account the advice of the CEP. Several Parties supported continuing this process, while others underscored that agreement to discuss the proposed changes did not mean agreement to make amendments, as the judgement as to whether amending the Annex is indispensable would have to await the complete final text. The Meeting considered the specific changes proposed to Annex II based on IP 18 with the understanding that “nothing is agreed until everything is agreed”. The Chairman of the Legal and Institutional Working Group circulated his personal summary of 10 June 2008, translated into the four official languages, to all delegations. Australia agreed to present a Working Paper on Annex II, including the specific proposed amendments for further discussion at ATCM XXXII.

### *CCAMLR*

- (37) New Zealand introduced WP 23 *Commission for the Conservation of Antarctic Marine Living Resources Performance Review*. It was noted that at its 26<sup>th</sup> meeting in 2007 CCAMLR had decided to undertake a performance review in 2007/08 with the expectation that a final report would be submitted to CCAMLR’s 27<sup>th</sup> meeting in 2008. New Zealand drew attention to the invitation from CCAMLR to the CEP Chairman to participate (*ex officio*) in the CCAMLR Performance Review Panel, and to the inclusion of criteria in the Performance Review which dealt with the role of CCAMLR within the Antarctic Treaty System, and to the fact that CCAMLR is an integral part of the Antarctic Treaty System.
- (38) The meeting welcomed CCAMLR’s decision to undertake a performance review and the participation of the CEP Chair *ex officio* in the review panel, which was in

keeping with the increased cooperation between the ATCM and CCAMLR encouraged in Resolution 1 (2006). The Meeting invited the CCAMLR Observer to report on the outcomes of the review to ATCM XXXII and indicated it would look with interest at the results of the review.

### ***Guidance for Documents***

- (39) The United Kingdom introduced WP 41 *Guidance for Working Papers on Area Protection and Management* and explained that this paper was an update of ATCM XXX/WP 43 and reflected comments received from Parties during the intersessional period. The meeting noted the CEP's welcoming of this paper and adopted Resolution 1 (2008) (Annex C, page 365) and requested the Secretariat to:
- provide the information set out by the proposing Party in the cover sheet of the Working Paper, subject to any revision by the Committee for Environmental Protection, to accompany any draft Measure tabled at the ATCM to give effect to that proposal;
  - post the text of Resolution 9 (1995) on its website in a way that makes clear that it is no longer current.
- (40) The Executive Secretary introduced SP 7 *Manual for the Submission of Documents to the Antarctic Treaty Consultative Meeting and the Committee for Environmental Protection*. Parties noted that the guidelines contained therein were an improvement that had aided the preparation of this year's papers. The Meeting agreed that the guidelines should be amended to reflect the improvements in the practice of drafting Measures, Resolutions and Decisions agreed at this Meeting, in particular to remind the proposing Party to indicate whether any previous instruments would be replaced by the proposal.

### ***White Book***

- (41) Chile introduced WP 62 *The Antarctic Treaty and the Public "The White Book": A Project on the History and Achievements of the Antarctic Treaty System*. The Meeting thanked Chile for its White Book proposal. The Meeting supported the concept of a "White Book", conceived as a joint publication by the Antarctic Treaty Parties and reflecting the history and achievements of the Antarctic Treaty System. The theme of the "White Book" would be "The Antarctic Treaty – 50 years of peaceful cooperation". It would:
- include historical, political and legal background; discuss the significance of Antarctic science, including scientific achievements;
  - emphasise international cooperation; and
  - not duplicate the Antarctic Treaty Handbook.
- (42) Considering the practical problems in producing such a book by the time ATCM XXXII meets in Baltimore (April 2009) the Meeting endorsed in principle such a project, provided all the inherent and associated problems raised by the publication

of the “White Book”, including financing of such a project, had been satisfactorily overcome. The Meeting would further review the progress and feasibility of the “White Book” at ATCM XXXII with the intention that, if it proceeded, the book should be available in June 2011 for the anniversary of the entry into force of the Antarctic Treaty.

- (43) The Meeting agreed that Chile should work with interested Parties intersessionally to prepare a comprehensive report on all aspects concerning the “White Book”, its contents, costs, funding, publication and availability (i.e. including other languages besides the official Treaty languages), educational use, promotion and distribution. The Meeting noted that the intersessional work may involve seeking support from all the components of the Antarctic Treaty System, the Secretariat, recognized academic institutions in the member countries, the IPY Programme Office and other institutions. The work should be done under the close oversight of the Antarctic Treaty Consultative Parties and should be reported to them periodically. The “White Book” would not be finalized before the ATCM reviewed and approved it.

### ***Review of the status of recommendations***

- (44) The Executive Secretary introduced SP 9 *Recommendations of the ATCM: survey of their status* and the linked papers, SP 10 *Recommendations on Area Protection and Management* and SP 11 *Recommendation on other Environmental Issues*. Some delegations noted that the surveys contained details of instruments that should have been marked as no longer current. It was further noted that while some recent Decisions and Measures made it clear which instruments they replaced (and declared them no longer current) this practice was not followed consistently and sometimes led to confusion. The United Kingdom noted that the Antarctic Treaty Database should be clear as to which Measures were current. It led an open-ended contact group that suggested that those issues be discussed further at ATCM XXXII on the basis of the papers presented by the Secretariat.
- (45) Based on the recommendation of the contact group, the Meeting agreed that each new Measure on Area Protection should cover a single ASPA or ASMA only. Where the intention was to replace or amend previous Recommendations, Measures or Management Plans, the new Measure should state that explicitly and list them. This would enable the Secretariat to ensure that the database shows a clear distinction between Measures and Plans which were current and those which were not. The database should eventually be able to show the status (as current or not current) of all the Measures relating to a protected area.
- (46) For future Meetings the Secretariat will be able to prepare a draft Measure in advance of the Meeting for each proposed ASPA, ASMA or HSM using the Measures adopted at this ATCM as a model. The Meeting thanked the Secretariat for taking on this task which will help streamline the work of the Legal and Institutional Working Group.

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

- (47) ASOC presented IP 119 *Designation of Marine Protected Areas within the Antarctic Treaty Area*, calling on ATCM XXXI to reaffirm the intention to create a representative and coherent network of MPAs as ASPAs and ASMAs under Annex V, and to resolve to place a substantial and representative part of the total marine area inside the Antarctic Treaty area within MPAs by 2018. Several Parties thanked ASOC for a helpful paper and reflected that the close links between the CEP and CCAMLR should help further progress on designation of marine areas through CCAMLR's work on Bioregionalisation of the Southern Ocean.
- (48) The CCAMLR observer commented that CCAMLR had endorsed administrative procedures to ensure that ATCM proposals with marine components were speedily reviewed by CCAMLR following ATCM Decision 9 (2005); that it had recognized the need for extensive dialogue with the ATCM and CEP, as well as SCAR, the Scientific Committee on Oceanic Research (SCOR) and other inter-governmental and non-governmental organisations following the Commission's recent deliberations on marine protected areas and bioregionalisation; that a number of outcomes from the CCAMLR Bioregionalisation Workshop in August 2007 required further consideration by CCAMLR's Working Group on Ecosystem Monitoring and Management (WG-EMM) at its meeting in July 2008; and that a key issue to be addressed by CCAMLR in 2008 would include establishment of a procedure to identify marine areas for protection and to further CCAMLR conservation objectives.
- (49) A number of Parties highlighted the importance of the conservation of the marine environment as part of the ATCM and CCAMLR's joint responsibilities for environmental protection.
- (50) Australia noted the work that had been done during the last austral summer on a Census of Antarctic Marine Life, with 17 ships from different Parties participating in the census, which had brought much new information on life in the Southern Ocean.
- (51) The United Kingdom presented a draft Resolution to recommend that work be continued and intensified towards the protection and management of the Antarctic marine environment. This was welcomed by a number of Parties, but others considered that the issue needed careful consideration. The United Kingdom indicated that it would continue to work on this important issue.

### ***Other matters***

- (52) The Russian Federation introduced WP 49 *On the status and development of the Antarctic Treaty System*. The paper underscored its concern about possible duplication of specific functions among existing bodies of the Antarctic Treaty System, potentially leading to situations where different management bodies might make conflicting decisions on the same issue. Such duplication could also lead to an imbalance in the

operations of the Antarctic Treaty System and might negatively impact the System's governance. The Meeting noted Russia's concern.

- (53) The Meeting took note of IP 31 *Creación, a nivel Parlamentario, de la Comisión Especial sobre Intereses Uruguayos en la Antártida* presented by Uruguay.
- (54) The Russian Federation presented IP 43 *On development of Draft Law "On regulation of activities of the Russian citizens and legal entities in the Antarctic"*. Some delegations asked for clarification of the legal process and whether this draft law ratified Annex VI and/or was a response to Measure 4 (2004). The Russian Federation advised that this was a move towards ratification of Annex VI, but that there would need to be a two-step process before ratification.
- (55) ASOC presented 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 were ratified and adopted by all ATCPs. Annex B of the ASOC paper provided a list of the status of ratifications by Antarctic Treaty Parties of the instruments. 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 (WP 36). 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 United Kingdom 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, whilst working effectively with the IMO. For a more substantive discussion on this item see below Agenda Item 11.

## **Item 6: Operation of the Antarctic Treaty System: Review of the Secretariat's Situation**

- (56) The Executive Secretary introduced SP 3 rev 1 *Secretariat Report 2007/08* and explained the key elements.

### ***Management***

- (57) The Executive Secretary stated that the Argentine staff had decided not to join the official Argentine Integrated System of Pensions and Retirement for the time being.
- (58) Argentina announced that with regard to the social security contributions of the Secretariat's staff who opted for the Integrated System of Pensions and Retirement (State System) of the Argentine Republic, the Argentine Government would take up – by way of voluntary payments to the Secretariat – the employer's contributions that are made by the employees on the understanding that Parties had established the Secretariat as a small, cost-effective entity, with a small number of employees similar to the present one.

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- (59) The Meeting expressed its great appreciation of this announcement. Several Parties noted at the same time that with regard to the relevant decision by staff members there should be a proper audit trail, and that all members of the Secretariat staff should confirm in writing that they have received the information as to the options available to them, that they had been advised to seek their own independent advice before making individual decisions on their pension choice, and that they understood that if they chose to exclude themselves from the State System, they could not later seek reimbursement from the Secretariat.

### ***Public Information Developed by the Secretariat on the Antarctic Treaty System***

- (60) Some Parties expressed concern that the Secretariat had published material for public use that had not been seen and cleared by the Parties and asked that the most recent brochure (Antarctic Treaty System) be made available to Parties at the Meeting. The Executive Secretary noted that the 2007 edition had been circulated late at ATCM XXX in New Delhi, but that some Parties may not have seen it before it was distributed to tourists destined for Antarctica. Of those who had, some had provided comments and these had been taken into account when the current version of the brochure was published.
- (61) Some Parties noted that they had objections to certain portions of the brochure. The Executive Secretary was directed to withdraw the brochure and its downloadable version.
- (62) The Meeting decided that any future substantive printed information for public dissemination should be circulated and cleared by Parties before publication.

### ***Website and Electronic Information Exchange System***

- (63) Several Parties welcomed the development of the new website, noting that it provided very useful information. However, it was noted that the discussion about material published by the Secretariat applied equally to what was placed on the ATS website. Parties indicated that the material on the website and any new material for inclusion on the ATS site (except for material resulting from an ATCM, or otherwise approved) should be circulated to Parties with a reasonable opportunity to provide comments prior to being maintained or posted on the website. In the interim, material contained on the Antarctic Treaty System section of the website should be removed.
- (64) Parties welcomed the progress of the Electronic Information Exchange System and noted that ongoing work should continue. Parties also considered that there may be a need for expansion of the Exchange System, as well as the potential to include material that could help to reduce the number and length of papers presented to each Meeting. See Agenda Item 16 below for further discussion.
- (65) The Meeting decided that the number of pages for a Working Paper or Information Paper submitted to the ATCM should be limited wherever practicable. It further agreed to consider at ATCM XXXII other options for reducing costs associated with the translation and publication of papers.

### ***Financial Matters***

- (66) The Executive Secretary introduced the Secretariat's financial report 2006/07, noting that at the time of ATCM XXX this was only provisional. Since then, the Argentine auditors had carried out their audit. They had found significant errors in the figures provided in the Provisional Report and this had resulted in a number of changes in the Audited Report (Annex B of SP 3 rev 1). Parties expressed their concern about the difference in figures in the two reports, and the differences between the approved draft budget for Financial Year 2006/07 and actual expenditure. They further noted that Regulation 4.4 of the Financial Regulations proscribed increases in expenditure in excess of the overall draft budget approved by the ATCM.
- (67) Parties noted with deep concern that part of the reason for the Secretariat's expenditure being over budget was the non-payment of contributions by four Parties and urged that those be paid as soon as possible. Parties were also urged to approve Measure 1 (2003) so that the finances of the Secretariat regarding future meetings would be put on a more sound footing.
- (68) Uruguay clarified that its payment had been made initially to a wrong account, but had now been received by the Secretariat. Belgium, Peru and Ukraine assured the Meeting that their contributions would be forthcoming in the near future.
- (69) The Meeting asked the Secretariat to ensure that in those cases when there were provisional, unaudited accounts, future financial reports should show draft expenditure figures, approved expenditure figures and the unaudited actual expenditure figures.
- (70) The Executive Secretary explained that the Secretariat's financial position had been overstated significantly due to accounting errors relating to handling of foreign exchange fluctuations and treatment of VAT reimbursements. Parties noted that this problem would be minimized in future by reducing the proportion of the budget held in pesos.
- (71) Parties urged the Executive Secretary to maintain rigorous control over future expenditure, in compliance with Regulation 4 of the Financial Regulations.
- (72) The Executive Secretary reported that the auditors had yet to produce the audited Financial Report for 2007/08 and that Annex C of SP 3 rev 1 contained the Provisional Financial Report 2007/08. It was noted that the main effect of the revised 2006/07 figures was a reduction in the projected surplus amount, which in turn reduced the projected income for 2008/09 budget. Following substantial discussion, the Meeting took note of the Provisional Financial Report for 2007/08, to which a footnote was added explaining the accumulated surplus at 31 March 2007.

### ***2008/09 Activities and Budget***

- (73) The Executive Secretary introduced SP 4 rev 1 *Draft Secretariat Programme 2008/09* which included the draft Budget for 2008/09 and the Forecast Budget for 2009/10. The budget figures showed a very large deficit for 2008/09, temporarily offset by a

reduction in amounts held in the Future Meeting Fund. A number of Parties questioned the substantial increase in assessed contributions for 2009/10. The Meeting noted that the Future Meeting Fund (FMF) was not intended for general expenditure but was intended for use when Measure 1 (2003) came into effect. It was suggested that the budget be reduced so that expenditure matched income. Following extensive discussion and substantial efforts by the Executive Secretary and concerned Parties to identify possible savings while at the same time ensuring that the Secretariat was able to execute its core functions, the Revised Budget for 2008/09 and Forecast Budget for 2009/10 were completed, with a net effect of reducing the deficit to US dollars 40,524 for 2008/09. It was agreed that the Secretariat would borrow that amount from the FMF on the understanding that the FMF should be replenished in 2009/10 by the same amount.

- (74) The Meeting agreed to approve the audited Financial Report 2006/07 and adopted Decision 2 (2008) (Annex B, page 329).
- (75) The Meeting agreed to adopt Decision 3 (2008) (Annex B, page 353) regarding the appointment of the Sindicatura General de la Nación (SIGEN) as the external auditor of the Secretariat. This Decision replaces Decision 3 (2007).
- (76) The Meeting urged the Secretariat to complete the audited report before the next ATCM. In view of the difficulty in obtaining audited reports when the ATCM was to be held in April or May, Parties also discussed the possibility of changing the Secretariat's financial year, so that it matched the calendar year. It was agreed to address the detail of this matter at a future meeting.
- (77) The Executive Secretary pointed out that in all probability it would not be possible to maintain the present level of the budget in the years after 2009/10, because of the following challenges that faced the Secretariat in the coming years:
- While the Future Meeting Fund would be available for immediate use at the ATCM following approval of Measure 1 (2003), the Secretariat budget would thereafter need to include the interpretation and translation costs of the ATCM, which up to now had been borne by the host country. This would add a sum of around \$400,000 to the budget.
  - Especially because of the changes in the exchange rates of the euro, the current salary of the Executive Secretary was not competitive anymore in the European context.
  - There was some concern over inflation in Argentina.
  - Expenditures on the Secretariat's IT infrastructure would be reduced significantly for the next two years. Some items however could not be postponed indefinitely.
  - The Secretariat's public information activities would be scaled down drastically. While the preparation of the text of the Antarctic Treaty Handbook and its review by the Parties would continue, there would not be resources for its publication. Those expenditures would have to be added to the budget in 2010/11.

- (78) Japan, while thanking the Executive Secretary for this information, stated that it was for the Meeting to decide whether or not those increases in the future budget would be necessary or appropriate.
- (79) It was also noted that, while the Secretariat's travel expenditures could be scaled down considerably in the years 2010 and 2011 because of the ATCM's location in those years, they would probably go up dramatically in the following years.
- (80) The Meeting welcomed the Executive Secretary's offer to provide periodic financial updates via email to the Consultative Parties for their information.
- (81) Australia introduced WP 63 *Procedure for Selection and Appointment of the Executive Secretary of the Secretariat of the Antarctic Treaty*. Following discussion, Parties agreed the procedure to be followed. Decision 4 (2008) (Annex B, page 357) was adopted including a standard application form. The Meeting also agreed to a draft advertisement that Parties may use for recruiting the Executive Secretary in 2009 (Annex H, page 641).

### **Item 7: Report of the Committee for Environmental Protection**

- (82) The CEP Chair introduced briefly the CEP Report (see Annex E, page 399), noting that the CEP had considered forty-four Working Papers, a new record, sixty-four Information Papers and five Secretariat Papers. The full list of papers, listed under CEP Agenda Items, can be found in Annex I to the CEP Report.

#### ***CEP Agenda Item 3. Strategic Discussions on the Future of the CEP***

- (83) The Committee had considered a number of suggestions for improving its efficiency and had agreed that all papers submitted to its meetings should include an abstract, and that, as required, topic summaries could be prepared by the Secretariat or by willing members to summarise past discussions and agreements. These would then be made available on the website to assist Members.
- (84) The Committee had re-examined and adopted an updated version of the five-year work plan provisionally agreed at CEP X.
- (85) The Committee had reviewed the effectiveness of the trial informal group established at CEP X to improve the intersessional process for reviewing management plans for protected and managed areas, and had prepared an outline proposal for establishing a Subsidiary Group on Management Plans (SGMP). The Meeting approved the proposal in accordance with Rule 10 of the CEP's Rules of Procedure, noting that the proposal would not have budgetary consequences.

#### ***CEP Agenda Item 4. Operation of the CEP***

- (86) The Secretariat had reported to the Committee on the further development of the Electronic Information Exchange System (EIES) as a mechanism for exchanging information required by the Protocol, and the CEP proposed that the EIES be utilised

as a reporting tool to exchange information required under Article 17 of the Protocol. The commencement of the EIES is further treated under Agenda Item 16: Exchange of Information, below.

### ***CEP Agenda Item 6. Environmental Impact Assessment***

- (87) The Committee had discussed in detail the draft Comprehensive Environmental Evaluation (CEE) prepared by China for the proposed construction and operation of the new Chinese Dome A Station in Antarctica, on the basis of the comprehensive report by Australia of the ICG established to consider the draft CEE, in accordance with the Procedures for intersessional CEP consideration of draft CEEs, and additional information provided by China in response to issues raised in the ICG. Having fully considered the draft CEE, the Committee advised the Meeting that:
- The draft CEE and the process followed by China generally conform to the requirements of Article 3 of Annex I to the Protocol on Environmental Protection to the Antarctic Treaty. When preparing the required final CEE, the proponent should closely consider, and address as appropriate, the comments raised by Members. In particular, the Meeting's attention was drawn to the suggestion that China should consider expanding the scope of the impact assessment in the final CEE to more adequately cover the full scope of the proposed activity.
  - The Committee generally agreed with China's conclusion that the proposed activity is justified on the basis of the significant contribution it is likely to make to the support and conduct of important science. Many Members had expressed the view that it would be more appropriate for the CEE to conclude that the activity is likely to have more than a minor or transitory impact on the Antarctic environment.
  - The draft CEE is clear and well-structured, and the final CEE could be improved by taking into consideration editorial suggestions raised by ICG participants and by consolidating text to reduce repetition.
- (88) The Meeting accepted the CEP's advice.
- (89) A discussion took place on the question whether the preparation of a CEE necessarily leads to the conclusion that the impact on the environment of the proposed activity would be more than minor or transitory. The CEP Chair noted that the Committee had also discussed the conclusions that CEEs might draw with respect to the terms "minor or transitory" set out in Annex I to the Protocol. This was noted as a matter for Parties to discuss at a future meeting.
- (90) On the matter of having draft CEEs translated in the four Treaty languages the Committee had noted this was clearly a budgetary matter.

### ***Wildlife disturbance***

- (91) On the basis of a comprehensive SCAR paper (WP 12), the Committee had discussed matters related to wildlife disturbance and had endorsed SCAR's recommendations for the need for ongoing research in this area.

### ***CEP Agenda Item 7. Area Protection and Management***

- (92) The Meeting noted that the Committee had considered twenty-one new or revised protected or managed area management plans. Five of these had been subject to review by the Trial Informal Group (TIG) established by CEP X. Sixteen new or revised management plans had been submitted directly to CEP XI. In reviewing the advice of the TIG, and following the Committee's assessment of those plans that had not been subject to intersessional review, the Committee had decided to forward fourteen management plans (one ASMA and thirteen ASPAs) to the Meeting with the recommendation that they be adopted, and to forward four management plans (four ASPAs) for further intersessional review. The Committee advised that the existing management plans for ASPAs number 141, 143 and 156 need no change.
- (93) Accepting the CEP's advice, the Meeting adopted the following Measures on Specially Protected and Managed Areas:
- Measure 1 (2008): Antarctic Specially Managed Area No 7 (South-west Anvers Island and Palmer Basin)
  - Measure 2 (2008): Antarctic Specially Protected Area No 168 (Mount Harding, Grove Mountains, East Antarctica)
  - Measure 3 (2008): Antarctic Specially Protected Area No 169 (Amanda Bay, Ingrid Christensen Coast, Princess Elizabeth Land, East Antarctica)
  - Measure 4 (2008): Antarctic Specially Protected Area No 170 (Marion Nunataks, Charcot Island, Antarctic Peninsula)
  - Measure 5 (2008): Antarctic Specially Protected Area No 118 (Summit of Mount Melbourne, Victoria Land): Revised Management Plan
  - Measure 6 (2008): Antarctic Specially Protected Area No 123 (Barwick and Balham Valleys, Southern Victoria Land): Revised Management Plan
  - Measure 7 (2008): Antarctic Specially Protected Area No 124 (Cape Crozier, Ross Island): Revised Management Plan
  - Measure 8 (2008): Antarctic Specially Protected Area No 135 (North-east Bailey Peninsula, Budd Coast, Wilkes Land): Revised Management Plan
  - Measure 9 (2008): Antarctic Specially Protected Area No 137 (North-west White Island, McMurdo Sound): Revised Management Plan
  - Measure 10 (2008): Antarctic Specially Protected Area No 138 (Linnaeus Terrace, Asgard Range, Victoria Land): Revised Management Plan
  - Measure 11 (2008): Antarctic Specially Protected Area No 154 (Botany Bay, Cape Geology, Victoria Land): Revised Management Plan
  - Measure 12 (2008): Antarctic Specially Protected Area No 155 (Cape Evans, Ross Island): Revised Management Plan
  - Measure 13 (2008): Antarctic Specially Protected Area No 160 (Frazier Islands, Windmill Islands, Wilkes Land, East Antarctica): Revised Management Plan
  - Measure 14 (2008): Antarctic Specially Protected Area No 161 (Terra Nova Bay, Ross Sea): Revised Management Plan

### ***Site Guidelines***

- (94) The Committee had considered six new Site Guidelines, and endorsed and recommended the Meeting approve four of these. The Meeting adopted Resolution 2 (2008) in which Site Guidelines for the following visitor sites were added:
- Shingle Cove, Coronation Island (Lat. 60° 39' S, Long. 45° 34' W)
  - Devil Island, Vega Island (Lat. 63° 48' S, Long. 57° 67' W)
  - Whalers Bay, Deception Island, South Shetland Islands (Lat. 62° 59' S, Long. 60° 34' W)
  - Half Moon Island, South Shetland Islands (Lat. 60° 36' S, Long. 59° 55' W)
- (95) The Committee had discussed the merits of site-specific and general advice contained in the Site Guidelines. It had also noted that Recommendation XVIII-1 (1994) *Guidelines for Tourism* is still not in effect. The Meeting urged the Parties that had not done so yet (Ecuador and Korea) to approve this important management instrument so that it could go into effect.

### ***Systematic Environmental Geographic Framework***

- (96) The Committee had considered the final report from New Zealand on its development of an Environmental Domains Analysis for meeting the systematic environmental geographic framework (SEGF) requirements of Annex V to the Protocol. The Committee strongly endorsed the EDA as a dynamic model for the identification of ASPAs within the SEGF referred to in Annex V to the Protocol.
- (97) The Meeting adopted Resolution 3 (2008) to that effect.
- (98) The Committee had also considered a proposal for a summary template, to be submitted at the time of submitting new or revised management plans for ASPAs, ASMAs or HSMs, to streamline the processing of management plans. The Committee had endorsed the amended version of the template.

### ***CEP Agenda Item 8. Conservation of Antarctic Fauna and Flora: Specially Protected Species***

- (99) The Committee had considered the advice of SCAR with respect to its revised assessment of the status of southern giant petrels, and supported SCAR's recommendations that:
- The analysis does not support listing of the species as specially protected;
  - Additional censuses of the species should be undertaken, particularly of sites censused more than 10 years ago, and the data used to support demographic models for the species;
  - The lessons learned from this process should be applied to other species.
- (100) The Meeting noted that the Committee had emphasized the need to reinforce commitments made in earlier ATCM Resolutions to limit disturbance to this species.

***CEP Agenda Item 9. Environmental Monitoring and Reporting***

- (101) The Committee had considered the request (circulated through the Antarctic Treaty Secretariat) from the Secretariat of the Stockholm Convention on Persistent Organic Pollutants to advise on POPs in the Antarctic. SCAR offered to provide a review of the available information on POPs in the Antarctic context for submission to CEP XII. The Meeting welcomed SCAR's offer as a basis for the development of a consolidated Antarctic input to the Stockholm Convention.

***CEP Agenda Item 10. Inspection Reports***

- (102) The Committee had considered a proposed new checklist for inspecting protected and managed areas, and a separate proposal to review the existing inspection checklist A adopted under Resolution 5 (1995). The Committee had agreed to forward the draft checklist for Inspecting Specially Protected and Managed Areas in Antarctica to the Meeting for approval.
- (103) The Meeting discussed further this issue under Agenda Item 12 (see paragraphs 253-255).

***CEP Agenda Item 14. Cooperation with Other Organizations***

- (104) The Committee had welcomed the proposal by CCAMLR's Scientific Committee to hold a joint SC-CAMLR and CEP workshop in 2009, and had developed a proposed theme and agenda items for such a workshop and nominated its Chair and Vice-Chairs as representatives to the joint Steering Committee. The Meeting welcomed this initiative and the advice from the host country for ATCM XXXII that a workshop immediately prior to CEP XII could be arranged.

***CEP Agenda Item 16. Election of Officers***

- (105) The Committee had re-elected Dr Neil Gilbert (New Zealand) for a second term as Chair of the CEP, and elected Mr Ewan McIvor (Australia) as second Vice-Chair. Dr Yves Frenot (France) continues as first Vice-Chair.
- (106) The Meeting congratulated Dr Gilbert on his re-election and Mr McIvor on his election, and joined the CEP in thanking Ms Tania Brito (Brazil) for the hard work she had put in as second Vice-Chair for the last two years.

**Item 8: Liability: Implementation of Decision 1 (2005)**

- (107) Germany noted progress being made in implementing domestic legislation and indicated a willingness to provide information that could be useful for other Parties in their own domestic implementation. The Meeting warmly welcomed the German information and indicated the usefulness of further informal exchanges of information on domestic implementation.

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- (108) ASOC noted that the ratification process was going very slowly and suggested a Resolution committing Parties to achieving ratification as quickly as possible.
- (109) The Meeting welcomed reports from many Parties on progress towards their domestic implementation of Annex VI to the Environmental Protocol, to enable them to approve Measure 1 (2005).
- (110) The Netherlands recalled Decision 1 (2005) and noted that, when discussing measures aiming to repair or remediate damaged or destroyed components of the environment at ATCM XXVIII, “Many delegations were of the view that it would be useful if the CEP could consider the practicality, in the Antarctic Treaty Area, of such measures. In that context those Delegations believed that it would also be desirable if SCAR, in conjunction with COMNAP, and any other expert bodies could submit, as soon as feasible to the CEP papers on scientific and technical issues relating to measures aiming to repair or remediate damaged or destroyed components of the environment” (Final Report, paragraph 45). In order for the Meeting to take an informed decision on the resumption of the negotiations in 2010, it was observed by the Netherlands, supported by other Delegations, that the papers should be submitted to the CEP at the next Meeting.
- (111) Some Delegations observed that it was premature to task the CEP with such work and noted that the same Final Report stated that “[s]ome other Delegations considered such examination as premature and emphasised the importance of evaluating the implementation of Annex VI and the related Decision” (ATCM XXVIII Final Report, paragraph 45).
- (112) Argentina noted in case of future elaboration of measures aiming at repairing environmental damage, applying remediation or reinstating destroyed environmental components, this should not be undertaken on the basis of purely economic criteria contrary to the spirit of Antarctic cooperation.

### **Item 9: Safety and Operations in Antarctica**

#### ***HCA Seminar***

- (113) On Monday June 9<sup>th</sup> a Seminar on the Importance of Hydrographic Activities in Antarctica was held. The seminar was introduced by the Chairman of the Hydrographic Commission on Antarctica of the International Hydrographic Organisation (IHO/HCA), Captain Hugo Gorziglia, and presentations were made by Rear Admiral Ian Moncrieff, United Kingdom National Hydrographer; Rear Admiral Manuel Catalán, Technical Secretary of the Spanish Polar Committee and Chairman of the COMNAP SHIPOPS Committee; Dr Hans-Werner Schenke of the Alfred Wegener Institute for Polar and Marine Research; Yves Guillam, Head of Plans, Policy and External Relations of the French Hydrographic Service SHOM; and Commodore Rod Nairn, the Australian Hydrographer and Vice-Chair of the HCA.
- (114) The HCA representatives recalled the mission of the International Hydrographic Organisation and explained the paramount importance of hydrography in Antarctica

to ensure safety of navigation of life at sea, protect the marine environment, support scientific research, contribute to search and rescue operations and enhance the decision-making process. They presented the main achievements of the HCA relating to the establishment of an international (INT) chart scheme. Hydrographic measurements technologies such as single beam and multibeam echosounding and the collection of oceanographic data involving sound velocity profiles were explained and illustrated, as were scientific applications of hydrography in the fields of geosciences, sea floor shaping, bathymetry and biodiversity conservation. The presenters recalled the role of the Safety Of Life At Sea (SOLAS) Conventions and highlighted the IHO Special Publication 55 Status of Hydrographic Surveying and Nautical Charting Worldwide.

- (115) On the basis of actual examples, the nature of maritime accidents in Antarctica was explained. The risk of ships grounding represents the main threat for human life and the environment. It was pointed out that the main question relating to a major accident involving a tourist vessel was not if it would happen, but when. The HCA representatives pointed out the dramatic increase of tourism activities in relatively unknown waters and recalled the crucial importance of available and precise bathymetric and topographic data. They urged the Parties to increase information exchange and collaboration. The Meeting welcomed the important information presented in the seminar.
- (116) While thanking the valuable presentations by the Hydrographic Commission on Antarctica, Argentina pointed out that it provides data collected by the oceanographic vessel Puerto Deseado, which during annual two month periods carries out hydrographic surveys in Antarctica (presently at South Orkney Islands and to the west of the Peninsula). The Servicio de Hidrografía Naval works on these matters within the Argentine Antarctic Programme.
- (117) Argentina noted that the first of the presentations of the HCA Seminar had included a hydrographic chart of San Pedro Island, part of the South Georgias archipelago, which are outside the Antarctic Treaty area. Argentina has seen its hydrographic survey tasks in these waters thwarted, due to the fact that the South Georgia Islands are under the illegal occupation of the United Kingdom.
- (118) Argentina wished to recall that the Malvinas, South Georgia and South Sandwich Islands and surrounding waters, which are the object of a sovereignty dispute between Argentina and the United Kingdom, are an integral part of the Argentine National Territory.
- (119) In response, the United Kingdom stated that it had no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates. Furthermore, the United Kingdom underlined that it complies fully with Part XIII of the United Nations Convention on the Law of the Sea in considering any request for marine scientific research activity within the waters of its overseas territories.
- (120) Argentina rejected the United Kingdom statement and reiterated its well known position.

***Regular meeting***

- (121) The United Kingdom introduced WP 38 *Improving hydrographic surveying and charting to support safety of navigation and environmental protection in the Antarctic region*, prepared jointly with Australia. The paper presented a draft Resolution with four recommendations for Parties to consider.
- (122) The UK welcomed the Seminar organized by the IHO, which highlighted the importance of charting in the region, and encouraged the ATCM to improve its cooperation with the IHO.
- (123) SCAR noted that in November 2007, together with the Scientific Committee on Oceanic Research (SCOR), it had issued a SCAR Circular (768) on the need for national scientific organizations to gather Southern Ocean bathymetric data and submit it to a recognized database. As pointed out by Dr Hans-Werner Schenke during the IHO Seminar, these data were essential for geological, geochemical and geophysical analysis, the identification of habitats, and as a critical controlling parameter on the output of advanced ocean circulation and tidal models. Bearing that in mind SCAR and SCOR recommended that funding agencies worldwide should:
- encourage project scientists to incorporate in their proposals requests to collect and process multi-beam bathymetric data;
  - fund multi-beam bathymetry data acquisition and processing on all research vessels equipped with multi-beam echo-sounders, whether on transit or on location; and
  - ensure that the data are submitted together with track data to the World Data Center for Marine Geology and Geophysics.
- (124) In addition SCAR and SCOR recommended that principal investigators use the track maps from that data centre to identify gaps that need filling with new data, and allocate sufficient time on transit to fill such gaps. This would contribute to the database for the International Bathymetric Chart of the Southern Ocean (IBCSO), as well as making a contribution to charts for safe navigation.
- (125) The Parties agreed with the proposed recommendations by Australia and UK and adopted Resolution 5 (2008) *Improving hydrographic surveying and charting to support safety of navigation and environmental protection in the Antarctic region* (see Annex C, page 383).
- (126) SCAR supported Resolution 5 because the bathymetric maps obtained through navigational surveys would contribute to the aforementioned scientific goals as well as to safe navigation.
- (127) Chile introduced IP 9 *Seguridad para la Aeronavegación en la Península Antártica, Isla Rey Jorge*, underscoring the systems used by Chile for ensuring safety for air operations near King George Island.
- (128) In relation to Chile's presentation of IP 9, Argentina reserved its position regarding certain contents of the document, in particular those contained in point 3 paragraph 5 and point 7 paragraph e).

- (129) Bulgaria introduced IP 100 *The international collaboration in rescue action for evacuation of Bulgarian polar explorer from Antarctica*, informing the Meeting that during construction works on the Bulgarian Antarctic Base “St Kliment Ohridski” on Livingston Island the base commander sustained a serious injury. He was transported to the neighbouring Spanish Base “Juan Carlos I”. From there, he was evacuated to King George Island and then to Punta Arenas. Bulgaria thanked Spain, Brazil and Chile for their help, stressing that the handling of the incident constitutes an example of excellent coordination and cooperation in the spirit of the Antarctic Treaty.
- (130) Chile reminded Parties of the existence of the Combined Antarctic Naval Patrol of Argentina and Chile, devoted to provide assistance in search and rescue operations in the Antarctic Peninsula region. Argentina suggested that Bulgaria inform COMNAP of its experiences, as they might be of use to other Parties.
- (131) Germany introduced IP 114 *Helicopter accident and air-borne medical evacuations during German summer season activities*. It noted that during the 2007/08 season the Alfred Wegener Institute for Marine and Polar Research (AWI) had asked the community for logistic support and assistance to perform two medical evacuations. The first medevac concerned a crew member on board *M/V Naja Arctica* in January 2008 (the ship was carrying cargo for the construction of the Neumayer Station III). The second evacuation was carried out after the crash of a helicopter from the *R/V Polarstern* on the Ekström Ice Shelf on 2 March 2008.
- (132) Argentina thanked Germany for its presentation and informed the Meeting that the Argentine Antarctic Institute has carried out a research study on the psychological impacts which tragedies in Antarctica cause on the rest of the stations’ staff.
- (133) Germany also drew attention to the numerous problems related to the diversity of insurance companies from different countries Germany had to face when organising the evacuations. Many Parties agreed that solutions should be found for these cases.
- (134) The Netherlands noted that in the crash described by Germany in its IP 114, two people lost their lives - the German pilot and a Dutch technician – and three others were injured. The Netherlands thanked Neumayer II station personnel, the crew of *Polarstern*, the Alfred Wegener Institute and the members of DROMLAN for their professional handling of the situation. The Netherlands noted this was an example of good international cooperation. Several Parties and IAATO passed on condolences to the Dutch and German programmes and thanked them for their sincerity.
- (135) Several Parties noted the importance of maintaining an objective risk perception for those personnel engaged in field activities. It was noted that lessons could be learned from the accidents. Germany was asked to present details of the investigation to help Parties’ awareness. IAATO said it would be pleased to work with Germany on flight policies, especially for helicopter flights.
- (136) The Russian Federation expressed gratitude to the United States because of its collaboration in the evacuation of a Russian patient from Antarctica. US McMurdo

station provided medical assistance before transferring him to New Zealand (no paper was submitted on this issue).

- (137) ASOC noted that Annex B of its IP 58 on shipping issues 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.
- (138) Chile introduced IP 108 *Actividades y estudios exploratorios relacionados con los aspectos glaciológicos, el cambio climático, cartografía de zonas de riesgo y seguridad de las operaciones en la zona de Base O'Higgins, Península Antártica*, describing Chile's risk area mapping project in the vicinity of Base O'Higgins.
- (139) Ukraine introduced IP 129 *The international collaboration in the urgent action of the winterer substitution at the Station Vernadsky*. Ukraine thanked the United States for their help in evacuating the cook of Akademik Vernadsky Station in May 2008. Ukraine also thanked Poland for their assistance in the delivery of scientific samples from the station.

### **Joint Session**

- (140) The Working Groups of Tourism and Non-Governmental Activities and Safety and Operations met jointly to consider issues of common concern, including issues relating to tourism and shipping safety in Antarctica.

### **M/S Explorer Incident**

- (141) The Chair referred to SP 13 *Sinking of the M/S Explorer – Flag State Investigation*, noting that this synopsis had been provided by Liberia, but that Liberia was not present to introduce the paper.
- (142) Many Parties noted their strong concern and dissatisfaction in considering what they viewed as the most serious incident in the Treaty Area in many years without the vessel's flag state present to address the matter. In their view this highlighted the problems of vessels flagged to non-Treaty parties operating in the Treaty Area. A Party noted that there is no standard procedure in the ATCM to invite third parties, such as Liberia, to participate in the ATCM.
- (143) Canada, as the Party that authorised the tourism activity carried out by *M/S Explorer*, provided a verbal statement regarding the incident of *M/S Explorer* (included in Annex H, page 643). Canada also thanked Chile, Argentina and others involved in rescue and mitigation of the accident, and noted that a final investigation report is still forthcoming.
- (144) ASOC noted that it had expected Canada to put forward not only operational information regarding the incident, but also information related to Madrid Protocol obligations. It noted the lack of information from Liberia on environmental issues stemming from the fuel spill.

- (145) In response to the query from ASOC, IAATO noted that subsequent to the accident IAATO vessels monitored the area for any sign of oil pollution or marine debris. Some debris was collected shortly after the accident. IAATO vessels will continue to monitor the area for any further evidence of pollution in the future and report back to IAATO.
- (146) Many Parties mentioned the amount of good fortune involved in making this a successful rescue, and that in other circumstances this could have been a major tragedy. IAATO thanked those parties who assisted with the response to the *M/S Explorer* incident. Initial response was provided by IAATO vessels, Chile, Argentina, Uruguay, Brazil, and later by the United Kingdom. The coordination and cooperation between all parties involved was appreciated.
- (147) Chile introduced WP 42 *Participation of the Chilean Air and Maritime Search and Rescue Centres in the rescue of the Passenger Ship the Explorer and environmental mitigation of the accident in the Antarctic*. Chile noted the efforts made to reach the accident and the support to the passengers in Fildes Peninsula by Chile and Uruguay. Reference was made in the paper to the contributions of the Combined Antarctic Patrol between Chile and Argentina that monitored the oil spill during the Antarctic season. Chile proposed that, in order to improve the actions in similar emergency situations, any ship in the Antarctic area should regularly advise its geographical position.
- (148) In addition, regarding WP 42, Argentina pointed out its reservations regarding certain concepts contained therein, in particular in point 1, paragraph 4 of the paper.
- (149) Uruguay introduced IP 32 *Aspectos atinentes a la asistencia de los naufragos del M/S Explorer en la Antártida*, describing the Uruguayan assistance provided to passengers and crew of the *M/S Explorer* in the Antarctic.
- (150) The Meeting expressed deep appreciation for Chile's and Argentina's actions in response to the accident, as well as their efforts to monitor and disperse the resulting pollution. Thanks were also made to Norway, the Norwegian vessel Nordnorge, which recovered the passengers and crew, and the other Parties that assisted the passengers and crew of *M/S Explorer*.
- (151) The United Kingdom expressed thanks to all of the other parties who responded to the accident, in particular to Chile and Argentina. The United Kingdom also acknowledged the fact that it was IAATO's vessels which provided the immediate rescue of passengers and crew.
- (152) It was noted that many factors, including the proximity of other vessels, contributed to the fact that there was no loss of life. In the view of some Parties, it was too early to draw any conclusion on how the accident had occurred, pending the final report of the investigation by the flag state. Other Parties stated that, in their view, it was appropriate to discuss reports and to consider any information that those involved in the rescue had put forward.
- (153) Argentina noted, with respect to its SAR responsibilities in the area of the incident, that it assisted with early radio communications, with coordination of search and

rescue and with monitoring of the oil spill, in particular through preliminary environmental assessments carried out by way of periodic overflights in the location of the wreck and the on-site monitoring activities undertaken by an Argentine Navy vessel, as mentioned in IP 130.

- (154) The United Kingdom introduced IP 52 *Report of main engine failure of F/V Argos Georgia in the Ross Sea on 24 December 2007*. It noted that the incident was resolved without human or environmental impacts. New Zealand noted the incident had some interesting features. New Zealand noted that the vessel did not issue a distress call and had not been considered to be in a distress situation, despite being without power for a lengthy period in heavy sea ice conditions. The UK emphasized that the vessel had acted appropriately as at no stage had it been in a distress situation, and adequate contingency plans and measures had been put in place. New Zealand and the United Kingdom acknowledged that the US Air Force delivered spare parts to the ship.
- (155) ASOC noted that Annex VI on Liability is not yet in force and asked how the Annex would apply to the Liberian-flagged vessel. One party noted that a significant percentage of flagged vessels are to non-ATCPs. Other parties noted that Annex VI would cover operators from ATCPs even when they are operating non-ATCP flagged vessels.

### ***General Safety Issues***

- (156) COMNAP presented IP 99 *Search and Rescue in the Antarctic*, describing arrangements in place and what could be improved. It also included details of a workshop *Towards Better Search and Rescue in the Antarctic* to be held in August 2008 in Valparaiso, Chile. It will bring together Rescue Coordination Centres (RCCs) and National Antarctic Programs. The report from the workshop will be forwarded to the ATCM. Parties thanked COMNAP for its clear presentation and thanked those countries with RCC responsibilities in the Antarctic.
- (157) IAATO presented IP 81 *Summary Report and Outcomes of IAATO's Marine Committee Meeting on Vessel Operations, Safety and Related Issues*, the report of a meeting which was held following the loss of the *M/S Explorer*. It noted that one of the outcomes was the development of a suite of information to share with Maritime Rescue Coordination Centres (MRCCs) before each season, including a coordinated vessel tracking system. IAATO expressed its thanks to the Australian RCC for its assistance.
- (158) New Zealand introduced WP 20 *Maritime search and rescue incidents in the Antarctic Treaty area: the Role of Rescue Coordination Centres*. The paper reported on two "table-top" Search and Rescue (SAR) exercises, based on the scenario of an incident involving a tourist vessel carrying 458 persons grounding in the Balleny Islands archipelago with deteriorating weather conditions. New Zealand stressed that tourist expeditions should understand the very limited government assets that could be made available for responding to a SAR incident in the Ross Sea. The paper also referred to the IMO's guidance for passenger ships operating in areas remote from SAR

facilities, which suggested that companies should keep the relevant MRCC informed as to the ship's position and intentions while operating in a remote area.

- (159) New Zealand noted that having up to date information would enable an MRCC to directly contact vessels known to be in the area of an incident, achieving a quicker result. New Zealand therefore proposed a Resolution that, in recognising the important role of the five MRCCs with Search and Rescue Regions in the Antarctic Treaty Area in coordinating responses to SAR incidents, recommended regular vessel position reporting to MRCCs while within the Antarctic Treaty area.
- (160) Parties welcomed this paper, which was widely supported, recognizing the important role of MRCCs. Following discussion on the various issues involved, the Meeting agreed to adopt Resolution 6 (2008) *Enhancing the role of Maritime Rescue Coordination Centres with Search and Rescue Regions in the Antarctic Treaty Area* (see Annex C, page 385).
- (161) France introduced WP 33 *Managing human and environmental risks in Antarctica*, which examines the existing mechanisms for managing human and environmental incidents in Antarctica and considers lines of thought in order to improve risk management in the Antarctic Treaty area.
- (162) ASOC thanked France for its paper, noting that it identifies a number of important gaps for Parties to consider, and suggested that some of the recommendations be carried forward through the ICG on vessels. Norway noted that the ICG could do so.
- (163) Chile introduced IP 8 *Rules governing ships in the Antarctic*, and emphasised the standard requirements imposed upon the captains of the vessels navigating in Antarctica, in particular the course on operation in Antarctic waters, which is held in Valparaiso every year and is open to every Party.
- (164) While Argentina expressed reservations with respect to certain contents of IP 8, it supported the recommendation to establish an obligation for any vessels that navigate in Antarctica to have a captain and first officer duly knowledgeable to navigate in ice regions.
- (165) Norway introduced IP 115 *Passenger Ship Safety - Development of statutory instruments over time and key requirements to vessels as function of age and size*, and highlighted in particular the seven conclusions as pertinent background for future work. Parties welcomed the paper and the view was expressed that it provided relevant information.
- (166) The following papers were not introduced and were taken as read:
- IP 121 *The Fram incident* (Norway)
  - IP 11 *Background to the pollution incident caused by the sinking of the M/S Explorer* (Chile)

## Item 10: The International Polar Year 2007-08

- (167) SCAR introduced IP 59 *International Polar Year 2007-08 Planning Document: 2008 and Beyond*, and reminded Parties that observing systems to provide the information required to understand and be able to forecast variability and change were expected to be a key legacy of the IPY. Resolution 3 (2007) called for Parties to maintain and extend the appropriate systems to capture this information through long-term monitoring and sustained environmental observation.
- (168) The Russian Federation presented IP 46 *Preliminary results of the Russian studies under the IPY Programme in 2007 and during the season 2007/08*, and noted that 24 field projects were carried out in 2007 in the Antarctic. Russia stated that research institutes from 23 Parties participated in the “Comprehensive Meteorological dataset of active IPY Antarctic measurement phase for Scientific and Applied Studies” (COMPASS) and that by the end of the IPY all the data from the COMPASS project would be made available and shared among the Parties involved.
- (169) ASOC drew on the discussion of environmental impact of the IPY raised in IP 59 and pointed out that a thorough assessment of the cumulative impacts of IPY activities that have taken place is now possible and needed. It would not change the environmental footprint of the IPY but would advance the consideration of cumulative impacts resulting from Antarctic operations.
- (170) Romania introduced IP 65 rev.1 *IPY 2007-08. The Results of the Polar Research Workshop - The European Polar Research Icebreaker Aurora Borealis – FP7 Project, The 2<sup>nd</sup> International Symposium of Polar Scientific Research*. Romania described a number of projects related to the abovementioned workshop and noted that there were participants from 10 countries.
- (171) China made a brief introduction about the Chinese IPY Programme and the PANDA Programme.
- (172) Spain presented an outline of their significant effort made during IPY that can be summarised in five Arctic, ten Antarctic, three bipolar and one sub-polar project. Ten of them were performed with Spanish logistics and infrastructure.
- (173) India briefly introduced IP 128 *Indian IPY Activities*, which included details on their scientific projects, papers and their outreach programmes in relation to the IPY.
- (174) Other Information Papers submitted under this Agenda Item included:
- IP 88 *Antarctic Treaty Summit: Science-Policy Interactions in International Governance (IPY-IPO)*
  - IP 103 *Cooperación internacional a través de actividades científicas argentinas y el Año Polar Internacional (Argentina)*
  - IP 111 *International Polar Year - Census of Antarctic Marine Life (IPY CAML) New Zealand Ross Sea Marine Research Voyage (New Zealand)*
  - IP 113 *International Polar Year – Education and Outreach in New Zealand (New Zealand)*

## Item 11: Tourism and Non-Governmental Activities in the Antarctic Treaty Area

### *Overview of the Antarctic Tourist Activity in the 2007/08 Season*

- (175) IAATO presented IP 85 *IAATO Overview of Antarctic Tourism: 2007-08 Antarctic Season and the Preliminary Estimates for 2008-2009 Antarctic Season* and IP 19 *Chairman's Report from the Miami Meeting (March 17-19, 2008) on Antarctic Tourism*. IP 85 contained a report of known tour operators, the number of departures, names of vessels and aircraft, registry and activities conducted throughout the Antarctic summer season. Growth trends were noted for both ship-borne and air-land-based tourism. While tourism has increased during the 2007-08 season, IAATO estimated that the overall numbers of tourists will decrease during the 2008-09 season because, *inter alia*, of the withdrawal of one ship. This information is collected from operator end of season reports and the ATCM agreed Post Visit Report Forms. Following the Antarctic season, these forms are loaded into the tourism database and generally in August of each year additional tourism statistics are loaded on to the IAATO website for general access.
- (176) IAATO convened a meeting in Miami to address the future of tourism and the challenges for stakeholders. The meeting was attended by nine Antarctic Treaty Parties, IAATO companies, ASOC and invited experts. IAATO felt that the summary and conclusions of the Miami meeting could be relevant to the ATCM's discussion on tourism. Topics discussed at that meeting included: a strategic approach to Antarctic tourism, a regulatory framework to ensure no more than minor or transitory impacts in line with measures agreed by the ATCM, ship-borne and land based tourism, and transportation by tourist vessels of staff from national programmes. IAATO asked Parties to provide data on yacht activities for its database.
- (177) Parties thanked IAATO for this overview, noting its value to the ATCM and its deliberations on tourism issues. Some Parties noted that although IAATO predicted a dip in tourist activity for the coming year, in general the trend had been an increase in tourist activity. Many Parties were of the view that the ATCM should take a more proactive approach to tourism management. Japan supported the concept of taking a proactive approach based on anticipation of tourism activities. Some Parties suggested that a mechanism be developed through the Secretariat to compile tourism statistics, stressing that the ATCM should not have to rely on an industry organization for such information. Argentina pointed out the importance of operators making Post-Visit Reports readily available to Parties when calling at port every time they return from Antarctica.
- (178) ASOC noted that the IAATO papers indicated an increasing trend in passengers, including the number of passengers on board large ships that did not land, as well as the increase in the diversity of activities undertaken by tourists in Antarctica during the last decade. It considered Antarctic tourism and the management of these activities to be increasingly complex, and that the ATCM needed to take a range of actions in this regard.

- (179) Welcoming the contributions of IAATO to the ATCM, the Chair noted that this was Mrs Denise Landau's final meeting as IAATO representative, and thanked her for her contribution over the years.

### ***Vision/Directions for Antarctic Tourism Policy***

- (180) The United Kingdom presented WP 51 *Developing a Strategic Vision of Antarctic Tourism for the Next Decade*, and noted that Measures and Resolutions agreed during recent years were largely directed at the conduct of tourism within Antarctica, and that there had been little discussion about whether Parties should place greater controls on the overall size, geographic limits or diversity of tourism activities in Antarctica. The UK proposed that the ATCM take a proactive approach through the development of a strategic vision of tourism. The United Kingdom had discussed options for developing such a strategy with government, NGOs and industry, and found general support for the overall concept. The UK proposed that development of the vision should include general principles for the overall development of tourism in Antarctica and should aim to articulate, as far as was practicable, a more precise volume and form of tourism that Parties would wish to see in the future. Essentially, the aim of the vision would be to clarify:
- what the ATCM expected tourism activities in Antarctica to look like – for example, in terms of volume, geographic and seasonal limits, and diversity;
  - how tourism in Antarctica would be managed in order to deliver such a vision;
  - how information about tourism activities would be collected, analysed and reported; and
  - how the Antarctic environment would be monitored to identify any potential impacts of tourism activities.
- (181) The UK proposed that such a vision, as a non-mandatory and aspirational tool, be developed in time for ATCM XXXII to form part of the celebrations of the 50<sup>th</sup> Anniversary of the signing of the Antarctic Treaty.
- (182) The Meeting thanked the United Kingdom for its proposal and welcomed the elements identified in the paper as a good starting point, with the understanding that all the elements were still open for discussion.
- (183) Some Parties expressed the view that science should be the basis for informed thinking and decisions when addressing the issue of risk. Many Parties took the view that a precautionary approach was necessary especially when information was limited.
- (184) One party noted that, when considering management tools such as limitations, it was important to consider what management objectives were being pursued.
- (185) Some Parties noted that there were differences of view on the definition of a “minor or transitory impact”, while others noted the difficulty in achieving clarity on this. Some Parties considered one of the key questions to be addressed is related to which values the ATCM is trying to protect.

- (186) Some Parties were of the view that a strategy should not take a prescriptive approach with regard to tourism, and should focus on basic principles. Some Parties also suggested that Parties should consider additional issues, such as the benefits of Antarctic tourism and lessons that may be learned from other protected areas around the world, including their management. Some Parties said that tourism regulation should be carried out consistent with values contained in the Treaty and the Protocol including the aesthetic and wilderness values of Antarctica.
- (187) Australia noted that the nature of the experiences of visitors was an important consideration, as well as the relationship between visitor experiences and the values for which Antarctica is protected. Australia also reflected that issues relating to access and participation by tourists and companies from the Treaty Parties might also need to be considered.
- (188) Argentina encouraged Parties to develop concrete proposals on specific aspects related to tourism. It also pointed out that scientific information on impacts associated with tourism might take considerable time to be produced and this should not prevent Parties from proposing measures to regulate tourism activities. Some Parties supported these proposals.
- (189) Several Parties noted that tourist activities could conflict with science. It was noted that science and science support activities should take precedence over tourism. Other Parties stated that tourism was a legitimate activity under the Treaty and the question was how to balance the legitimate activities in Antarctica taking also into account their impact on the environment and the priorities defined in the Treaty and the Protocol.
- (190) Some Parties, noting the increasing complexity of tourist activities in Antarctica, advocated the early development of a “tourism Annex” to the Protocol and a codification of the regulations adopted by the ATCM on this subject. Some Parties expressed the view that a “tourism annex” is not necessary at this point in time, and that any codifications of regulations should not affect the existing flexibility of the Antarctic Treaty System.
- (191) Several Parties asserted that the possible cumulative impacts of tourism should be considered further. Some Parties considered that this was particularly important in those places where a greater concentration of tourism was occurring.
- (192) The United Kingdom offered to receive Parties’ proposals for elements for a strategy on tourism intersessionally (before the end of November), with a view to presenting a paper highlighting areas of commonality at the next ATCM. Parties welcomed this approach.
- (193) The Russian Federation introduced WP 50 *Proposals for Regulating the Adventure Tourism and Non-Governmental Activity in the Antarctic*. It outlined several complexities associated with tourist activity in Antarctica, noting that in its opinion, issues related to adventure tourism and non-governmental expeditions in the Antarctic had become one of the most important current problems for the ATCM to address. In particular, Russia noted the differences in national legislation implementing the

Protocol, which in its view could allow the evasion of national procedures by groups or individuals.

- (194) Russia informed the Meeting of vandalism at Leningradskaya station. Although the station had been visited several times in recent years, no reports of the visits were submitted to Russia. It stressed the need to develop a new legally binding “code” regulating tourism and non-governmental activity in the Antarctic. It concluded that, as proposed by the United Kingdom, the development of a new strategy would be an important first step.
- (195) Several Parties noted the need to ensure that existing measures were fully implemented, in particular Measure 4 (2004) and Resolution 4 (2004). Some Parties also highlighted the requirement for advance notification and clarified that tours organized or conducted from a State Party are subject to the legislation of that state party. Japan stated that it was difficult to implement Measure 4 (2004) under its domestic law.
- (196) IAATO noted that unregulated tourism was of great concern and could harm IAATO’s responsible operators.
- (197) The United States introduced WP 43 *Further Development of Antarctic Tourism Policies*, proposing issues for action by the ATCM. The United States recalled that the ATCM made progress last year by the adoption of Resolutions 4 (2007) and 5 (2007) at ATCM XXX. It observed that the sinking of the *M/S Explorer* was a wake-up call, and noted that it was fortunate that lives were not lost. In its view, the ATCM had a responsibility to treat tourism policy as a priority, particularly with regard to safety and protection of the environment.
- (198) The United States proposed that the ATCM request the International Maritime Organization to review the existing guidelines for tendering passengers between vessels and shore and for Search and Rescue, and to consider whether additional equipment was necessary on life boats. The United States also proposed that Parties continue work on the risk analysis through the intersessional contact group, with a view to identifying additional issues to be referred to expert bodies, and indicated that there was a need to improve navigational data and information on areas with heaviest passenger vessel traffic. In order to assist the ATCM in developing tourism policies, it suggested the ATCM invite the CEP to review the ways in which data could be collected on the impacts of tourist activities in Antarctica.
- (199) The United States also noted the need to build on past efforts and to prioritize monitoring and best practices, including with regard to cumulative impacts. As part of a larger review, it suggested that Parties may wish to consider in the CEP sharing data on routine discharges from passenger vessel operations. It also emphasized the importance of advance notification. The United States also noted that robust implementation of the Protocol could go a long way in addressing pending tourism issues.
- (200) Parties welcomed the United States’ paper, noting the reference to the recent accident of the *M/S Explorer* which could have ended in more of a tragedy. Parties considered that better regulation of tourist activities was a crucial issue.

- (201) Regarding the *M/S Explorer* incident, Argentina underscored that it would be highly desirable that all tourist vessels, including IAATO member vessels, carry an Ice Master, with sufficient knowledge to navigate in Antarctic waters.
- (202) ASOC thanked Argentina and Chile for their actions towards assessing and mitigating the environmental impacts that resulted from the sinking of the *M/S Explorer* and expressed concern about possible environmental impacts from the fuel that remained in the wreck.
- (203) The US proposed that the ATCM ask the CEP to work on a series of issues related to environmental impacts of tourism activities. The Meeting welcomed the advice from the CEP that the Committee had identified as a high priority in its five-year work plan consideration of the environmental impacts of tourism and non-governmental activities. The Meeting requested the CEP Chair to convey to Committee Members its interest in the results of this and other relevant work, and looked forward to progress reports at upcoming ATCMs. It was noted that the work of the CEP would be conducted in parallel with, and without prejudice to, continuing ATCM work on tourism matters.
- (204) France introduced WP 34 *A Mechanism for Centralising Tourism and Non-governmental Activity Declarations and Authorization Requests Suitable for Taking Cumulative Impacts into Account*. It noted that although the impact of a single tourist activity in a given site could be assessed as less than minor or transitory, there was a need to look at the cumulative impact resulting from visits by several operators to a given site. France proposed a complementary mechanism for centralising 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.
- (205) Several Parties welcomed this proposal, while others expressed some concern about the feasibility of implementing it in practical terms, given the different domestic reporting requirements.
- (206) Parties also recalled that the issue of cumulative impacts of tourism had been raised several times in both the CEP and the ATCM. Others noted the need to consider the cumulative impacts of tourism jointly with the total cumulative impacts produced in Antarctica by all human activities.
- (207) Some Parties recalled other tools available to the ATCM, including past work addressing cumulative environmental impacts, site guidelines, and monitoring programmes, as mechanisms to reduce the possible cumulative impact associated with tourist activities.
- (208) Argentina concurred that the issue of cumulative impact was very important. It also supported the strengthening of information exchange and added that tour operators should provide information both when travelling to Antarctica and when calling at port on returning.
- (209) Argentina indicated that it reserved its right to establish, at any of its stations, infrastructure for land-based tourism, with lodging capacities, similar to presently

existing ones, which are not deemed to substantially contribute to a long term degradation of the Antarctic environment and its dependent and associated ecosystems. It would otherwise be considered as discriminatory. It stated that tourism is a legal activity and should be carried out in a responsible manner. Argentina supported by other Parties further underscored that in case of conflicting uses, scientific and logistics associated activities should be prioritized over any other use.

- (210) France indicated that it was willing to receive comments from Parties on its proposal intersessionally, and the Parties welcomed this approach.
- (211) ASOC presented IP 41 *A Decade of Antarctic tourism: Status, change, and actions needed* summarizing tourism trends, concerns, and proposals for action. It noted that tourism over the past decade had been characterized by increases in total number and diversification of activities, and that the current management regime includes local and technical aspects, voluntary guidelines, and Measure 4 (2004), which had not yet become effective. The paper summarized these instruments, many of which had been in reaction to tourism developments. ASOC noted that tourism could become the predominant activity in Antarctica, and result in erosion of values in the Treaty and Protocol.
- (212) ASOC noted that a range of actions is needed, including development of a strategic vision as a first priority, as well as development of new instruments and improvement in implementation of existing instruments. It was its view that a resolution concerning the ATCM's views on the growth of tourism would be a concrete action that could be taken at this meeting. It also noted the importance of working with the IMO on shipping guidelines and taking action to prevent the establishment of new land-based tourism facilities. ASOC further suggested that the ATCM could build on existing tools, in particular ASMAs, site guidelines, and the environmental impact assessment process.
- (213) Parties thanked ASOC for its useful and thought-provoking paper, noting this was an excellent synthesis of the status of the tourism issues in the Treaty area. One Party noted that it would be useful to clarify definitions of terms such as "government sponsored tourism", "commercial tourism", and "non-commercial tourism".
- (214) Parties discussed the reference in the ASOC paper to World Park Antarctica. Several Parties noted a variety of views on the management and role of "parks" vs. "reserves". Some Parties recalled that under the Protocol Antarctica was designated a natural reserve devoted to peace and science and that in all cases, tourism needed to be consistent with environmental and aesthetic values in Antarctica and with the scope and purposes of the Treaty and the Protocol.
- (215) Chile thanked ASOC for the list of infrastructures already existent in Antarctica. Another Party requested clarification from Parties listed in IP 41 as the competent authorities for land-based tourism concerning certain descriptions in the report. Parties clarified their positions as follows:
- Chile noted that the Air Force Hotel was currently used by staff from national programmes, not tourists. Chile noted that it had determined state-sponsored tourism at their stations would be unconstitutional and illegal.

- Uruguay clarified that all of their work in Antarctica is currently related to the International Polar Year, and that its land-based facilities are not currently in use for tourism. The visitors programme at BCAA was implemented on a small scale and like a non-commercial activity.
  - The United Kingdom noted that it had undertaken an investigation of White Desert. It found that this company markets space already in use under other authorized programmes through other Parties. The United Kingdom also noted that Port Lockroy was a former base and was now a living museum, and a study location for human impacts.
  - Argentina clarified that the planned museum referenced to Argentina's Army was actually under management of Argentina's national programme.
  - The United States noted that the ALE operation at Patriot Hills was subject to US regulations, had undergone a thorough environmental impact assessment, and that it is a temporary field camp, which was subject to advance notification requirements.
- (216) New Zealand coordinated a draft Resolution on the "Unending Increase and Diversification of Tourism in the Antarctic Treaty area". Many Parties agreed on the need for the ATCM to address the uncontrolled growth of tourism in the Antarctic Treaty area, which was neither desirable nor necessary, and supported a proposal by the United Kingdom to undertake work on a proactive strategy on the future of tourism in the Antarctic Treaty area.
- (217) Some Parties viewed the draft resolution as a proactive step in addressing management of Antarctic tourism.
- (218) Several Parties sought clarification on what terms such as "increase" and "diversification" were intended to address, suggesting these terms were ambiguous. Several Parties supported the proposed resolution coordinated by New Zealand in its initial version. Some Parties raised concerns that taking a position against "unending tourism" could imply that Parties already now were willing to set limits on tourism, and suggested instead referring to "unmanaged" tourism. Japan stated that the environmental impact of these activities should be the determinant factor to declare a policy on tourism in Antarctica.
- (219) Consensus could not be reached on the proposed resolution. However, it was noted that the concepts discussed in relation to this proposal were applicable to the informal consultations on development of a strategic vision for Antarctic tourism.

### ***Passenger Ship Issues***

- (220) Norway introduced WP 36 *Report of the Intersessional Contact Group on Issues Concerning Passenger Ships Operating in Antarctic Waters*, which detailed the outcomes of discussions in the ICG established at ATCM XXX. It reported that several Parties and experts had engaged actively in the ICG and noted that the ICG's focus had been on issues potentially endangering human life and the Antarctic

environment as result of maritime accidents. Norway clarified that the ICG had not focused on risks to property.

- (221) Norway reported that there was 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.
- (222) The ICG recommended that Parties work actively in 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 group also recommended that the ATCM should task the CEP or other appropriate bodies to examine the environmental impact of routine passenger vessel operations.
- (223) Parties thanked Norway for chairing the ICG and welcomed the ICG report. Some Parties noted that the IMO was already looking at various instruments in accordance with past requests from the ATCM. Several Parties noted that it was important for the ATCM to agree a clear understanding of which issues are for the ATCM to determine and when and how it should relate to the IMO, and that it was crucial for representatives of ATCPs to collaborate with their domestic colleagues representing their Parties at the IMO.
- (224) Parties expressed support for the ICG recommendations and follow up in a continued ICG. Several Parties noted that IMO involvement is crucial because of its experience in shipping, but felt that some risks needed to be more fully discussed in the ATCM, and that some issues should be addressed only by the ATCM.
- (225) The United States highlighted its proposals in WP 43 to submit questions on tender operations and search and rescue to the IMO. The United States proposed a draft Decision to refer these matters to the IMO.
- (226) Some Parties further noted that, prior to referring additional matters to the IMO, the ATCM should undertake additional analysis to identify what measures have already been agreed and the extent to which these measures have been implemented, in order to identify areas where the IMO could usefully assist. A clear indication of what the Parties would like the IMO to achieve in any referral to the IMO would be desirable.
- (227) New Zealand offered to host in Wellington an Antarctic Treaty Meeting of Experts on the management of ship-borne tourism in the Antarctic Treaty area in the second half of 2009. The agenda could include many of the issues covered by the ICG, as well as Search and Rescue. It noted that the last such Meeting of Experts in 2000

considered guidelines for Antarctic shipping which were 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.

- (228) The Meeting decided to extend terms of reference for the ICG and explicitly focus its work on those issues related to preventing and mitigating the effects of a maritime incident. The Meeting asked the ICG to continue and refine its process of risk analysis to develop proposals for further discussion or action by the ATCM as appropriate, including possible recommendations for proposals for referral of appropriate issues to the IMO and/or other relevant bodies for their consideration.
- (229) The Meeting also welcomed Norway's offer to continue to act as convener of the ICG.
- (230) While consensus could not be reached on the US draft IMO-related Decision, the United States agreed with Norway that specific issues related to tendering operations and search and rescue could be considered in the context of the work by the ICG. Such issues included: the adequacy of safety and operational requirements for tendering passengers between vessels and shore, review of existing search and rescue guidelines, and consider action as to whether additional equipment aboard survival craft could be improved. The Meeting requested Parties, Observers and Experts to submit evidence relating to these issues to the ICG.

### ***Tourist Vessels Flagged to Non-Parties***

- (231) New Zealand presented WP 22 *Implications of Tourist Vessels flagged to non-Parties for the effectiveness of the Antarctic Treaty System*, recalling consideration of this issue at the previous two ATCMs. According to Article 94 of the UN Convention on the Law of the Sea, the flag state has the duty to “effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag”. New Zealand noted that if the Flag State was a Party to the Antarctic Treaty and its Protocol, it was bound by the obligations of those agreements. If the Flag State was not a Party and not bound by such obligations, there existed a significant gap in coverage, which had the potential to undermine the effectiveness of the Antarctic Treaty System. New Zealand outlined three such gaps:
  - There was no obligation on non-Party Flag States to provide emergency response action under article 15 of the Protocol.
  - In the case of a non-Party vessel, there was no obligation to enable an inspection under Article VII of the Antarctic Treaty.
  - There was no obligation on non-Party vessels to enable an inspection under Article 14 of the Protocol.
- (232) New Zealand also noted that figures provided by IAATO showed that approximately 40 percent of commercial tourist vessels operated by IAATO Members were flagged to countries that were neither Party to the Antarctic Treaty nor the Protocol, and that the average number of passengers per voyage was greater on non-Party vessels.

Recalling that during ATCM XXX the Meeting had agreed this was an issue of considerable concern, New Zealand suggested that Parties consider whether they should discourage the use of non-Party vessels in the Antarctic Treaty area, and how this might be done. New Zealand also expressed its concern at the paucity of information available from Liberia, the flag state of the *M/S Explorer*, which sank in November 2007.

- (233) Parties welcomed the paper and several echoed New Zealand's concerns. Some Parties noted a need to examine means by which the ATCM could engage flag states of non-Party flagged vessels in future. In this context, Argentina expressed its views that by means of applying non-compliance procedures, in conformity with international law, flags of convenience could be persuaded to comply with the Protocol. The United Kingdom suggested that, in line with practice at CCAMLR, the ATCM could consider modifying its rules of procedure to allow invitations of non-Parties to the ATCM.
- (234) It was suggested that the vessels operated by non-Parties are not necessarily unregulated. It was pointed out that in most cases involving a vessel flagged by a non-Party, the operator was regulated by a Party to the Protocol, and thus to that extent, the requirements of the Protocol applied to these expeditions. Some Parties noted that freedom of navigation needed to be considered.

### ***Non-Governmental Land Based Infrastructures***

- (235) Germany introduced WP 6 *Environmentally Sound Tourism in the Antarctic Treaty Area* (co-sponsored by Germany and France), noting that there was a clear upward trend in tourism and that it was important that the ATCM become more proactive in anticipating trends, rather than reacting as had been the case for several years.
- (236) 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.
- (237) There was detailed discussion of the proposed draft Resolution attached to WP 6. Many Parties were supportive of the concepts addressed in the proposed resolution. Some Parties noted that the values of the Antarctic Treaty and the Protocol should be prioritized. Some Parties were of the view that this matter was addressed by Resolution 5 (2007) and that this Resolution prohibits, according to their interpretation, the establishment of hotels. Other Parties were concerned by the apparent gradual modification of Resolutions agreed in the past.
- (238) Some Parties noted that Resolution 5 (2007) had already effectively addressed this matter and if the issue were to be revisited this should be done with the reference and within the framework of that Resolution. Chile added that the understanding underlying the above-mentioned Resolution pointed towards a prohibition rather than a moratorium. Argentina reminded that Resolutions do not have a legally binding character.

- (239) Following the discussion in the plenary and the work of a Contact Group, Germany and France introduced a revised text which said in its operative part that the Parties discourage the establishment of hotels in the Antarctic Treaty Area in order to avoid any tourism activities which may substantially contribute to the long-term degradation of the Antarctic environment and its dependent and associated ecosystems. This wording was supported by many Parties. However, other Parties expressed concern that the draft Resolution as proposed may result in an implication contrary to its intention.
- (240) Japan stressed that, even though Resolutions were non-binding, it takes the Resolutions seriously and therefore may only agree to the content that can be implemented domestically. Japan stated that, under the Treaty and the Protocol and their domestic legislation implementing them, its government could discourage activities, including activities related to tourism, only when they have adverse environmental effect. According to Japan, a facility called “hotel” may or may not have those effects.
- (241) Although the Meeting did not reach consensus on this proposal, Germany thanked delegations for the positive exchange of views. Germany agreed to use this discussion as a basis for further consultations with Parties leading up to ATCM XXXII and indicated that it would contact Parties via e-mail.
- (242) 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 which may be developed in Antarctica to be included within and under the control of a national Antarctic programme. The proposed Resolution would ensure all permanent facilities were covered under the jurisdictional framework provided in Article VIII of the Treaty. At the same time New Zealand made clear that for its part it did not consider the provision of facilities for tourism beyond humanitarian assistance and basic hospitality to be the proper purpose of a national Antarctic programme.
- (243) Some Parties spoke in favor of the draft Resolution, recognizing the concerns about jurisdiction over infrastructure in Antarctica.
- (244) Other Parties indicated they had reservations. Some Parties noted their concern that science should take precedence over tourism and did not agree that tourist activities should fall within the ambit of national programmes. India stated that the Resolution could lead to national programmes becoming overstretched by diverting resources from science to tourism. Several Parties indicated that they would be unable under their own domestic laws to incorporate private activities into their national programmes. Some Parties suggested that the Resolution would send a message encouraging or inviting the development of tourist infrastructure.
- (245) New Zealand noted that the Resolution did not propose that any Party should incorporate tourism activities within its national programme. Where, however, Parties were providing tourist facilities at their research stations, they should accept

responsibility for those facilities. New Zealand nevertheless noted that the discussion indicated the time was not yet ripe for a decision on the matter and withdrew the draft Resolution. New Zealand indicated it would return to the matter at ATCM XXXII.

- (246) The United States referred to IP 109 *Amundsen Scott South Pole Station, South Pole Antarctic Specially Managed Area (ASMA No. 5) First Year Management Report*. It noted that the section on NGO activities is relevant to these discussions. The United States reported on the steady increase in NGO visitor numbers in the past few years. The United States informed the Meeting that, due to the pressure on their science and operation activities, it can no longer support the current level of outreach activities such as station tours. They explained that they may institute an allocation system for South Pole Station visits, such as is done for Palmer Station. The US noted that it looks to advance notification as required under the Treaty to provide information on plans by non-governmental organizations to visit the station.
- (247) IAATO presented IP 84 *Land-Based Tourism and the Development of Land-Based Tourism Infrastructure in Antarctica: An IAATO Perspective*, hoping that it would make a constructive and practical contribution to the discussion on land-based tourism. IAATO welcomed the comments from various Parties that referred to IP 84 in previous discussions.
- (248) IAATO recalled that it had supported the adoption of Resolution 5 (2007) and noted that it was not currently interested in promoting or funding the construction of major facilities, such as hotel accommodations.
- (249) Parties thanked IAATO for its useful paper. They expressed encouragement to non-IAATO operators to provide data on their operations to the ATCM.
- (250) The Meeting thanked IAATO and ASOC for their information in IPs 41 and 84 identifying land-based facilities currently used to support and/or manage tourism.
- (251) Japan would welcome IAATO and ASOC to come to ATCM XXXII with as much information as possible and an analysis of land-based facilities. Japan also requested all Parties involved to verify such information and to provide supplementary information.

### ***Other Matters***

- (252) The Meeting took note of the following IPs submitted by IAATO:
- IP 81 *Summary Report and Outcomes of IAATO's Marine Committee Meeting on Vessel Operations, Safety and Related Issues*
  - IP 82 *Update on the Antarctic Peninsula Landing Site Use and Site Guidelines*
  - IP 83 *Regulation of Antarctic Tourism: A Marine Perspective*
  - IP 86 *Report of the International Association of Antarctica Tour Operators 2007-08 Under Article III (2) of the Antarctic Treaty*

**Item 12: Inspections under the Antarctic Treaty and the Environment Protocol**

- (253) Argentina presented WP 54 *Proposal to revise the inspection checklists contained in Resolution 5 (1995)*. As a first step Argentina proposed establishing an Intersessional Contact Group (ICG) to review List A *Permanent Antarctic Stations and Associated Installations* appended to Resolution 5 (1995).
- (254) The ATCM welcomed the proposal and adopted Resolution 4 (2008). The Meeting decided to establish, with support from the Secretariat, an open-ended web-based ICG to review Checklist A *Permanent Antarctic Stations and Associated Installations* appended to Resolution 5 (1995) as the first step towards reviewing all the checklists included in this Resolution. Argentina agreed to be the convenor of the ICG and to report progress to ATCM XXXII. The ATCM invited interested Non-Consultative Parties, Observers and Experts to submit information documents to the ICG.
- (255) The following terms of reference were agreed for this group:
- Identify which questions in Checklist A seek information that should already be provided by Parties to the Antarctic Treaty Information Exchange System;
  - Consider the possible updating of the Checklist by rewording these questions and/or by adding new ones to enable the Checklist to facilitate the inspection of permanent Antarctic stations and associated installations, and suggest which questions might more appropriately be answered by direct observation and which questions could be preliminarily answered by consulting the documents and information regarding the base in question.
  - Submit a report with a draft revised checklist to the next ATCM, mindful that questions should not be deleted if the information sought is currently unavailable in other databases or information exchanges, and that the report should not preclude inspection teams from asking questions in addition to those contained in any checklist.
- (256) Japan informed the Meeting that it was in the process of preparing its first inspection. It welcomed inspection reports from Parties that have conducted inspections already as a means of aiding its preparation process. Norway noted that it was also considering carrying out an inspection in the near future.
- (257) The Meeting agreed that a record of inspections constitutes important background information for those Parties planning future inspections. The Meeting instructed the Secretariat to make available and keep updated on its website a list of inspections and, for recent inspections where reports were available, they should be linked to the list. Argentina stated that it was also important for reports made by Parties whose stations have been inspected to also be placed on the website. Parties agreed to provide information to the Secretariat about their inspections.

### **Item 13: Science Issues, Including Climate-related Research, Scientific Co-operation and Facilitation**

- (258) SCAR presented WP 10 rev. 1 *Status of the regional, Antarctic population of southern giant petrel - Progress*. SCAR noted that in-depth discussion of the document had taken place at CEP XI.

#### ***Climate Change***

- (259) Norway briefly introduced WP 35 *Antarctic Climate Change Issues*, a paper submitted jointly with the United Kingdom, and highlighted the six recommendations at the end of the paper. Several Parties recognized the work done by SCAR regarding the scientific issues related to climate change as well as the work by COMNAP through the Energy Management Network, ENMANET. In reference to a proposed Meeting of Experts, the United Kingdom noted that it would coordinate with Norway to take forward work towards a possible meeting in early 2010, after a report from SCAR. Parties also noted the importance of climate change research in the Antarctic.
- (260) ASOC presented IP 56 *Impacts of Climate Change on Antarctic Ecosystems*. It noted that discussion on climate change had brought endorsements of best energy management practices, improved energy efficiency and shared logistics. ASOC expressed its hope that the ATCM would seize the moment to move these initiatives forward, not only to address climate change but also to increase efficiency and reduce fuel costs of Antarctic operations.
- (261) Some Parties believed that emissions' calculations could be a useful tool in the Antarctic and were therefore of high priority. Many Parties observed that emissions in Antarctica are insignificant in a global context. Some Parties noted that emissions at a local scale in Antarctica are insignificant with respect to Climate Change, and stressed the importance of research including sustained scientific monitoring to understand trends as supported by Resolution 3 (2007). Many Parties believed that further action should be taken to reduce emissions in Antarctica, and that this should be given high priority. COMNAP and several Parties explained that energy saving procedures and alternative energy were in place in many stations.
- (262) Many Parties stressed that reduction in greenhouse emissions from Antarctic operations was important as a best practice and to set a good example.
- (263) The Russian Federation introduced IP 47 *Variability of Antarctic climate*, stressing the importance of climate modelling to assess climate change. The Russian Arctic and Antarctic Research Institute of St Petersburg conducted research in its Antarctic stations with support from SCAR's READER project.
- (264) SCAR presented IP 62 *Antarctic Climate Change and the Environment: A Progress Report*, and drew attention to 8 statistically significant changes in the Antarctic that had taken place since 1950 and the present and that seemed to be caused by global warming. In some instances these were associated with extreme stratospheric cooling

caused by the ozone hole; both the warming and the stratospheric cooling were anthropogenic.

- (265) Bulgaria introduced IP 104 *Permafrost and Climate Change in the Maritime Antarctic (PERMANTAR) - an Excellent Example for International Collaboration*, submitted together with Spain. Bulgaria pointed out that this project contributed to the global scientific effort to bridge the gap in the knowledge of Antarctic permafrost characteristics, sensitivity and implications for climate change. The project is strongly interdisciplinary in nature and there is international collaboration between Spain, Bulgaria, Portugal, Chile and Argentina.
- (266) Spain mentioned a project on *Atmospheric-Sea interactions by Organic Carbon and Contaminants: The implication for Climate Change and Polar Ecosystems (ATOS)*. It is connected to a Canadian Project: *Atmospheric inputs of mercury to the polar ocean: rates, significance and outlook (ATMER)*. ATOS, which is a bipolar project, aims at investigating the significant increasing role of sea-air exchanges of materials and contaminants in the polar seas. ATOS will advance current knowledge on the importance of sea-air interactions, and the evolution of complex polar ecosystems. It will also provide a basis to record the effects of expected reductions of sea ice in the polar regions and near ocean areas, on the contamination of the complex ecosystems.

### ***Scientific Co-operation and Facilitation***

- (267) The Republic of Korea introduced IP 37 *Collaborations with Other Parties in Science and Related Activities during 2007/08*. Among other projects, Korea mentioned its joint work with China and Japan on ITASE (International Trans-Antarctic Scientific Expedition) and the Hydro Acoustic Monitoring Project in the Bransfield Strait, carried out together with the United States.
- (268) Romania introduced IP 64 *Grove Mountains, East Antarctica - between scientific research and environmental protection*, IP 66 rev.1 *Romanian scientific activities in polar areas in cooperation with US/National Science Foundation and Denmark/Copenhagen University - Greenland 2008* and IP 67 *Romania application for SCAR admission*. Romania thanked China and the Russian Federation for their support and transport during the Romanian Antarctic scientific activities 2002-07.
- (269) Japan introduced IP 78 *Highlights from Japanese Antarctic Research Expeditions (JARE) in 2007-08*, describing its study of the ozone hole at Syowa Station, the Japanese-Swedish Antarctic Expedition (JASE) 2007-08 and the Geological Survey conducted in the Sør Rondane Mountains.
- (270) Japan also briefly presented IP 76 *Asian Forum for Polar Sciences (AFoPS) Report to XXXI ATCM*, describing the outcome of the VII and VIII AFoPS Delegates Meeting as well as other related activities. Detailed information can be found at [www.afops.org](http://www.afops.org).
- (271) China noted that it will be the chair country of AFPS during 2009-10 and that China would like to continue to enhance the cooperation in the collaboration with Asian countries in scientific and logistic aspects.

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- (272) Australia presented IP 29 *Australia's Antarctic Scientific Research Programme 2007/08*, noting that the major field programmes conducted by Australia in the 2007/08 Antarctic season occurred principally in the Southern Ocean.
- (273) Venezuela presented IP 132 *Primera Expedición Científica Venezolana al Continente Antártico* and IP 133 *Actividades de Hidrografía y Cartografiado de Venezuela en la Antártida*. It described its first expedition to Antarctica, carried out with support from Uruguay and in accordance with the provisions of the Madrid Protocol. Venezuela also informed the Meeting that it was preparing its Antarctic Programme.
- (274) Other papers submitted under this agenda item were:
- WP 10 rev. 1 *Status of the Regional, Antarctic Population of the Southern Giant Petrel – Progress* (SCAR)
  - IP 23 *Australia's Antarctic and Southern Ocean Climate Science* (Australia)
  - IP 40 *Finland's Antarctic Research Strategy* (Finland)
  - IP 48 *Report on scientific studies in the Antarctic at the second stage of the Subprogramme "Study and research of the Antarctic" in 2003-07* (Russian Federation)
  - IP 50 *Antarctic Peninsula: rapid warming in a pristine environment* (United Kingdom)
  - IP 95 *Scientific Research of Peru in the period 2007-08* (Summer Season) (Peru)
  - IP 10 *Visit by the UN Secretary General to the Antarctic* (Chile)
  - IP 69 *The Czech activities on the James Ross Island in austral summer 2007/08* (Czech Republic)
  - IP 72 *Report on the Research Expedition of the Czech Geological Survey to Antarctica, 2008* (Czech Republic)
  - IP 73 *India's Antarctic Science Programme 2007-08* (India)

### ***The SCAR Lecture***

- (275) A lecture on space weather and its effects was organised by SCAR and submitted as IP 60. The lecture was given by Dr Louis J. Lanzerotti. An abstract is in Annex H, in page 645 of this report. The slides from the lecture will be available from the SCAR website.

### **Item 14: Operational Issues**

- (276) SCAR submitted WP 12 *Human disturbance to wildlife in the broader Antarctic region: A review of findings*. Several Parties recognized the importance of the document and encouraged SCAR to maintain its studies to understand the response of the Antarctic fauna to intrinsic and extrinsic factors.
- (277) Many Parties and experts emphasised that due to increases in costs and in order to avoid duplication of effort, more collaboration on international logistics was desirable.

- SCAR was encouraged to promote international collaboration in long term research and logistical support at its next meeting. It was noted that the need for Parties to collaborate efficiently and effectively was one of the mandates of the Antarctic Treaty.
- (278) One Party suggested that information exchange should include monitoring and follow-up programmes. This would produce a clearer idea of the progress in research being carried out.
- (279) Germany introduced IP 112 *Neumayer Station III - Progress during the first season of construction 2007/08*, describing work done during the past season. It noted there had been significant delays due to the heavy sea ice conditions. Germany also described briefly its plans to continue the construction during the coming season, noting that more information could be found at its website [www.awi.de/en/infrastructure](http://www.awi.de/en/infrastructure).
- (280) The United Kingdom presented IP 21 *Update on Wildlife Awareness Information for Aircraft Operations in Antarctica*, noting that since its launch in 2006, the Wildlife Awareness Manual has proved a useful practical tool to support the UK's national programme in Antarctica. The UK noted that it planned to update the manual for the 2009-10 season and welcomed feedback and additional information from COMNAP, Parties or other stakeholders.
- (281) COMNAP confirmed it was working on the issues highlighted in paragraphs 158-159 of CEP IX Report, and in particular was looking at integrating some wildlife awareness information in the Antarctic Flight Information Manual (AFIM).
- (282) The Republic of Korea introduced IP 38 *Korea Icebreaker, Araon*, noting that the vessel, currently under construction, was scheduled to be completed by the end of 2009. She would be used for research and logistic activities in the bi-polar regions. Korea emphasised its willingness to share onboard facilities with other Parties.
- (283) Australia introduced IP 53 *Australia's Antarctic Air Service 2007/08* and presented a video out of session.
- (284) Japan presented IP 63 *Japan's New Icebreaker, the Shirase: Outline and Performance*, describing the main features of the new Japanese icebreaker. Other Parties would be welcome on board the new ship, once it was in service.
- (285) Introducing IP 87 *Recent operational developments within the South African National Antarctic Programme (SANAP)*, South Africa highlighted its plans to replace the SA Agulhas with a new multipurpose ship, following a review of the efficiency of the South African Antarctic programme conducted by the National Treasury. Current supply vessels would be replaced by "green" ships and South Africa would consult widely with other Parties. It expected the first funds to be available on 1 April 2009.
- (286) Commenting on COMNAP IP 92, ASOC expressed its support for the Parties' call for increase in collaboration and highlighted the large amount of collaboration that was taking place already. ASOC hoped that the discussion about collaboration and momentum generated under IPY could lay the ground for the first international research station.

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(287) Other papers submitted under this Agenda Item were:

- WP 12 *Human Disturbance to Wildlife in the Broader Antarctic Region: A Review of Findings* (SCAR)
- IP 92 *Information Paper on International Scientific and Logistic Collaboration in Antarctica* (COMNAP)
- IP 106 *Manual de Primeros Auxilios para Zonas Polares* (Ecuador)
- IP 122 *Monitoring of Human Impacts at McMurdo Station, Antarctica* (United States)

### Item 15: Education Issues

- (288) The Republic of Korea introduced IP 39 *Korean Public Awareness Programme 'Pole-to-Pole Korea'*, describing the launching ceremony of the IPY held at the National Assembly in Seoul. Korea noted that it had also held a special photo exhibition on polar landscapes and carried out research activities in the National Science Museum in Daejeon and staged a further exhibition on Korean Polar activities.
- (289) Argentina presented IP 131 *International Course on Antarctic Navigation offered by Argentina*, describing the main features of this revised course. This year the course would take place from August 25 to September 5 in Buenos Aires (for details of the course see <http://www.inun.edu.ar/menues/Navantar/Navantar.asp>).
- (290) New Zealand introduced IP 116 *The Graduate Certificate in Antarctic Studies course*, describing the main features of the fourteen-week course taught by Gateway Antarctica, the Centre for Antarctic Studies and Research at the University of Canterbury in Christchurch, New Zealand. More information was available on the website [www.anta.canterbury.ac.nz](http://www.anta.canterbury.ac.nz)
- (291) Other papers submitted under Agenda Item 15 were:
- IP 20 *Education website for schools: www.discoveringantarctica.org.uk* (United Kingdom)
  - IP 123 *Example of US IPY Education Project: Online Magazine for Polar Science in Schools* (United States)
  - IP 93 *Non-native Species Awareness Campaign: "Don't Pack a Pest" When Travelling to Antarctica* (United States)

### Item 16: Exchange of Information

- (292) The Secretariat introduced SP 12 *Electronic Information Exchange System*, informing the Meeting that in the last intersessional period it had received feedback from 15 Parties which participated in the trial version.
- (293) The Secretariat presented a demonstration of the importing features of the EIES. COMNAP noted that the main challenge in the collaboration with the Secretariat in the EIES was to implement a reliable importing function to avoid duplication and

ensure consistent information. Several Parties noted the difficulties in submitting information when the data came from different national authorities. One Party noted the need to specify who would provide the information in the case of shared facilities. It was suggested that the difference between mandatory and discretionary fields should be more clearly highlighted in the EIES.

- (294) Some Parties stressed that, regardless of the means used to exchange information, non-compliance with the requirements of the exchange of information provided for in Article III of the Treaty was an issue of concern.
- (295) Many Parties thanked the Secretariat and COMNAP for their work, emphasizing that the EIES would be a sensible and useful way to exchange information. Parties also agreed that having a single source of information would be more reliable than the current situation.
- (296) The Meeting urged Parties to provide the Secretariat with the information required by the EIES at the earliest opportunity, especially information corresponding to the permanent information category.
- (297) The Meeting directed the Executive Secretary to begin operation of the EIES by adopting Decision 5 (2008) (see Annex B, page 361).

### **Item 17: Biological Prospecting in Antarctica**

- (298) The Netherlands introduced WP 4 *Report of the ATCM Intersessional Contact Group* to examine the issue of biological prospecting in the Antarctic Treaty Area and Belgium introduced WP 11 *An update on biological prospecting in Antarctica, including the development of the Antarctic Biological Prospecting Database*. UNEP informed the meeting of discussions on related issues that had taken place in the UN, CBD, FAO, WTO and WIPO.
- (299) Parties thanked the Netherlands and Belgium for the work they had done, and UNEP for its update. Some Parties expressed interest in seeing the database expanded under Belgian guidance.
- (300) The Meeting agreed that the ICG and its informal nature had been useful and provided valuable input to the discussions at this ATCM. It supported the need for the ATCM to continue to monitor the issue.
- (301) Parties noted that it was important to have information on any biological prospecting activities being carried out in the Antarctic Treaty areas. Without that information, several Parties noted that it was difficult to consider and address the issue.
- (302) Argentina noted that prior to any legal considerations Parties should also have information on the environmental impact of activities which had been undertaken and the association between official scientific entities and the industry regarding commercial developments that may have occurred. On this matter, Argentina and Chile recalled their position that all maritime spaces of the law of the sea applied.

## I. FINAL REPORT

- (303) It was noted that there were already instruments and institutions in place which could be relevant to the issue of biological prospecting. These included Articles II and III of the Treaty, the Committee for Environmental Protection (CEP) and CCAMLR regarding marine species. Some Parties expressed the view that some biological prospecting activities may be potentially inconsistent with these Articles. Other Parties expressed the view that biological prospecting was a legitimate activity under the Antarctic Treaty and related instruments. Many Parties highlighted the value of an analysis of any gaps in the existing instruments which needed to be supplemented, while other Parties suggested that it was premature to undertake that analysis.
- (304) In addition, many Parties highlighted the value of a review of the Antarctic biological prospecting database and the development of working definitions relating to biological prospecting in the Antarctic Treaty Area. Other Parties preferred that SCAR's views be sought prior to further work.
- (305) It was noted that only Argentina, by submitting information, had responded to Resolution 7 (2005) on biological prospecting and that it would be useful to gather information on difficulties in implementing the Resolution. Chile recalled that Parties reported all activities undertaken by the national scientific programmes under the exchange of information and that Chile subsequently provided an overview of the work done on Antarctic biological resources by Chilean scientists.
- (306) Belgium suggested that, in order to facilitate the provision of information on biological prospecting activities, the Parties share such information through the Electronic Information Exchange System developed by the Secretariat.
- (307) While several Parties noted the need to move forward and for more intersessional work, others questioned whether significant additional work was desirable prior to the receipt of additional information. It was noted that if an ICG, either electronically or by means of a meeting, were to take place, then it needed to have clear terms of reference. After informal consultations, it was agreed not to proceed with an ICG as there was no agreement on terms of reference.
- (308) The Meeting invited SCAR to prepare a paper for ATCM XXXII, at which time the biological prospecting issue would be discussed further.
- (309) After consultations, SCAR agreed to provide a paper at ATCM XXXII in response to the following questions:
- a) review the most recent published research that may involve biological prospecting in the Antarctic Treaty region and provide an assessment of these efforts from discovery, to development, to commercialisation, to product use, based on fundamental scientific principles.
  - b) provide a survey of ongoing biological prospecting research being undertaken within the SCAR community.
- (310) SCAR noted in this connection that its review of recent research would involve a review of existing databases.

- (311) Some Parties noted that one of the results of recent research was the Antarctic biological prospecting database and that they therefore expected that SCAR would include this database in its review.

## **Item 18: Preparation of ATCM XXXII Meeting**

### ***a. Date and Place***

- (312) The Meeting welcomed the kind invitation of the Government of the United States of America to host the 32<sup>nd</sup> ATCM from 6 to 17 April 2009 in Baltimore, Maryland.
- (313) The United States introduced WP 48 *The Antarctic Treaty at Fifty Years: Planning for Antarctic Treaty Consultative Meeting XXXII (Baltimore, 2009)* and reported on its planning for the Baltimore ATCM. The Meeting expressed support for ideas expressed in the report. In particular, it indicated its approval for the establishment for the Baltimore meeting of a “50<sup>th</sup> Anniversary Working Group” to discuss themes related to the future of Antarctica. It also agreed that for ATCM XXXII the Meeting would return to the practice of Heads of Delegation submitting opening interventions for the report. The Meeting requested that polar science programmes and institutes prepare a standard-sized poster describing their work, which would then be displayed at the Convention Centre, and requested assistance from COMNAP in alerting its members to this request. The Meeting supported the US proposal to include a day focused on the International Polar Year, to which the Arctic Council delegations would be invited.
- (314) For future planning, the Meeting took note of the following likely timetable of upcoming ATCMs:
- 2010: Uruguay
  - 2011: Argentina
- (315) Uruguay announced that it had secured the necessary funding to host ATCM XXXIII in 2010, and that the ATCM would probably take place in the first two whole weeks of May. The Meeting appreciated this news.

### ***b. Invitation of International and Non-Governmental Organizations***

- (316) In accordance with established practice, the Meeting agreed that the following organizations having scientific or technical interest in Antarctica should be invited to send experts to attend ATCM XXXII: the Interim Secretariat of ACAP, ASOC, IAATO, IHO, IMO, IOC, the IPY International Programme Office, IUCN, UNEP, WMO and WTO.

### ***c. Invitation to Malaysia***

- (317) The Chair reported on informal contact with the Delegation of Malaysia in the margins of ATCM XXXI. The Chair reported that Malaysia had provided details of its Antarctic

scientific research activities and the ongoing steps Malaysia was taking in regard to accession to the Antarctic Treaty. Malaysia had identified at least eighteen Malaysian laws which would have to be amended by the Parliament, and indicated that a specific law regarding involvement in Antarctica might have to be enacted. Recalling that Malaysia had been invited to observe the ATCM on several occasions, the Meeting looked forward to Malaysia's early decision on accession to the Treaty and thus its formal participation in the Antarctic Treaty System. The Meeting invited Malaysia to observe ATCM XXXII in Baltimore as a basis for taking concrete steps towards accession.

***d. Preparation of the Agenda for ATCM XXXII***

- (318) The Meeting approved the Preliminary Agenda for ATCM XXXII (see Annex I, page 649) including the item: 50<sup>th</sup> Anniversary: Looking to the Future of Antarctica.

***e. Organisation of ATCM XXXII***

- (319) Pursuant to the newly revised Rule 11, the Meeting decided to continue to convene the same Working Groups at ATCM XXXII as at this Meeting, along with the 50<sup>th</sup> Anniversary Working Group proposed by the United States.

**Item 19: Any Other Business**

- (320) With respect to errors and incorrect references in some documents and publications, *inter alia*, in IAATO documents, regarding the use of incorrect toponymy, references made to an alleged vessel registry, to alleged authorities of the Malvinas, South Georgia and South Sandwich Islands, as well as to private entities funded by such alleged authorities, all this in relation to the territorial status of the Malvinas, South Georgia and South Sandwich Islands, which are subject to a sovereignty dispute between the Argentine Republic and the United Kingdom recognized by the United Nations and several other international organizations, the Argentine delegation reaffirmed that the Malvinas, South Georgia and South Sandwich Islands and surrounding waters are an integral part of the Argentine National territory.
- (321) In response, the United Kingdom reiterated that it had no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas. In that regard, the United Kingdom had no doubt about the rights of the Government of the Falkland Islands to operate a shipping register for UK-flagged vessels.
- (322) Argentina rejected the UK's statement and reiterated its legal position which is known to all delegations.

**Item 20: Adoption of the Final Report**

- (323) The Meeting adopted the Final Report of Antarctic Treaty Consultative Meeting XXXI.
- (324) The Chair of the Meeting, Prof. Sergiy Komisarenko made closing remarks.
- (325) The Meeting was closed on Friday, 13 June 2008 at 16:30 following the closing address made by Dr Maxim Strikha, Deputy Minister for Education and Science of Ukraine.