

Chairs' Report

Antarctic Treaty Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty Area

9-11 December, 2009 Wellington, New Zealand

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1. Chairs' Executive Summary with Meeting Recommendations

The Antarctic Treaty Meeting of Experts on Ship-borne Tourism in the Antarctic Treaty Area (ATME) was attended by 72 delegates from 19 Antarctic Treaty Parties and 14 invited experts from 6 organisations. The meeting took place in Wellington from 9-11 December 2009. The ATME was convened in accordance with Decision 7 (2009), which requested the meeting to examine the following topics:

- Trends in ship-borne tourism in the Antarctic Treaty area over the past 10 years, including maritime incidents and future projections.
- Developments in the International Maritime Organisation relating to shipborne tourism in the Antarctic Treaty area.
- Maritime Safety in the Antarctic Treaty area.
- Protection of the Antarctic Environment.
- Vessels flagged to non-Parties.
- Cooperation between the ATCM and the International Maritime Organisation and the International Hydrographic Organisation.

31 papers were submitted to the ATME and presented in plenary on the first day of the meeting. The wide range of high quality papers enabled substantive discussion on important issues to take place throughout the meeting. The work of the meeting was mainly undertaken in plenary, with the exception of an informal contact group which was established to discuss possible elements for an IMO mandatory Polar Code.

The following summarises the recommendations that the Meeting agreed to:

Recommendation 1: Incidents involving tourist vessels in the Antarctic Treaty Area should be considered by the Antarctic Treaty Parties for the Antarctic specific lessons they may provide for the avoidance of similar incidents in the future. Parties with relevant links to such incidents (especially flag or authorising States) should be asked to provide information to assist such considerations.

Recommendation 2: Drawing on the checklists currently available for other Antarctic operations, the Treaty Parties should consider the development of a specific checklist for Antarctic Treaty inspections of tourist vessels and tourist activities in Antarctica.

Recommendation 3: That the Treaty Parties make use as appropriate of the views expressed in discussions amongst experts about the proposed IMO

mandatory Polar Code in their preparations for the upcoming meetings of the IMO Sub-Committee on Ship Design and Equipment and the ATCM, and discuss at the ATCM how the Treaty Parties might best input into the IMO discussions.

Recommendation 4: That the Treaty Parties should continue to contribute to hydrographic surveying and charting information and consider advising vessels intending to operate in the Antarctic Treaty area that many areas have not been surveyed to modern standards.

Recommendation 5: That the Treaty Parties should continue to contribute to the continuation and improvement of sea ice services in the Antarctic Treaty Area.

Recommendation 6: That the Treaty Parties proactively apply to tourist vessels bound for the Antarctic Treaty area the existing regime of port State control (PSC), through PSC memoranda of understanding or agreements if appropriate, so that they can meet all applicable legally binding international standards.

Recommendation 7: The Meeting agreed that the five Parties with Search and Rescue coordination responsibility in the Antarctic area should share their plans and further coordinate with national programmes, and IAATO.

Recommendation 8: That all crew on vessels planning to navigate in Antarctic waters should be required to undertake relevant training appropriate to the conditions expected to be encountered, and where appropriate in accordance with Chapter 14 of the IMO's Guidelines for Ships Operating in Polar Waters.

Recommendation 9: The Antarctic Treaty Parties should continue to encourage tourist and non-governmental organisations' vessels not participating in the IAATO or COMNAP vessel monitoring schemes to report their positions regularly to the relevant MRCC. All tourist and NGO vessels should closely follow the IMO's 'Enhanced contingency planning guidelines for passenger ships operating in areas remote from SAR facilities' in accordance with ATCM resolution 6 (2005).

Recommendation 10: That those Antarctic Treaty Parties that have not yet done so should consider approving Measure 4 (2004) on Insurance and Contingency Planning for Tourism and Non-governmental Activities in the Antarctic Treaty Area as a matter of priority.

Recommendation 11: The meeting recommended that the relevant committees and groups of the ATCM (such as the CEP and the Operations Working Group) give further consideration to how the assessment of the environmental aspects and impacts of Antarctic ship-borne tourism in WP008

(Appendix A) could be drawn on to inform their discussions regarding the management of ship-borne tourism and shipping generally.

Recommendation 12: The meeting recommended that Parties and those involved in non-governmental activities be encouraged to provide spatial and temporal data in support of future studies and syntheses for discussion by the CEP and ATCM.

Recommendation 13: The Treaty Parties should exchange information on contingency planning undertaken in fulfilment of Article 15, for responding to incidents with potential adverse impacts on the Antarctic environment.

Recommendation 14: That the ATCM consider developing guidelines for responding to large-scale marine oil spills in the Antarctic Treaty area.

Recommendation 15: The meeting agreed that enhanced coordination between the Antarctic Treaty Parties with respect to Antarctic-related matters within IMO may be valuable in some circumstances, and noted that mechanisms for coordination should be considered by ATCM XXXIII.

Recommendation 16: Recognising the usefulness of having the IMO present and the valuable contributions the IMO representative made, the meeting encouraged IMO's attendance at the next ATCM. The meeting recommended that ways to enhance the cooperative working relationship between the ATCM and IMO should be further considered at ATCM XXXIII.

Recommendation 17: The IHO-HCA should continue to be invited to annual ATCMs to report the status of hydrographic survey and nautical chart production in Antarctic waters. Parties also agreed that, as appropriate, the ATCM should be represented at IHO-HCA meetings. Where an IHO-HCA meeting was to be held in a country that was also a Consultative Party, then that Consultative Party should consider attending the HCA meeting.

2. Report from the Antarctic Treaty Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty Area

Introduction

The Antarctic Treaty Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty Area (ATME) was held in Wellington, New Zealand, 9-11 December 2009. The meeting was held pursuant to Decision 7 (2009), attached in Annex 1.

- The purpose of the ATME was to endeavour to accelerate consideration of matters relating to the management of ship-borne tourism in the Antarctic Treaty area and to provide recommendations for consideration by Antarctic Treaty Consultative Meeting XXXIII when it meets in Punta del Este, Uruguay, from 3 to 14 May 2010.
- The meeting was attended by representatives of the following Antarctic Treaty Parties: Argentina, Australia, Chile, China, France, Germany, Italy, Japan, New Zealand, Norway, Peru, Russia, South Africa, Spain, Sweden, The Netherlands, United Kingdom, the United States of America, and Uruguay.
- The following expert bodies attended: the Antarctic and Southern Ocean Coalition (ASOC), the Council of Managers of National Antarctic Programmes (COMNAP), the International Association of Antarctic Tour Operators (IAATO), the International Hydrographic Organisation (IHO), the International Maritime Organisation (IMO), and the World Tourism Organisation (UNWTO).
- 5 A list of participants is included in Annex 2.

Welcome and Opening

6 Ms Catherine Taylor, CEO Maritime New Zealand, provided the opening address. The speech is attached in Annex 3.

Election of Officers

7 Caroline Forsyth, Deputy Secretary, New Zealand Ministry of Foreign Affairs and Trade, and Dr Olav Orheim, Norway, were elected as Co-Chairs of the meeting. Lt Commander Carlos Salgado, Chile, and Dr Ewan McIvor, Australia, were elected Vice-Chairs. James Walker, New Zealand Ministry of Foreign Affairs and Trade, was appointed as Head of the Secretariat of the Meeting. Amanda Vercoe, New Zealand Ministry of Foreign Affairs and Trade, was appointed as Head Rapporteur.

Adoption of Agenda

The agenda that New Zealand had circulated in advance of the meeting was adopted as below.

- 1. Introduction
- 2. Election of Officers
- 3. Adoption of Agenda
- 4. *Topic 1:* Trends in Ship-borne Tourism in the Antarctic Treaty Area over the Past 10 Years, Including Maritime Incidents, and Future Projections.
- 5. *Topic 2*: Developments in the International Maritime Organisation Relating to Ship-borne Tourism in the Antarctic Treaty area.
- 6. Topic 3: Maritime Safety in the Antarctic Treaty Area
- 7. *Topic 4:* Protection of the Antarctic Environment
- 8. *Topic 5:* Vessels Flagged to non-Parties
- 9. Topic 6: Cooperation between the ATCM and the International Maritime Organisation and the International Hydrographic Organisation
- 10. Proposals and report for ATCM XXXIII

Presentations and Documents

9 31 papers were submitted by delegations for consideration during the meeting. Papers were presented during the plenary session on the first day of the meeting. A full list of papers and the agenda items under which they were considered is attached at Annex 4.

Topic 1: Trends in Ship-borne Tourism in the Antarctic Treaty Area over the Past 10 Years, Including Maritime Incidents, and Future Projections.

- New Zealand presented two papers for consideration under this agenda item: WP001: 'Antarctic Treaty Meeting of Experts on the Management of Shipborne Tourism in the Antarctic Treaty Area; An Overview' and WP002: 'Past and future changes in sea ice around Antarctica'.
- WP001 gave an overview of work to date to manage ship-borne tourism in Antarctic waters, and noted the sinking of *MV Explorer* as a particular 'wake-up call' for many Antarctic Treaty Parties at ATCM XXXI. The paper also described New Zealand's ambitions for the ATME and made a number of recommendations for consideration by the meeting, including on matters related to a mandatory polar shipping code, port State control, search and rescue and charting in Antarctic waters.
- WP002 provided research into historical changes in Antarctic sea ice and future predictions of sea ice change with a focus on longer term changes. It noted that despite climate models predicting a decline in the extent of future sea ice, the ice will remain an ubiquitous feature around Antarctica for the remainder of the 21st Century and will therefore continue to pose a navigation risk to tour ships in the foreseeable future.

- ASOC presented IP001: 'Antarctic Ship-borne Tourism and Inspections Under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection', which reviewed official inspections of tourist vessels in the Antarctic Treaty Area. The paper recommended that tourism becomes the focus of inspections to a greater degree than hitherto, and that a specific checklist to assist in the inspection of tourist vessels and tourism activities in Antarctica may need to be developed.
- ASOC also presented IP003: 'Making Tangible Progress on a Strategic Vision for Antarctic Tourism' which noted that there currently is no comprehensive tourist management regime in place for the Antarctic region. The paper noted that the approval of key legally binding instruments that are not yet implemented was a matter of priority, as were the tourism guiding principles of Recommendation 7 (2009). The paper also included recommendations on identifying gaps in existing tourism regulation, reviewing and improving how EIAs are applied to tourism, and using ASPAs and ASMAs proactively as a management tool for tourism.
- 15 IAATO presented IP007: 'IAATO Summary of Antarctic Ship-Based Tourism', which provided a summary of Antarctic ship-based tourism in the 2008/09 season and projected ahead for the 2009/10 season and beyond. IAATO noted that despite the current decrease in demand which is linked to the unfavourable economic climate, it is likely that demand on the part of consumers to visit Antarctica will continue in the future.
- The United States and IAATO presented IP009: 'Spatial Patterns of Tour Ship Traffic in the Antarctic Peninsula Region' which reviewed the pattern of tour ship traffic along the Antarctic Peninsula using 19 years of passenger landing statistics and five years of reconstructed itineraries. Key points that the paper raised were:
- Passenger landings and marine traffic are highly concentrated at a few specific locations;
- Growth in tourism activity occurred disproportionately rapidly at these sites relative to growth in visitation of the Peninsula as a whole; and
- This analysis provided a useful mechanism which could be fed into a review and assessment of existing management tools.
- 17 The United Kingdom submitted IP012: 'Final Report of the Antarctic Treaty Meeting of Experts Guidelines for Antarctic Shipping and Related Activities'. This was originally presented as Working Paper 26 at ATCM XXIV. Norway submitted IP015: 'Report of the Continued Intersessional Contact Group on Issues Concerning Passenger Ships Operating in Antarctic Waters', which had been presented at ATCM XXXII.

- The United Nations World Tourism Organisation presented IP016: 'Observations on Ship-borne Tourism in Antarctica' which discussed the importance of sustainable Antarctic tourism, in order to minimise potentially negative impacts on Antarctic sites and made several recommendations.
- The meeting noted WP001 and agreed that it was important for the Antarctic Treaty Parties to remain cognisant of incidents involving tourist vessels in the Antarctic Treaty Area, in order to help avoid similar incidents happening in the future. The meeting recalled that the IMO had a Casualty Analysis Working Group which examined vessel incident reports with a focus on specific technical issues. It was noted that there could be broader 'lessons learned' that would be of value to the Treaty Parties.
- Recommendation 1: Incidents involving tourist vessels in the Antarctic Treaty Area should be considered by the Antarctic Treaty Parties for the Antarctic specific lessons they may provide for the avoidance of similar incidents in the future. Parties with relevant links to such incidents (especially flag or authorising States) should be asked to provide information to assist such considerations.
- The meeting welcomed the findings from WP002 that showed that significant changes to the total sea ice coverage in Antarctica were unlikely to happen in the near future. However, the meeting noted that the Antarctic Peninsula over the last 20 years had seen an increase in around 85 ice-free days during the summer season.
- The meeting considered IP003 and IP009 and agreed that there was a need for strategic planning for the management of Antarctic tourist sites, in view of the observed spatial trends in ship-borne tourism. Consideration should be given as to whether it was preferable to have ship-borne tourism concentrated in a select number of sites, or dispersed more widely across the continent. Some participants suggested that such strategic area management planning should include the examination of other activities taking place in Antarctica to get an idea of the wider impacts.
- Australia noted that the Committee on Environmental Protection (CEP) was currently undertaking a study of the environmental impacts of tourism in Antarctica, which included ship-based tourism as well as more general tourist activities. The aim of the study was to provide an objective basis for discussions within the CEP on managing the impacts of tourist activities in the future. The project management group for the study was meeting in Christchurch the following week and invited comments from the ATME. An outline of the study was made available to the meeting for further information.
- The ATME welcomed this study which should be useful for further discussions on a strategic approach to area management in Antarctica.

- The meeting noted IP001 and the important role that inspections of tourist vessels by Treaty Parties played in providing information on the level of compliance with the Treaty and the Protocol's provisions. The meeting agreed that the inspections process should continue in the future and that consideration should be given to developing a specific checklist for inspecting tourist vessels and tourist operations bound for Antarctica.
- Recommendation 2: Drawing on the checklists currently available for other Antarctic operations, the Treaty Parties should consider the development of a specific checklist for Antarctic Treaty inspections of tourist vessels and tourist activities in Antarctica.

Topic 2: Developments in the International Maritime Organisation Relating to Ship-borne Tourism in the Antarctic Treaty Area.

- The IMO presented IP005: 'International Requirements for Ships Operating in Polar Waters' which provided an update of where the IMO's various requirements for ships operating in polar waters (Arctic and Antarctic areas) are currently at. It also included relevant SOLAS, MARPOL, STCW and Torremolinos Protocol provisions concerning matters such as stability, life-saving appliances, navigation, guidelines for ships operating in polar waters, special area status, carriage requirements for heavy grade oil, certification of ice navigators, and fishing vessels.
- The IMO also presented IP006: 'Draft Assembly Resolution: Guidelines for Ships Operating in Polar Waters', which contained requirements for ships operating in Arctic and Antarctic waters, and informed the meeting that in the meantime, the Guidelines had been adopted (on 3 December 2009) as IMO Assembly 1024(26). The guidelines included matters relating to vessel design and construction; equipment including fire safety and lifesaving equipment; operational arrangements, including manning; and environmental protection and damage control.
- The meeting expressed its gratitude to the IMO for the comprehensive update on the IMO's current requirements for ships operating in polar waters contained in IP005, which could be a useful background for the discussions that would soon take place in February 2010 in the Sub-Committee on Ship Design and Equipment, around the development of a mandatory Polar Code for ships operating in polar waters. The IMO representative confirmed the paper would be provided to this Committee as requested by the ATME.
- The meeting recalled ATCM Resolution 8 (2009) that welcomed the IMO's work to develop Guidelines for Ships Operating in Polar Waters and noted the Treaty Parties' desire for the IMO to develop mandatory requirements for ships operating in Antarctic waters. The meeting was very pleased to note that the IMO Assembly had adopted the Guidelines on 3 December 2009 (IMO 1024 (26)). The meeting reiterated its strong support for the development of a

mandatory Polar Code. Parties present confirmed that they would remain actively engaged in the process, in order to share specific expertise on Antarctic tourist shipping operations.

- The meeting considered that it might be useful for information that had been presented about practicalities of tourism shipping in the Antarctic area, including vessel numbers, spatial distribution of trips and climatic conditions for example, to be provided to the IMO. This would assist the Committee in understanding tourism shipping conditions specific to the Antarctic region. It was suggested the Committee would also need to ensure that it considered information from other shipping activities that occurred in Antarctica, such as that undertaken by National Program vessels. It was also suggested that the interaction between tourist shipping and landings in Antarctica would be an important point for the code to consider.
- New Zealand offered to prepare a paper for the IMO Sub-Committee on Ship Design and Equipment meeting in February 2010 recording that the ATME had taken place from 9-11 December. The paper could also note the meeting's interest in the development of a mandatory Polar Code and perhaps foreshadow possible ATCM input to the October 2010 meeting of the Committee. The full report of the ATME meeting would be presented at ATCM XXXIII in Uruquay in May 2010.
- 33 The meeting established an Informal Contact Group to discuss elements for the IMO mandatory Polar Code and noted that the group had emphasised:
- It would be impracticable to identify a comprehensive list of elements in the current Polar Guidelines that should be carried over into a mandatory Polar Code at this ATME.
- A mandatory Polar Code should be expanded further than the current Polar Guidelines. It was noted the desirability of a broad and consistent application to vessels operating in the Arctic and the Antarctic.
- A mandatory Polar Code would need to be cognizant of the different requirements necessary for ships operating in the Antarctic and Arctic. The ATCM has an important role in conveying Antarctic specific information to IMO.
- A mandatory Polar Code would need to be applicable to new ships and as far as practicable to existing ships.
- In defining the proposed areas of operation consideration may be given to the ship's ability to survive a casualty and availability of Search and Rescue services.

- The mandatory Polar Code should primarily focus on casualty prevention and environmental protection, given the remoteness of Antarctica. However, other items like SAR, which do not feature in the Polar Guidelines currently, must also be considered in the mandatory Polar Code.
- IP005 (IMO) provided a useful outline of the current IMO regulations which need to be noted in the development of the mandatory Polar Code.
- Consideration should be given that the mandatory Polar Code should be a comprehensive Code, linked with current mandatory instruments (including SOLAS, MARPOL, STCW etc).
- That the ATCM highlight the importance of environmental protection in Antarctica to the IMO and urge that in developing the Polar Code, detailed consideration be given to the minimisation of marine pollution in the Antarctic Treat area.
- All Treaty Parties should be encouraged to fully participate in the development of the mandatory Polar Code.
- That the ATCM give consideration to what might usefully be included in the development of the IMO's mandatory Polar Code regarding oil spills and environmental protection.
- The meeting noted that the negotiation of a mandatory Polar Code would be a challenging exercise.
- Recommendation 3: That the Treaty Parties make use as appropriate of the views expressed in discussions amongst experts about the proposed IMO mandatory Polar Code in their preparations for the upcoming meetings of the IMO Sub-Committee on Ship Design and Equipment and the ATCM, and discuss at the ATCM how the Treaty Parties might best input into the IMO discussions.
- The Informal Contact Group also suggested that the Report of the Continued Intersessional Contact Group on Issues concerning Passenger Ships Operating in Antarctic Waters (IP015, Norway) could be submitted by an interested Party for consideration to the IMO.

Topic 3: Maritime Safety in the Antarctic Treaty Area

- 3) (a) Prevention of a Maritime Incident in the Antarctic Treaty Area
- 3) (a) (i) Ship Design and Construction of Vessels, Safe Vessel Operation
- 37 IAATO presented IP008: "IAATO Actions and Recommendations to Tourism Vessel Operators to Enhance Marine Safety." This paper outlined

actions IAATO has taken resulting from a review of the Liberian report on the *MV Explorer* and other incidents. This includes changes in procedures regarding use of the IAATO vessel tracking system; encouraging the use of enclosed lifeboats; and compliance with the Guidelines for Ships Operating in Polar Waters. Changes were also made in IAATO's bylaws to strengthen the requirements for experience of bridge officers. Furthermore, IAATO has recommended reviews of weather, ice and routeing information; regular review of emergency response procedures; keeping up-to-date with navigation technologies; ensuring onboard drills take into consideration ice damage; and making sure passengers and crew are aware of the need for suitable clothing in Antarctic conditions.

38 The meeting welcomed the information papers on this issue. It also welcomed the news of IAATO's tiered risk assessment project following the work initiated by the Intersessional Contact Group that had presented its conclusions to ATCM XXXII.

3) (a) (ii) Hydrography and Charting

- The United Kingdom presented WP012 'The Antarctic Polar View Program, Information from Satellite Observations for Safer and Efficient Sea Ice Navigation'. The United Kingdom noted that Polar View helped enhance safety and efficiency of vessels operating in Antarctica by providing up to date sea ice information from satellite imagery. This information contributes to improved navigation safety, routeing efficiency and assisted in emergency situations. Polar View had been operational since the 2006/07 austral summer season and was now widely used by National Antarctic program vessels, tour ships and fishing vessels. To date, the Polar View services had been funded by the European Space Agency and the United Kingdom Foreign and Commonwealth Office. Access to the Polar View service currently was free and open to all, however funding for the service would run out in June 2010.
- The meeting recognised the high value of updated sea ice information as provided by the excellent Polar View system (www.polarview.aq) and noted that it required further funding beyond June 2010. Argentina underlined the operational benefit this system had had in relation to a tourist vessel stuck in ice in the Weddell Sea in November 2009. New Zealand commented that the New Zealand Marine Rescue Coordination Centre also used Polar View to assist in emergency situations in the Ross Sea.
- WP004: 'New Zealand: Hydrographic Surveying and Charting in the Ross Sea Region, Antarctica' was presented by New Zealand. The paper noted that the majority of the Antarctic sea area remains un-surveyed or requires a modern re-survey and less than 1 percent of the sea area within the 200m contour has been adequately surveyed to meet the needs of contemporary shipping entering Antarctic waters. The paper recommended that the Antarctic

Treaty Parties should advise all tourist vessels intending to operate in the Antarctic Treaty area to be aware of the limitations of the adequacy of charts for the region, and that the Parties should contribute to the improvement of charting information.

- IP013 was introduced by the IHO. The paper noted the role of the IHO and what work had been undertaken in Antarctic waters to date by the Hydrographic Commission on Antarctica (HCA). The paper recalled ATCM XXXI Resolution 5 (2008), that noted the importance of 'improving hydrographic surveying and charting to support safety of navigation and environmental protection in the Antarctic region' and recommended that Parties consider increasing ships' days conducting hydrographic surveys and embark on a more concerted charting effort of Antarctic waters.
- The meeting expressed strong support for the importance of charting and the valuable work of Hydrographic Commission for Antarctica (HCA), and noted the advice from IHO about a potential gap between the post-2012 mandatory carriage of Electronic Chart Display and Information System (ECDIS) charts by SOLAS ships and the availability of the necessary Electronic Navigational Charts (ENC).
- 44 Recommendation 4: That the Treaty Parties should continue to contribute to hydrographic surveying and charting information and consider advising vessels intending to operate in the Antarctic Treaty area that many areas have not been surveyed to modern standards.
- 45 Recommendation 5: That the Treaty Parties should continue to contribute to the continuation and improvement of sea ice services in the Antarctic Treaty Area.

3) (a) (iii) Port State Control

- New Zealand presented WP007: 'A Proposal to Enhance Port State Control for Tourist Vessels Departing to Antarctica'. The paper noted that port State control had become necessary due to ineffective control by some States over vessels flying their flag. The paper proposed using the existing multilateral port State control regime to proactively inspect tourist vessels bound for Antarctic waters to mitigate the risks of a marine casualty or oil spill.
- The meeting considered two issues raised in the working paper: inspections of vessels by port States under mandatory IMO instruments; and possible voluntary assessments of vessels against the IMO Polar Guidelines by port States.
- There was general recognition of the importance of inspections under mandatory IMO instruments, and the general right and duty of port States to

conduct such inspections. A future mandatory Polar Code would add to those IMO instruments.

- The United States emphasised that port State control was an extension of a state's inherent right to exercise port State Authority (PSA) to protect its interests within waters over which it enjoys sovereign rights. In its view, this authority is exercised with the primary purpose of enhancing marine safety and the protection of the environment in waters where the port State has sovereign rights. Any additional benefits for safety of life at sea and environmental protection outside its territory are incidental effects of the exercise of port State control measures by party States. Recognizing that flag States have the primary responsibility to ensure ships carrying their flag comply with relevant IMO conventions, and affirming the value of port State control, the U.S. underscored the need to be specific with respect to any proposals to strengthen port State control in the Southern Hemisphere.
- Argentina recalled that port State control was also provided for in Articles 218 and 219 of UNCLOS.
- The meeting recognized that port State control was not confined to tourist vessels but that particular value may attach to this as a supplement to other mechanisms of management. Tourist vessels should be subject to port State inspections. Vessels registered in non Antarctic Treaty states might otherwise not be subject to adequate scrutiny.
- Whilst there may be a need to strengthen the capacity of ports to conduct such control, it was necessary that such port State control be based on existing international agreements and avoided unnecessary duplication. It was noted that MARPOL designates the area south of 60 degrees south latitude as a special area and that this may provide an additional focus for port State inspections.
- Some participants believed that voluntary assessments of vessels against other criteria, particularly obligations under ATS instruments could be helpful, but it was agreed that this could not be part of port State control.
- Recommendation 6: That the Treaty Parties proactively apply to tourist vessels bound for the Antarctic Treaty area the existing regime of port State control (PSC), through PSC memoranda of understanding or agreements if appropriate, so that they can meet all applicable legally binding international standards.

3) (b) Maritime Search and Rescue

France presented WP003: 'Managing Human and Environmental Risks in Antarctica' under this agenda item and also Topic 4(b). The paper examined the existing mechanism for managing human and environmental incidents in

Antarctica, and considered possible changes that might make risk management in the Antarctic Treaty area as a whole more coherent.

- New Zealand presented WP011: 'Enhancing Cooperation between MRCCs and National Antarctic Programmes'. This paper discussed New Zealand's cooperation with the United States on search and rescue (SAR) operations in Antarctica. The paper noted that the provision of SAR services presented formidable challenges in the Antarctic Treaty area and recommended that the five MRCCs with SAR responsibilities there should share their plans for responding to SAR emergencies and coordinate with national programmes.
- 57 Chile presented WP013: 'Recommendations for reducing risks that affect the safety of human life, considering the increase in ship-borne tourism in Antarctica during the last decade'. The paper discussed the increasing number of tourist ship visits to Antarctic waters and the need for Parties with SAR responsibilities to have adequate information as to where these vessels are going, in case a SAR incident occurred. The paper made recommendations around the need for bridge-crew training in navigating Antarctic waters and offered for this purpose an 'Operations in Antarctic Waters' course, and the need for vessels to report regularly their location and their rescue and medical assistance capacities.
- Argentina presented WP015: 'Increase of Antarctic Tourism Vessel Incidents Overview and proposed course of action'. The paper identified some of the common factors and lessons learned from the most recent incidents with tourist vessels in Antarctica, which included a lack of crew experience, incomplete charting the difficulties of navigating in sea ice. The paper recommended some minimum conditions for Officers navigating in Antarctic waters and offered a course on 'Antarctic Navigation' which included a deck simulation process.
- ASOC presented IP002: 'Antarctic Ship-borne Tourism: Perspectives on Shipping Management' which made recommendations relating to a range of maritime safety and Antarctic environmental protection issues. These included issues that should be included in the development of a mandatory Polar Code, the need for an Antarctic vessel traffic monitoring system, and the need for further consideration of routeing measures, areas to be avoided and particularly sensitive sea areas.
- 60 COMNAP presented IP010: 'Search and Rescue Coordination and Response in the Antarctic: Workshop Discussions'. The paper provided information from the second of two workshops convened in November 2009 on "Improving Search and Rescue Coordination and Response in the Antarctic." Key points were provided to the ATME to assist in discussions; a full report with recommendations would be presented to the ATCM.

- The meeting considered these papers and noted that the Antarctic environment presented formidable challenges for SAR operations. The meeting agreed that it would be valuable for the five Parties with SAR coverage in the Antarctic area to share their plans and to further coordinate with national programmes. It was noted that the sharing of the SAR plans was not limited to those five Parties.
- Recommendation 7: The Meeting agreed that the five Parties with Search and Rescue coordination responsibility in the Antarctic area should share their plans and further coordinate with national programmes, and IAATO.
- The importance of adequate training for bridge crew and officers on board tourist vessels in navigating in polar conditions was emphasised. This had been a contributing factor to some of the recent Antarctic incidents.
- Recommendation 8: That all crew on vessels planning to navigate in Antarctic waters should be required to undertake relevant training appropriate to the conditions expected to be encountered, and where appropriate in accordance with Chapter 14 of the IMO's Guidelines for Ships Operating in Polar Waters.
- The meeting also discussed the value of tourist vessels providing to the appropriate MRCC details which may change from voyage to voyage, including for example: numbers of persons on board; number of crew carried; and medical facilities. This was in addition to the information that was already provided by vessels each season. ASOC noted that it also saw value in further consideration of the development of an Antarctic vessel traffic monitoring and information system.
- Recommendation 9: The Antarctic Treaty Parties should continue to encourage tourist and non-governmental organisations' vessels not participating in the IAATO or COMNAP vessel monitoring schemes to report their positions regularly to the relevant MRCC. All tourist and NGO vessels should closely follow the IMO's 'Enhanced contingency planning guidelines for passenger ships operating in areas remote from SAR facilities' in accordance with ATCM resolution 6 (2005).
- The importance of Measure 4 (2004) on Insurance and Contingency Planning for Tourism and Non-governmental Activities in the Antarctic Treaty Area was flagged; it was recommended that those Antarctic Treaty Parties that have not yet done so should consider approving Measure 4 as a matter of priority.
- Recommendation 10: That those Antarctic Treaty Parties that have not yet done so should consider approving Measure 4 (2004) on Insurance and Contingency Planning for Tourism and Non-governmental Activities in the Antarctic Treaty Area as a matter of priority.

Topic 4: Protection of the Antarctic Environment

4) (a) Environmental Safeguards

4) (a) (i) Impacts of Ship-borne Tourism on the Southern Ocean

- Australia introduced WP008: 'Environmental Aspects of Antarctic Shipborne Tourism'. This paper provided an assessment of the ways in which shipborne tourism interacts with the Antarctic environment, and which of those interactions (environmental aspects) are addressed in existing regulations and guidelines. Australia proposed that the ATME draw on the assessment to assist its discussions to identify and prioritise future work to manage the environmental aspects of Antarctic ship-borne tourism.
- Australia also presented WP010: 'Review of Protocol Annex IV Prevention of Marine Pollution' which proposed that the CEP could be requested to consider Annex IV on Prevention of Marine Pollution as the subject of its next review, in the rolling review of Annexes to the Protocol on Environmental Protection to the Antarctic Treaty. The paper noted that pollution aspects of ship-borne tourism identified during the ATME might usefully be examined in further detail during such a review.
- IP004: 'Coastal Hydrocarbon Pollution: A Case Study From Deception Island, Antarctica' was presented by ASOC, which provided an update on joint monitoring activities conducted by ASOC and University of Buenos Aires, Argentina (Institute of Chemical Physics of Materials, Environment and Energy) at Deception Island from 2001-2002. The monitoring identified detectable hydrocarbon concentrations at a number of Deception Island coastal sites and recommended that regular and effective monitoring should take place to allow assessment of the impacts of ongoing activities. The paper further recommended that monitoring should take place at other Antarctic sites where high levels of shipping are frequent.
- New Zealand presented IP011: 'Annex VI to the Environmental Protocol to the Antarctic Treaty' which provided an overview of Annex VI, describing its scope and the benefits and implications of the Annex.
- The meeting considered proposals raised in several papers regarding the use of mechanisms available under Annex V of the Protocol to manage the impacts of ship-borne tourism. Some delegations expressed concern over possible use of Annex V to limit tourism or other activities, but it was agreed that it could be appropriate to consider designating Antarctic Specially Protected Areas (ASPAs) and Antarctic Specially Managed Areas (ASMAs) as part of a wider strategic approach to tourism management in the overall context of environmental protection. Such designations should be considered on a case-by-case basis, with due consideration to the provisions related to the designation of ASPAs and ASMAs contained in Articles 3 and 4 of Annex V. It

was noted that ASMA No.2 for the McMurdo Dry Valley included a designated tourism zone, and ASMA No. 3 for Deception Island also included provisions for managing tourism.

- The meeting discussed the possible impacts of tourist vessel anchors on vulnerable marine ecosystems (VMEs) raised in WP001. Some delegations explained that long-term scientific research had shown that in inshore marine areas the most significant impact on the sea floor environment was from ice-berg scouring. They felt that discussion of this issue should be grounded on data and clear evidence, and that it was important to have further information to consider whether any action is warranted. An important factor to consider was that anchoring by tourist vessels was important to ensure vessel safety. The meeting agreed it could be useful for the CEP to develop advice to the ATCM on the possible need to manage impacts associated with vessel anchoring. The potential for non-native species to be introduced on anchors and chains was also raised.
- The meeting considered the idea of proposing the designation by the IMO of the Antarctic Treaty area as a Particularly Sensitive Sea Area (PSSA), with associated mechanisms such as routeing measures and areas to be avoided that was raised in WP001 and IP002. A number of delegations expressed their support for the idea, while noting that consideration of a PSSA would require a great deal of work and close consideration of the PSSA criteria and the objectives for such a designation. Other delegations emphasised that any proposal should first undergo detailed consideration by the ATCM, including consideration of whether Antarctic Treaty system mechanisms or other IMO protective measures could be employed to achieve the same outcomes.
- The meeting welcomed the assessment presented in WP008 as a useful summary of the interactions between ship-borne tourism and the Antarctic environment. It was noted that the issues raised should be addressed within environmental impact assessments of tourism activity, and that the assessment could be expanded to include reference to impacts identified in research and monitoring studies and to the potential introduction of non-native species on anchors.
- Recommendation 11: The meeting recommended that the relevant committees and groups of the ATCM (such as the CEP and the Operations Working Group) give further consideration to how assessment of the environmental aspects and impacts of Antarctic ship-borne tourism in WP008 (Appendix A) could be drawn on to inform their discussions regarding the management of ship-borne tourism and shipping generally.
- The meeting considered the proposal in WP010 that the CEP be requested to consider Annex IV on Prevention of Marine Pollution as the subject of its next review in the rolling review of Annexes to the Protocol. It was generally agreed that it would be appropriate to give consideration to identifying

gaps in the current regulation of marine pollution, but some delegations expressed their reluctance at this point to initiate a review of another Annex. The meeting noted that the assessment in WP008 provided a basis for an assessment by the CEP of shipping-related issues generally, which could help inform any possible decision on the need for a review of Annex IV.

- Regarding the recommendation in IP003 to review and improve how EIA is applied to tourism, it was noted that EIA is a cornerstone of the Protocol on Environmental Protection and that work to date in the CEP's study into the environmental aspects and impacts of Antarctic tourism had shown that there were significant challenges in bringing together information and data to inform management. The meeting agreed that management decisions and advice should be based upon the best available information and, in this regard, welcomed the very useful information provided in IP009 which would also be a valuable contribution to the CEP study. It was also suggested that it would be valuable to place information about tourism shipping in the context of all Antarctic shipping activities.
- The meeting considered IP004 a useful case study on monitoring of coastal hydrocarbon pollution and noted that ASOC had commented on the need for further scientific information on the impacts of tourism.
- Recommendation 12: The meeting recommended that Parties and those involved in non-governmental activities be encouraged to provide spatial and temporal data in support of future studies and syntheses for discussion by the CEP and ATCM.

4) (b) Emergency Response Action (Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty)

- France drew the meeting's attention to the conclusions in WP003 that noted the lack of a global organisation to coordinate contingency responses in case of large scale pollution in Antarctica.
- The meeting discussed the proposal raised in WP001, WP005, WP006 and IP002 that consideration should be given to exchanging information on Parties' contingency plans established in accordance with Article 15 of the Protocol for responding to incidents with potential adverse effects on the Antarctic environment. The meeting agreed that it would be useful to exchange such information. COMNAP noted that members had developed guidelines for contingency plans and that many plans were lodged with the COMNAP Secretariat.
- Recommendation 13: The Treaty Parties should exchange information on contingency planning undertaken in fulfilment of Article 15, for responding to incidents with potential adverse impacts on the Antarctic environment.

4) (b) (i) Oil Pollution Response and Environmental Clean-Up

- New Zealand presented WP005: 'Marine oil spills in the Antarctic Treaty Area Environmental considerations regarding oil spill behaviour and potential for impacts'. The paper noted that an oil spill in the seas surrounding Antarctica could significantly impact on a range of biota, and depending on the oil type, may result in long-term impacts on shorelines. In addition, the response to a large scale marine oil spill in the Antarctic would be extremely difficult and, if undertaken, would likely be slow to mobilise due to the logistic constraints. The paper made recommendations to the ATME around encouraging the early adoption of a mandatory Polar Code for ships operating in polar waters, including measures to reduce the risk of marine oil spills in the Antarctic Treaty area and specific measures on managing ships' onboard fuel.
- New Zealand also presented WP006: 'Oil Spill Response', which discussed the special requirements and restrictions that mounting a response to a marine based spill in the Antarctic Treaty area can pose. The paper identified a range of special considerations for responding to an oil spill in the Antarctic and a number of response options (from dispersant to containment). The paper recommended that an oil spill contingency plan for the Antarctic Treaty area be developed.
- 87 The meeting discussed the question of a mechanism for coordinated contingency planning and response to a large-scale marine oil spill, which had been raised in meeting papers. A number of delegations noted that they had experienced large scale maritime disasters in other parts of the world and reinforced the need to establish coordinated response plans in advance, including a clear chain of command. The meeting acknowledged that developing such an approach for the Antarctic would be complex and would require detailed consideration. COMNAP advised that its members had developed site-specific and some coordinated regional response plans, and that there were some existing documents that listed response capability at stations (e.g. the Antarctic Flight Information Manual). The meeting noted the importance of this issue and, recalling the anticipated action by IMO to prohibit the carriage and use of heavy grades of oil, it agreed it would be useful for the Safety and Operations Working Group of the ATCM to consider factors that might need to be taken into account when responding to a marine gas oil spill.
- Regarding proposals in WP006 on incorporating specific measures for fuel management in a mandatory Polar Code for Ships Operating in Polar waters, the meeting noted the complexities involved, in particular the need to consider safety implications. The meeting agreed it would be appropriate to request IMO to consider what guidance could be incorporated into a mandatory Polar Code regarding oil spill and environmental protection more generally, particularly in light of the anticipated action to ban the use and carriage of heavy grades of fuel.

- The meeting agreed that it would be important to highlight to the IMO the importance of environmental protection and the minimisation of marine pollution in the Antarctic Treaty area.
- 90 Recommendation 14: That the ATCM consider developing guidelines for responding to large-scale marine oil spills in the Antarctic Treaty area.

Topic 5: Vessels Flagged to non-Parties

- 91 New Zealand presented WP014: 'Vessels Flagged to Non-Parties: Possible implications for Emergency Response to Environmental Emergencies'. The paper recommended that the Parties should consider the ramifications for emergency response to environmental emergencies occurring in the Antarctic Treaty area of tourist vessels flagged to non-Parties.
- The meeting noted that a substantial proportion of the tourist fleet (approximately 50 percent) was flagged to non-Parties. This was potentially problematic for the Antarctic Treaty System in relation to the Emergency Response Action requirements under the Protocol and the obligations that fall on the Operator in the relation to the yet to be implemented Liability Annex (Annex VI). The meeting pointed out the potential disconnect in chains of obligation if a tour company operating in Antarctica used a vessel which was not flagged to a Treaty Party.
- 93 IAATO noted that obligations under the Liability Annex should be covered by vessel insurance which should cover vessel liability for all those tied to it (including the operator). IAATO also noted that there may be value in the authorising party requesting clarification from their individual operators and welcomed further discussions on this issue.
- Many Parties noted that they were currently developing domestic legislation to implement the Liability Annex where obligations will be put on the Operator. Parties could learn from each other how to ensure that their domestic legislation met the obligations under the Liability Annex. As this legislation came into force there would be a need to ensure that Operators understand their obligations.
- The meeting welcomed further discussion at ATCM XXXIII on the implementation of the Liability Annex in domestic legislation.

Topic 6: Cooperation between the ATCM and the International Maritime Organisation and the International Hydrographic Organisation

Australia presented WP009: 'Enhanced coordination of Antarctic Treaty Proposals within the IMO'. The paper noted the ATCM and associated forums as the primary place to deal with matters pertaining to Antarctica, including those relating to Antarctic shipping, while also recognising the role of the IMO in shipping safety and environmental protection in the Antarctic region. Australia

proposed that the Parties should consider identifying simple ways that the Treaty Parties can track, discuss, and if required coordinate views on proposals referred from the ATCM to the IMO as they proceed through IMO forums. For example, a Party initiating a proposal in the ATCM could agree to keep the Treaty Parties informed of progress on the proposal within the IMO.

- 97 IP014 was presented by the IHO and discussed the cooperation between the ATCM and the IHO to date. The paper noted that the IHO has actively participated in ATCM meetings since 1989 and asked the ATME to consider the attendance by an ATCM representative to future IHO-HCA meetings.
- Australia, in introducing WP009, noted that the ATCM played an important role in managing maritime activities and was best placed to deal with Antarctic issues. Australia noted the important role of the IMO and emphasised the need for effective coordination between the IMO and ATCM. It noted that in the past the ATCM had referred issues to the IMO and said this was likely to continue.
- Australia proposed that the meeting remain seized of Antarctic-specific proposals in IMO. Specifically, it suggested that a Treaty Party that had brought a proposal in the ATCM should take responsibility for monitoring the progression of that proposal in the IMO, and should inform the ATCM of developments in the IMO.
- The meeting noted that the relationship between the ATCM and the IMO was of increasing importance, especially in relation to the development of the mandatory Polar Code. Parties expressed appreciation to the IMO for attending this meeting and encouraged the IMO to continue to attend the ATCM in the future. It was also agreed that Parties should further coordinate with their IMO representatives in London, and bring their IMO experts to future ATCM meetings. Australia suggested that the IMO should be invited to provide information at the next ATCM on timing and development of the mandatory Polar Code, especially information on submission dates for papers.
- Some Parties noted the complexities of coordination with the IMO, especially in relation to the speed at which the IMO moved, and suggested that WP009 be further developed to identify how, and when, such coordination should take place. The Chair invited Australia to update WP009 and submit it to ATCM XXXIII.
- Recommendation 15: The meeting agreed that enhanced coordination between the Antarctic Treaty Parties with respect to Antarctic-related matters within IMO may be valuable in some circumstances, and noted that mechanisms for coordination should be considered by ATCM XXXIII.

- Recommendation 16: Recognising the usefulness of having the IMO present and the valuable contributions the IMO representative made, the meeting encouraged IMO's attendance at the next ATCM. The meeting recommended that ways to enhance the cooperative working relationship between the ATCM and IMO should be further considered at ATCM XXXIII.
- The meeting agreed that the IHO HCA should be invited to the annual ATCMs to report on the status of hydrographic survey and nautical chart production in Antarctic waters. Parties also agreed that, where appropriate, the ATCM should be represented at all IHO HCA meetings; however some parties noted the significant resource constraints with attending all IHO-HCA meetings. Parties agreed that where an IHO-HCA meeting was to be held in a country that was also a Consultative Party, then that Consultative Party should attend the HCA meeting.
- Recommendation 17: The IHO-HCA should continue to be invited to annual ATCMs to report the status of hydrographic survey and nautical chart production in Antarctic waters. Parties also agreed that, as appropriate, the ATCM should be represented at IHO-HCA meetings. Where an IHO-HCA meeting was to be held in a country that was also a Consultative Party, then that Consultative Party should consider attending the HCA meeting.

3. Annexes

Annex 1: Decision 7 (2009)

Decision 7 (2009)

Meeting of Experts on the management of ship-borne tourism in the Antarctic Treaty area

The Representatives, Decide to:

- 1. convene a Meeting of Experts under the provisions of Recommendation IV-24 in Wellington, New Zealand, from 9 to 11 December 2009 to consider matters related to the management of ship-borne tourism in the Antarctic Treaty area.
- 2. request the Meeting of Experts to examine the following topics:
 - Trends in ship-borne tourism in the Antarctic Treaty area over the past 10 years, including maritime incidents and future projections.
 - Developments in the International Maritime Organisation relating to ship-borne tourism in the Antarctic Treaty area.
 - Maritime Safety in the Antarctic Treaty area:
 - Prevention of a maritime incident in the Antarctic Treaty area
 - Ship design and construction of vessels, safe vessel operation
 - Hydrography and charting
 - Port State control
 - Maritime Search and Rescue
 - Protection of the Antarctic Environment:
 - Environmental safeguards
 - Impacts of ship-borne tourism on the Southern Ocean
 - Emergency Response Action (Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty)
 - Oil pollution response and environmental clean-up
- Vessels flagged to non-Parties.
- Cooperation between the ATCM and the International Maritime Organisation and the International Hydrographic Organisation.
- 3. encourage attendance at the Meeting by representatives from Consultative Parties and invite experts from Non-Consultative Parties, the Council of

Managers of National Antarctic Programs (COMNAP), the International Association of Antarctica Tour Operators (IAATO), the Antarctic and Southern Ocean Coalition (ASOC), the International Maritime Organization (IMO), the World Tourism Organisation, the World Conservation Union (IUCN), the International Hydrographic Organisation (IHO), the United Nations Environmental Programme (UNEP) and Maritime Rescue Coordination Centres (MRCCs), particularly those from Parties with Search and Rescue Responsibilities in the Antarctic Treaty area.

4. in accordance with Recommendation IV-24, request New Zealand to submit a report of the Meeting of Experts to ATCM XXXIII for consideration.

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Annex 3: Opening Address

CATHERINE TAYLOR DIRECTOR MARITIME NEW ZEALAND

It is my pleasure to welcome you all to Wellington. It is greatly encouraging to see so many distinguished Antarctic and maritime experts here, many of whom have travelled so far to work together on this vital issue. Represented here are Parties to the Antarctic Treaty, as well as environmental and industry experts. You all have a shared passion to reduce the risk of an environmental and humanitarian disaster that may arise should a tourist vessel accident occur in the Antarctic Treaty area.

Passenger shipping in the Antarctic has been clearly identified as a priority for a number of years, both by the Antarctic Treaty Consultative Meeting and at the International Maritime Organization. Shipping nations around the world are increasingly concerned about the risks faced by vessels sailing below 60 degrees, especially given the rapid increase in the number of people visiting Antarctica by sea and the number of recent incidents involving tourist vessels in Antarctica.

These very serious incidents have highlighted to Treaty Parties and the IMO how vulnerable these ships are to the hazards of ice, extreme weather, isolation and limited charting as they sail these waters. These factors work together to endanger passengers and crew, and also increase the risk of environmental harm should there be a shipping casualty.

As a country that borders the Southern Ocean with responsibility for a large search and rescue region in the Antarctic, New Zealand is acutely aware of the risks and the challenges that we would face trying to assist a shipping casualty in the Southern Ocean. Our concern for the safety of those who venture into these seas has led us to run a number of search and rescue exercises based on a shipping incident below 60 degrees south. These exercises have helped us to understand the challenges and, through international participation, we have been able to work together with our neighbours to develop a search and rescue plan for the region. We are also delighted to be part of the ongoing regional cooperative efforts with our neighbours in Australia, South Africa, Chile and Argentina to improve coordination and share knowledge and expertise between countries with search and rescue responsibility in the Southern Ocean.

New Zealand is also acutely aware of the threat that an oil spill would pose to the Antarctic. The unique climatic, oceanographic and ecological features of the region mean that any oil spill in the Southern Ocean, and particularly close to areas of pack ice or land, could lead to significant wildlife mortalities with long-term impacts. Responding effectively to an oil spill in the Southern Ocean is fraught with difficulty and taking action to prevent spills is without doubt the best option for protection of the Antarctic environment.

To this end New Zealand has worked along with other members of the IMO to fulfil the request of the Antarctic Treaty Consultative Meeting to prohibit the carriage of large quantities of heavy fuel oils in the Antarctic Treaty area, as it is clear that it is these oils that pose the greatest threat of long-term environmental damage.

While this is great progress, there is still more to do. As an organisation Maritime New Zealand is as passionate about protecting lives at sea as we are about protecting the marine environment from the threat of an oil spill. As the lead representative of New Zealand at the IMO we see the proposed development of a mandatory Polar Code as an important initiative. Such a code has the potential to significantly reduce the risks of a shipping casualty, and of minimising the consequences in terms of human casualties and environmental impacts if an accident does occur. I am sure the Polar Code will be discussed in detail during this meeting, and these ideas can provide input into the wider discussion at the IMO to ensure that the code takes into account the unique circumstances of the Antarctic polar region.

It is encouraging to see the increasing levels of cooperation between the Antarctic Treaty Consultative Meeting and the IMO. I hope this meeting strengthens the links between these two organisations, as it is only through the IMO that regulations can be extended to cover a wide range of vessels, and not just those flagged to Treaty Party nations. It is essential that measures such as the ban on heavy grades of oil and the proposed Polar Code can be applied to all vessels, regardless of their flag, to minimise the risk of an accident, which could have devastating effects on the environment as well as human life.

New Zealand is one of the gateway countries for ships departing to the Antarctic, and this brings into focus our responsibilities as a port state with a responsibility to ensure ships travelling to the region are fit for purpose. In New Zealand we take this responsibility seriously and we will inspect all vessels travelling into Antarctic waters before they sail.

We believe there is room for improved international cooperation between port states from which vessels leave for Antarctica, to make certain these vessels are complying with international maritime safety and environmental regulations. Such inspections go a long way to ensure the safety of vessels at sea and will become increasingly important as new regulations are developed and come into force.

I am greatly encouraged to see the wide range of papers that have been submitted and by the combined expertise and experience of the people who have come from around the world to this landmark meeting. I believe you have in your hands the power to make some very real progress to better understand the hazards faced by tourist vessels in Antarctica and to develop some excellent initiatives. It is through the combined efforts of the Antarctic Treaty Consultative Meeting, the International Maritime Organization and the other international organisations here today that we can all contribute significantly to the increased safety of passenger vessels in the Antarctic.

I wish you well in your endeavours over the next 3 days.

Annex 4: Remarks by New Zealand Minister of Foreign Affairs, Hon Murray McCully

On the Occasion of the Reception in honour of the Antarctic Treaty Meeting of Experts on Ship-borne tourism in the Antarctic Treaty Area Grand Hall, Parliament Buildings
9 December 2009

Ladies and gentlemen, thank you for the invitation to say a few words to you this evening.

For most New Zealanders, Antarctica is a place of pristine beauty lying just beyond the horizon.

We feel its presence during winter storms, but few of us are lucky enough to get there.

However Antarctica's splendour has also been the scene of great tragedy.

Less than two weeks ago New Zealanders commemorated the 30th anniversary of the loss of flight TE 901 and its 257 passengers and crew in Antarctica.

Of all the Antarctic Treaty nations, New Zealand has suffered the greatest loss of life through a tourism catastrophe in Antarctica.

We are determined that should never happen again.

Another anniversary has also been observed in the same period, as I'm sure you are all aware.

On 1 December 1959, representatives from 12 nations signed the Antarctic Treaty in Washington D.C.

The Treaty declared that it was in the interest of all mankind that Antarctica should continue "forever to be used exclusively for peaceful purposes".

Fifty years on, the Antarctic Treaty is a model of successful international cooperation.

We celebrate the many achievements in science of global significance to have come out of Antarctica.

Today Antarctic science has never been more important in helping us understand the drivers and effects of climate change.

Like any international agreement, the Antarctic Treaty relies on the continuing support and active engagement of all the countries which have signed up to it.

I was very pleased, therefore, to be in Washington D.C in April this year along with Secretary of State Hillary Clinton and Ministers from other Treaty Parties when we reaffirmed there our commitment to the Antarctic Treaty's objectives and purposes.

Numerous challenges confront the Treaty System, however.

The Parties have a collective responsibility to manage human activities in Antarctica so that they are conducted safely, and have minimal impact on the environment.

I am greatly concerned that unless we take action, there will be a serious maritime casualty involving a tourist vessel in Antarctica, and we will be faced with a humanitarian and environmental disaster.

In the last three years, four tourist vessels have grounded and one has sunk in the Antarctic Treaty area.

Indeed the sinking of the *Explorer* in 2007 was a wake up call to the Treaty Parties.

We were lucky.

No one was lost in that incident, but the fact that there have not been more serious consequences owes more to good luck than good management.

I do not profess to have any special insights into these events.

I do not know whether they occurred because the rules are too lax, or because the rules are ignored, or a combination of the two.

But I do know that one sinking and four groundings in the space of three years, in the region of the most delicate, sensitive natural environment on earth, is an unacceptable track record.

Clearly, we are on borrowed time.

Which is where you, the experts on Antarctic and maritime affairs; on hydrography and charting; on pollution response and clean-up; on search and rescue, and on the management of tourist activities, all have your contribution to make.

Any constructive steps you can take to reduce the prospect of a humanitarian and environmental disaster from a mishap involving a tourist vessel in Antarctic waters will enjoy strong support from the New Zealand government

I am delighted you have assembled in Wellington for the Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty area.

There is an excellent level of participation across relevant disciplines, and I hear many valuable papers have been presented today.

This demonstrates your shared commitment to find solutions.

I will follow your efforts with interest, and wish you every success in your important work.

Thank you.

Annex 5: Full list of papers

	Paper	Topic	Title of Paper	Submitted By:
1	WP001	ATME 1	Antarctic Treaty Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty Area - An Overview	New Zealand
2	WP002	ATME 1	Past and future changes in sea ice around Antarctica	New Zealand
3	WP003	ATME 3(b) / ATME 4(b)	Managing Human and Environmental Risks in Antarctica	France
4	WP004	ATME 3(a)(ii)	New Zealand: Hydrographic Surveying and Charting In the Ross Sea Region, Antarctica	New Zealand
5	WP005	ATME 4(b)	Marine oil spills in the Antarctic Treaty Area – Environmental considerations regarding oil spill behaviour and potential for impacts	New Zealand
6	WP006	ATME 4(b)(i)	Oil Spill Response	New Zealand
7	WP007	ATME 3(a)(iii)	A Proposal to Enhance Port State Control for Tourist Vessels Departing to Antarctica	New Zealand
8	WP008	ATME 4(a)	Environmental Aspects of Antarctic Ship-borne Tourism	Australia
9	WP009	ATME 6	Enhanced coordination of Antarctic Treaty proposals within the IMO	Australia
10	WP010	ATME 4(a)	Review of Protocol Annex IV Prevention of Marine Pollution	Australia
11	WP011	ATME 3(b)	Enhancing cooperation between MRCCs and National Antarctic Programmes	New Zealand
12	WP012	ATME 3(a)(i)	The Antarctic Polar View Programme. Information from satellite observations for safer and efficient sea ice navigation	United Kingdom
13	WP013	ATME 3(b)	Recommendations for reducing risks that affect the safety of human life, considering the increase in Ship-borne tourism in Antarctica during the last decade	Chile
14	WP014	ATME 5	Vessels flagged to non-Parties: Possible Implications for Emergency Response to Environmental Emergencies	New Zealand
15	WP015	ATME 3(b)	Increase of Antarctic tourism vessel incidents - Overview and proposed course of action	Argentina
16	IP001	ATME 1 / ATME 4(a) (i)	Antarctic Ship-borne Tourism and Inspections Under Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection	ASOC
17	IP002	ATME 1	Antarctic Ship-borne Tourism: Perspectives on Shipping Management	ASOC
18	IP003	ATME 4(a)	Making Tangible Progress on a Strategic Vision for Antarctic Tourism	ASOC

19	IP004	ATME 1 / ATME 4(a)(i)	Coastal Hydrocarbon Pollution: A Case Study From Deception Island, Antarctica	ASOC
20	IP005	ATME 2/ 3(a)(i)	International requirements for ships operating in polar waters	IMO
21	IP006	ATME 3(a)(i)	Draft Assembly Resolution. Guidelines for Ships Operating in Polar Waters	IMO
22	IP007	ATME 1	IAATO Summary of Antarctic Ship-Based Tourism: Final Statistics for the 2008-09 Season and Revised Estimates for the 2009-10 Season;Projected Trends through the 2012-13 Season	IAATO
23	IP008	ATME 3(a)(i)	IAATO Actions and Recommendations to Tourism Vessel Operators to Enhance Marine Safety	IAATO
24	IP009	ATME 1 / ATME 4(a)	Spatial Patterns of Tour Ship Traffic in the Antarctic Peninsula Region	United States
25	IP010	ATME 3(b)	Search and Rescue Coordination and Response in the Antarctic: Workshop Discussions	COMNAP
26	IP011	ATME 4(a)	Annex VI to the Environmental Protocol to the Antarctic Treaty	New Zealand
27	IP012	ATME 1	Final Report of the Antarctic Treaty Meeting of Experts – Guidelines for Antarctic Shipping and Related Activities (Originally presented as WP26/ATCM XXIV)	United Kingdom
28	IP013	ATME 3(a)(ii)	Hydrography and Charting	IHO
29	IP014	ATME 6	Cooperation between the ATCM and the IHO	IHO
30	IP015	ATME 1	Report of the Continued Intersessional Contact Group on Issues Concerning Passenger Ships Operating in Antarctic Waters	Norway
31	IP016	ATME 1	Observations on Ship-borne Tourism in Antarctica	WTO