

IHO Hydrographic Commission on Antarctica (HCA)
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ATCM Secretariat Report

PARAGRAPHS EXTRACTED FROM THE XXXII ATCM FINAL REPORT

Baltimore, USA, April 6-17, 2009

(provided by the Antarctic Treaty Secretariat)

Note: Documents mentioned in the Final Report of ATCM XXXII are available on the ATS website at http://www.ats.aq/devAS/ats_meetings_documents.aspx?lang=e&id=72. Measures and resolutions from ATCM XXXII are provided in the ATS Antarctic Treaty Database at http://www.ats.aq/devAS/info_measures_list.aspx?lang=e.

Presentation of the IHO report: (Paragraph 35)

(35) The representative of the International Hydrographic Organization introduced the IHO report *Cooperation in Hydrographic Surveying and Charting in Antarctic Waters* (Volume 2, Part III, section 5). He pointed out that, despite efforts to raise awareness of the importance of assigning higher priority to charting in Antarctica, progress has been slow. He urged Parties to consider adopting rules or guidelines analogous to those of SOLAS Chapter V, Regulation 9.

Extending the Boundary of the International Maritime Organization's Antarctic Special Area:

(Paragraphs 38-43)

(38) The United States introduced WP 15 *Initiative to Extend the Boundary of the International Maritime Organization's Antarctic Special Area Northward to the Antarctic Convergence*, proposing that Parties support at the IMO the extension of the boundary of the IMO's Antarctic Special Area northward to the Antarctic convergence as a means to protect the ecosystem encircling Antarctica. It proposed in a draft resolution that the Antarctic Treaty Parties which were also parties to MARPOL 73/78 cooperate in taking action within the IMO to attain this. It also recommended that Parties assess the feasibility of individual vessels observing the Special Area provisions whenever measurements of seawater temperature indicated that the Convergence was located north of the CCAMLR area.

(39) Parties supported the idea of protecting the entire Antarctic marine ecosystem. However, questions were raised related to the role and competence of the ATCM with regard to the area north of 60 degrees south latitude. An informal open-ended contact group chaired by the US discussed these issues further. The Meeting agreed to cooperate to enhance environmental protection for the entire Antarctic marine ecosystem, to seek the views of CCAMLR on the possibility of asking the IMO to extend the Antarctic Special Area northward to the Antarctic Convergence, and to consider at the next ATCM the views of CCAMLR and whether to recommend that further steps be taken within the IMO. The Meeting adopted Resolution 1 (2009).

(40) Upon approval of Resolution 1 (2009), Chile, as proponent in 1959 of the "protection and conservation of the living resources of Antarctica" expressed satisfaction for the consolidation of the Antarctic region within the sequence initiated by the Agreed Measures and continued by the Seals, Marine Living Resources, Regulation of Antarctic Mineral Resources Conventions and subsequent

prohibition of mineral resource activities by the Protocol on Environmental Protection to the Antarctic Treaty, of which Annex IV on Prevention of Marine Pollution, Article 8 requires due consideration of possible adverse effects upon dependent and associated ecosystems “outside the Antarctic Treaty area”. Chile expressed the hope that actions undertaken under this Resolution will result in the extension of the Special Area established by the IMO.

(41) While joining consensus on Resolution 1 (2009), Argentina expressed the view that the application of an ecosystem approach may have its limitations, particularly if consideration is given to situations in which the lack of sufficient scientific knowledge could render the application of such an approach inadequate or controversial.

(42) The United Kingdom and some other Parties stated that, in their view, nothing in Resolution 1 (2009) would have the effect of extending the scope of the Antarctic Treaty or the Protocol to the area north of 60 degrees south latitude.

(43) The US and some other Parties noted that the focus in Resolution 1 (2009) on the area north of 60 degrees south latitude up to the Antarctic convergence was consistent with the Antarctic Treaty and related instruments. It referred in particular to Article 2 of the Protocol by which the Parties committed themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems.

1. **Towards Improved Search and Rescue Coordination** (Paragraphs 110-144)

(110) COMNAP presented WP 47 *Towards Improved Search and Rescue Coordination and Response in the Antarctic*, informing the Meeting on the outcome of a workshop on this topic held in August 2008. Participants of the workshop included the Rescue Coordination Centres (RCCs) of the five countries that share responsibility for the coordination of search and rescue (SAR) over the Antarctic region, several ATCPs, IAATO, IMO, and ICAO. The workshop participants adopted a number of recommendations and decided on a range of actions. As a result, COMNAP asked the ATCM to consider the adoption of a Resolution incorporating those recommendations from the workshop that were directed to Antarctic Treaty Consultative Parties.

(111) As part of its presentation, COMNAP and Chile presented an example of an emergency scenario explored during the workshop. The presentation highlighted the information available to RCCs and National Programs during an emergency and how this information can assist in responding to an accident.

(112) Parties and IAATO thanked COMNAP for its work in convening the workshop and thanked Chile for hosting the workshop. Parties and IAATO welcomed the increased cooperation between and among RCCs, Parties' National Programs, IAATO, and other bodies. The Russian Federation noted the connection between its IP 47 *International cooperation in the Antarctic as an important argument for provision of safety of operations and investigations in the region* and the workshop's emphasis on international cooperation in safe operations in Antarctica.

(113) France recalled that work on SAR in the ATCM has been ongoing since 1996 and was thankful to COMNAP for its exhaustive study. It proposed to adopt a resolution based on COMNAP's proposition and emphasised the importance of the land SAR issue.

(114) Chile noted the benefit of the workshop including the benefit of IAATO's vessel tracking system. IAATO noted that as a result of this system, IAATO vessels were able to respond to other distress signals in the last season.

(115) In light of successful handling of recent incidents in Antarctica, Chile further noted that the current system of SAR is working.

(116) South Africa reported that following its participation in the workshop it had enhanced the relationship with its RCCs through a formal operating agreement and that this had already led to improved information exchange between them, as well as with vessels of other National Programs utilizing Cape Town as a gateway to Antarctica.

(117) Norway welcomed this initiative to enhance the effectiveness of search and rescue operations in the Antarctic Treaty area, and also emphasised the work and responsibility of the IMO and ICAO on search and rescue.

(118) COMNAP noted that at the next workshop on this topic to be held in Argentina in July or August 2009 (to be confirmed) it is proposed to include discussions on the issue of land-based emergencies. Parties supported the workshop in addressing this important topic. The Russian Federation suggested that consideration may also be given to rescue scenarios in the winter particularly with regard to remote land-based locations.

(119) Since consensus could not be reached on a draft Resolution because a few Parties expressed some concern, it was agreed to go on working intersessionally on the issue raised by COMNAP.

(120) Chile introduced IP 118 *Participación de los Centros de Búsqueda y Salvamento aéreo y marítimo de Chile en el rescate del buque de pasajeros "USHUAIA" y medidas de mitigación medioambiental por accidente en la Antártica.*

(121) Argentina thanked Chile for its presentation of IP 118 on the incident in 2008 involving the *M/V Ushuaia* in the Antarctic Treaty area, in which Argentina and Chile shared SAR coordination responsibilities. It added that Chile's paper is proof, once again, of the excellent cooperation between the two countries on this issue.

(122) In reference to the rescue of the *M/V Ushuaia*, Argentina pointed out the importance of having worked together with tour operators, MRCCs and the national program operators, as this allowed for an early intervention by the Argentine Air force C-130s, which carried the affected vessel's passengers to the city of Ushuaia. Furthermore it underscored that the previous work undertaken by the Argentine Antarctic Programme in preparing contingency plans for the *M/V Ushuaia* turned out to be a positive outcome of the Search and Rescue Workshop, while it also contributed to keep spills under control once crew and passenger safety had been secured.

(123) Argentina also recalled another case, occurred on 17 February 2009, in which the Ushuaia MRCC initiated coordination of rescue operations upon receiving an alert call from the *M/V Ocean Nova*, which ran aground in the proximity of the Argentine San Martín Station. The first vessel on the scene was the Spanish vessel *Hespérides*. Argentine Navy vessels *Canal de Beagle*, *Aviso Castillo* and *Aviso Olivieri* also set sail for the incident site. The *Ocean Nova* was also assisted by IAATO member vessels. Passengers were transferred to the port of Ushuaia where they arrived on February 22nd. Although the incident had no serious consequences of environmental or any other nature, it cannot be considered a minor one. Argentina further recalled the importance of continuing joint activities between MRCCs, National Operators and IAATO.

(124) IAATO thanked Argentina, Chile and Spain for their assistance in both the *M/V Ushuaia* and *M/V Ocean Nova* groundings.

(125) ASOC introduced IP 34 *Managing Antarctic vessels – Avoiding future disasters*, noting that during the last summer season, two vessels ran aground in Antarctica and the potential for such disasters is amplified with increasing shipping activity. Also noting the good work by the IMO and the ICG on risk assessment, ASOC identified vessel routing and monitoring, environmental impacts of fishing and whaling vessels, general discharge operations, and the need for vulnerability assessment and protection of sensitive sea areas as issues still requiring attention.

(126) ASOC called on the ATCM to work with the IMO and to take urgent action on these matters to mitigate the risks of operating in Antarctic waters.

(127) ASOC IP 2 *Impacts of local human activities on the Antarctic environment: A review* was submitted under this agenda item, but discussed extensively in the CEP (Item 6b – Other EIA Matters, paragraphs 48–51 of the XII CEP report) and thus taken as read.

(128) Uruguay presented IP 60 *On spot technical assistance: Availability of hydrographic experts for vessels of opportunity collecting hydrographic data, by the Uruguayan Antarctic Program in the Antarctic Peninsula area*. Uruguay offered to provide a hydrographer free of charge to train crew members for vessels of opportunity on how to use the guidelines for collection of hydrographic data issued by the IHO Hydrographic Commission on Antarctica (HCA).

(129) IAATO welcomed the initiative and looked forward to working with Uruguay.

(130) Australia introduced IP 79 *Joint medical evacuation from Davis Station, Antarctica* (submitted together with the United States). Australia described the air evacuation performed on 5 November 2008 by the United States and Australia of a badly injured programme participant from Davis Station. The injured person, a winter-over employee of the Australian Antarctic Division (AAD), suffered multiple fractures during an all-terrain vehicle accident on 20 October 2008 while on a field trip. Australia expressed its thanks to the US for its assistance in making the medical evacuation possible.

(131) The United States noted that the medical evacuation was a very difficult and complex affair. Constructing the sea ice runway and getting the runway ready for the aircraft was no small achievement.

(132) The United Kingdom introduced IP 42 *An update on the Antarctic Polar View programme: Information from satellite observations for safer and efficient sea ice navigation*, noting that the primary aim of the programme in the Antarctic is to deliver sea ice information from multiple satellite observations to ship operators in a timely manner. In addition to supporting ship routing, Antarctic Polar View services are increasingly being used to support science activities in the Southern Ocean. The United Kingdom noted that Polar View continues to be available to all at no charge and announced that the programme had secured funding from the European Space Agency and the UK government to cover provision of this free service for the next two Antarctic seasons. At the conclusion of that period the United Kingdom plans to look at other funding options.

(133) The Meeting welcomed IP 42, noting that Polar View is an important tool for safety of shipping. The Meeting thanked the United Kingdom for ensuring this tool will be available for another two years.

(134) China introduced IP 38 *The report on accident of snow vehicle's falling down into the sea*, providing details on how a PB 300 snow vehicle fell into the sea 41km from Zhongshan Station on 27 November 2008. The only person inside jumped out and was not injured. The investigation showed that no pollution was found.

(135) Germany informed the Meeting about three medical evacuations during construction activities at Neumayer Station. Germany thanked the national programmes for their cooperation, especially to those that are part of DROMLAN.

(136) The Russian Federation introduced IP 47 *International cooperation in the Antarctic as an important argument for provision of safety of operations and investigations in the region*, informing the Meeting that on 5 October 2008 a fire broke out at Progress station, completely burning a two-storey building used for sleeping and working. One person was killed in the fire and two were seriously injured. In the same month at Mirny Station, Australian doctors performed surgery on a station staff member. The patient was later transferred out of Antarctica. The Russian Federation also thanked Brazil's assistance with transportation to King George Island when a Russian aircraft was damaged during landing in Punta Arenas. The Russian Federation also thanked Australia and China for their help on the accident at Progress Station.

(137) China expressed its sorrow for the Russian Federation's loss during the fire at Progress Station. China encouraged further international cooperation in polar research and logistics.

(138) The Russian Federation noted that Australia had proposed international cooperative arrangements in East Antarctica and that China had fully supported the proposal and hosted a meeting on the topic in Shanghai in 2008.

(139) Australia strongly echoed the Russian Federation's comments on the importance of international cooperation and thanked the Russian Federation and China for their help in transporting a Davis Station's traverse team's broken-down vehicle back to the station.

(140) China commented that this traverse had demonstrated a successful logistic cooperation between Australia, the Russian Federation and China. China noted that it had gained useful logistic experience during the traverse.

(141) Argentina informed the Meeting on an evacuation carried out by Argentina and Chile. It also highlighted the importance of addressing communication problems during medical evacuations that may arise due to different languages as well as procedures for medical check-ups carried out prior to travelling to Antarctica, and of having well equipped aircraft for such evacuations.

(142) New Zealand informed the Meeting about an accident which occurred inside the Antarctic Treaty area to a crew member onboard the ship *Bremen*. Rather than proceed to Antarctica, the ship turned back, allowing the crew member to be rescued by a New Zealand helicopter.

(143) IAATO thanked Australia and New Zealand for their response to the *Bremen* emergency. IAATO is keen to support Measure 4 (2004) and is willing to put its own resources on offer for national Antarctic programs if necessary.

(144) The United States thanked Argentina and Chile for help with the medical evacuation of two people who became ill on board research vessels. The US highlighted the opportunities provided by the COMNAP framework to act in these difficult situations.

2. Antarctic Treaty Meeting of Experts (paragraph 217)

(217) New Zealand introduced WP 30 *Antarctic Treaty Meeting of Experts on the Management of Ship-borne Tourism in the Antarctic Treaty Area*, noting that Parties had expressed concern about humanitarian and environmental risks associated with the increase of ship-borne tourism and the recent incidents that occurred in Antarctic waters. New Zealand noted its offer to host a Meeting of Experts on this topic had _rst been made at ATCM XXXI in Kyiv and had been welcomed by the Parties. New Zealand expressed that, in its view, further regulation was required for the safety of passengers and the protection of the Antarctic environment, and proposed to host an Antarctic Treaty Meeting of Experts (ATME) on the Management of Ship-borne Tourism in the Antarctic Treaty Area in Wellington from 9–11 December 2009. The goal of the meeting would be to accelerate consideration of the issues associated with ship-borne tourism, so that useful recommendations could be provided to ATCM XXXIII. The Parties thanked New Zealand for its offer to host the ATME and adopted Decision 7 (2009) (see Part II, section 2, page ZZZ).

3. Tourism and Shipping Safety (Paragraphs 218-234)

(218) The Working Groups of Tourism and Non-governmental Activities and Operational Matters met jointly to consider issues of common concern, including issues relating to tourism and shipping safety in Antarctica.

(219) The Parties discussed IP 120 *Report by Liberia on Sinking of MS Explorer* (Belgium), which contains the Republic of Liberia’s Report of Investigation in the Matter of Sinking of Passenger Vessel *Explorer* on November 23, 2007 (report dated March 26, 2009). Michael Davies-Sekle, Vice President for Marine Investigations of the Liberian International Ship & Corporate Registry, was invited by the Meeting to present the Liberian report during an informal session. During this session he described the conclusions and recommendations in the report.

(220) While many delegations noted that the Liberian report had been issued only the week before and was still being studied, some delegations did make comments. Parties noted that the report underscored the point of how close the *M/S Explorer* accident came to being a greater tragedy, which was very narrowly avoided by the calm weather and the actions of the crew. It was recognised that the report identi_ ed a series of serious shortcomings and gaps.

(221) The Meeting expressed considerable concern related to the sinking of *M/S Explorer* and other recent ship incidents, and considered it important to focus on efforts to ensure the safety of passengers on tour vessels. Many delegations expressed appreciation for the report, found it valuable, and welcomed the fact that the report would be formally presented to the IMO for detailed discussion of its recommendations.

(222) Australia noted that it regarded the *M/S Explorer* sinking with grave concern, and that the report by Liberia highlighted a number of conclusions and recommendations worthy of close consideration by Treaty Parties, collectively and individually, and by those who operate and charter vessels for work in Antarctic waters. For its part, Australia noted that it would be raising these issues with Australian vessel operators and with companies that it authorises to conduct ship-based tourism. Australia felt that the report lent further impetus to the work of the Parties on these issues, in the ATCM and within the IMO, and reinforced the need for coordinated effort among the Parties when Antarctic related initiatives are being taken forward in IMO.

(223) Argentina stated that it was struck by Liberia’s statements under the heading “Rescue Coordination” (page 70 of the report), when in all the recent cases in which there were vessel alert calls, the Argentine MRCC’s intervention has always been timely and unconditional having effectively carried

out all the necessary coordination tasks for the search and rescue and the safeguard of human life. These cases have been the subject of acknowledgement by Parties, including in respect of the *M/S Explorer* incident.

(224) Argentina also expressed surprise and concern that the flag state appeared to seek to limit its responsibilities, when in fact the vessel did not have an Ice Master on board and the vessel captain publicly acknowledged his inexperience in Antarctic waters. Regarding the procedures that are referred to in Liberia's report, Argentina also noted that there are clear IMO provisions which establish the joint responsibility and coordination between Argentina and Chile in the area of the incident.

(225) Argentina and Chile have been steadily working together in the provision of SAR services in the Antarctic Peninsula area with very positive results. An example of this is the ongoing work by the Combined Antarctic Naval Patrols for over ten years, which has recently extended its operating season. Argentina further noted that page 40 of the Liberian report lacks any reference to the technical and scientific activities conducted by Argentina in the area of the *M/S Explorer* wreckage. These were duly presented to ATCM XXXI (Kiev, 2008) in IP 130.

(226) In response to a Party's enquiry, Argentina provided additional information on the amount of fuel and lubricants that the *M/S Explorer* carried on board at the time of sinking.

(227) Finally, Argentina stated its concern that it had not been included among the Parties that had initially received the report presented by Liberia and rejected several specific references contained in the report.

(228) Chile expressed surprise with the introduction into the Liberian report of all the elements of the preliminary investigation carried out by Chile and the extensive correspondence and assistance provided by Chile to the flag state in order to make feasible and credible their report to the IMO, without any acknowledgement. Chile agreed with the statement by Argentina, including its assessment of the lack of any real recognition of the obligations and duties of a flag state under international law.

(229) IAATO stated that for all those involved in Antarctic shipping operations – especially passenger shipping operations – the *Decision of the Commissioner of Maritime Affairs and the Report of Investigation in the Matter of Sinking of Passenger Vessel Explorer* make for very sober reading. It stated that when serious incidents such as this occur, the industry cannot deal with speculation but needs facts to ensure that appropriate amendments in both technological and operational practices and requirements can be achieved. And so, while in the absence of a report IAATO is pleased with the progress that has been made since the *M/S Explorer* incident – particularly in terms of improving response actions and in vessel tracking – the recent arrival of the report is a welcome and, indeed, crucial source of information on which to base further decisions and actions. It further noted that the facts, conclusions and recommendations of the report will be pivotal in discussions with ship owners, vessel operators, flag states, classification societies and national authorities and that IAATO will take steps to initiate, facilitate and take part in these discussions as appropriate. IAATO would note that many of the conclusions and recommendations will require careful deliberation from a number of international bodies. For example, IAATO would suggest that, should the justification for a new work item in the IMO to develop a mandatory polar shipping code be accepted, this would be a valid place for several of these recommendations. In the interim, however, IAATO's Marine Committee will be studying the report carefully to assess what specific advice can be put in place as industry best practice prior to the 2009–10 season – for example, through consideration of recommendations 6, 7 and 11 of the Liberia Report, as appropriate. These will be discussed during IAATO's next Annual Meeting in June of this year and IAATO will keep Treaty Parties fully informed of those recommendations that IAATO is in a position to implement.

(230) Several Parties commented that the sinking of the *M/S Explorer* was an extraordinary event that drew a lot of attention and prompted renewed discussion of the need to promote safety and environmental protection in Antarctica.

(231) The United States introduced WP 16 *Lifeboats on Antarctic Tourist Vessels*. The Meeting generally welcomed the proposal recommending Parties cooperate in taking action within the International Maritime Organization to require, with respect to ships undertaking tourist activities in the Antarctic Treaty area, the carriage of sufficient and suitable lifeboats for all passengers and crew, and to ensure those lifeboats were outfitted with equipment to facilitate timely search and rescue. The Meeting generally supported the initiative to advance the safety of vessels operating in Antarctic waters, and acknowledged the ongoing work of the International Maritime Organization in that regard. The Meeting agreed that the US proposal be redrafted to recommend the Chair of ATCM XXXII write to the International Maritime Organization indicating support for those activities.

(232) The Meeting adopted Resolution 8 (2009) (see Part II, section 3, page ZZZ) and agreed that the letter from the Chair of ATCM XXXII to the International Maritime Organization will welcome the recent work of the Sub-committee on Design and Equipment to develop Guidelines for Ships Operating in Polar Waters, and express the Parties desire that these guidelines be adopted by the International Maritime Organization at their Assembly meeting later this year. In addition, the letter will express the desire of the Antarctic Treaty Parties that the International Maritime Organization commence work as soon as practicable to develop mandatory requirements for ships operating in Antarctic waters, which would include *inter alia* matters relating to vessel design, construction, manning and equipment, including survival craft and lifesaving equipment, taking particular note of the types of vessels, especially passenger vessels, operating in Antarctica.

(233) Parties also emphasised the original intent of WP 16, which proposed that the IMO require lifeboats on passenger vessels in Antarctic waters be adequate to the degree of risk faced by passengers and crew in the event of an accident. Parties welcomed the recent IMO Sub-committee on Design and Equipment's decision that only partially or fully enclosed lifeboats are appropriate for Antarctic waters.

(234) IAATO briefly introduced IP 88 *Survival Craft on Passenger Vessels: An Overview*, which provided background on various types of survival craft currently in use on board passenger vessels. IAATO noted that it welcomed the decision by the ATCM to support IMO's possible efforts to prepare a mandatory polar code, which it felt would be a useful and important tool for advancing safety.