

Twenty-seventh Meeting of SCAR Delegates Shanghai, China, 22-26 July 2002

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XII Antarctic Treaty Special Consultative Meeting The Hague, The Netherlands, 11 - 15 September 2000 Report by the SCAR Observers Agenda Item 7.2.1

Dr Robert Rutford, President, Dr David Walton, Convenor of the Group of Specialists on Environmental Affairs and Conservation, and Dr Peter Clarkson, Executive Secretary, attended the XII Antarctic Treaty Special Consultative Meeting (XII ATSCM) in The Hague, The Netherlands, 11 - 15 September 2000. The main purpose of the meeting was to receive the report of the Third Meeting of the Committee for Environmental Protection (CEP III) that would be held during the week. In addition, there was an informal parallel meeting of the legal experts to discuss aspects of the Annex on Environmental Liability indicated in the Protocol on Environmental Protection to the Antarctic Treaty. Drs Rutford and Walton attended the CEP meeting while Dr Clarkson attended the legal discussions.

SCAR submitted four Working Papers (WPs) and three Information Papers (IPs) to CEP III.

A draft Comprehensive Environmental Evaluation (CEE) for recovering a deep ice core in Dronning Maud Land was submitted by Germany. The draft CEE had been circulated prior to the Meeting and there were two emergent concerns: oil spill response procedures for the drilling project and the materials to be left behind on completion of the project. The latter concern included some construction materials and it was suggested that alternative construction methods should be investigated. Attention focused on drilling fluid to be left in the hole but wide consultation had indicated that the proposed fluid was the best available and that removal of the fluid was not possible from such a deep hole with current technology.

The SCAR paper (IP 42) on "Impacts of Acoustic Techniques in the Marine Environment" was re-drafted at the request of one Party but the seriousness of the proposed restrictions for the prosecution of marine geophysical research was recognized. The Meeting welcomed the planned SCAR workshop to address the matter and requested a report on its outcome.

SCAR introduced its joint paper (WP 20) with COMNAP on "Wildlife Diseases" and the Meeting established an open-ended intersessional contact group led by Dr M Riddle (Australia). This group

will review the introduction and spread by human activities of infectious disease-causing agents and provide a risk assessment of those activities; identify practical measures for diminishing the introduction and spread of such agents; identify practical measures for determining the causes of unusual wildlife mortality and morbidity events and for reducing the likelihood that human activities may exacerbate these events.

An Argentine paper proposed clarification of the criteria for designation of special protection for native species and of the extra protection afforded by designation. This paper was supported by SCAR and effectively overtook the SCAR paper (WP18) on "Specially Protected Species". However, the SCAR paper was presented and there was a request for any future paper to include the relevant data to support its conclusions for revision of the list of Specially Protected Species. It was agreed to establish an open-ended intersessional contact group to be led by Lic J M Acero (Argentina). The group will consider which native species need special protection, identify criteria for designating such species, propose practical mechanisms for implementing the extra protection, and consider if such protection should be extended to organisms besides birds, mammals and flora. SCAR will take part in this intersessional group.

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As the Depositary Government, the United States informed the Meeting that Ecuador, India and the Russian Federation had yet to ratify Annex V.

The Meeting recommended that the revised management plans for the following protected areas should be adopted:

SPA no 14 Lynch Island, South Orkney Islands

SPA no 19 Lagotellerie Island, Marguerite Bay, Graham Land

SPA no 20 New College Valley, Caughley Beach, Cape Bird, Ross Island

SSSI no 8 Western Shore of Admiralty Bay, King George Island

SSSI no 17 Clark Peninsula, Budd Coast, Wilkes Land

SSSI no 22 Yukidori Valley, Langhovde, Lützow-Holmbukta

SSSI no 4 Lions Rump, King George Island, South Shetland Islands

The Meeting also recommended that the expiry dates of SSSI nos 1, 2, 3, 16, 20, 21, 24, 25, 26, 27, 28, 29, 31 and 32 should be extended to 31 December 2005 to allow time for revised management plans to be prepared. The meeting also agreed that Parties should review the list of Historic Sites and Monuments.

The Meeting agreed that, in future, each draft management plan submitted to the CEP should be reviewed intersessionally by an open-ended contact group led by the proponent of the plan. SCAR, COMNAP and CCAMLR should be invited to participate in these contact groups. The Meeting also agreed that close coordination between the ATCM, the CEP and CCAMLR is needed in the consideration of marine conservation.

The Meeting supported the serious concerns expressed in the SCAR paper (WP19) on "Antarctic Meteorites" and accepted the offer of the New Zealand Delegation to study this issue further. There was uncertainty about whether unauthorized collection of meteorites constituted a violation of Article 3.2(b)(vi) or of Article 7 of the Protocol and it was agreed to seek legal clarification on this

matter.

COMNAP introduced the joint paper (WP22) with SCAR on "Recent Monitoring and EIA Initiatives". The publication of the *Antarctic Environmental Monitoring Handbook* was announced and copies of the CD-ROM version were distributed to all Parties. SCAR also introduced its paper (IP13) on "Environmental Radioactivity and Biomonitoring".

SCAR tabled its paper (IP14) on a "Scoping Study for a State of the Antarctic Environment Report" and informed the Meeting that the full scoping study would be available at CEP IV.

Professor O Orheim (Norway) was re-elected Chairman of the CEP.

The informal meeting of legal experts continued its discussions on an Annex or Annexes on environmental liability to the Protocol. Opinion was still divided on whether there should be a single comprehensive annex or a series of annexes. Until now, there had been a majority in favour of a single annex and previous sessions had all focused on this development. However, Dr D Mackay (Australia), the Chairman of the Meeting, asked the United States Delegation to introduce its draft annex on "Liability for Emergency Response Action". The draft was then discussed paragraph by paragraph. There was much constructive comment and it appeared that such an annex would be a valuable start with other annexes being introduced as required. In this respect, it appeared that the discussions made significant progress compared with the continual re-working of the draft comprehensive annex over several years without appearing to move any closer to an agreed text. However, there is certainly more work to be done and there is still no agreement on whether one annex or a series of annexes will be required.

The legal experts also discussed aspects of the Antarctic Treaty Secretariat but SCAR was not represented in this session.

The plenary session of XII ATSCM, in adopting the Report of CEP III, noted in particular the comments made on the CEE for deep ice drilling in Dronning Maud Land, the various open-ended contact groups to work intersessionally, the need for legal clarification of the meteorite question, and urged those Parties that had still to ratify Annex V to the Protocol to complete the necessary procedures before the next regular ATCM.

The Meeting noted with appreciation that the Government of the Russian Federation is proposing to host XXIV ATCM in St Petersburg during May 2001.

The Meeting adopted two Measures concerning protected areas, one Decision on observers to the CEP, and two Resolutions, one on guidelines for the implementation of the framework for protected areas, and one on illegal fishing of toothfish.

Matters arising from the Meeting that will concern SCAR include the scoping study for the State of the Antarctic Environment Report, discussion of diseases in Antarctic wildlife, assistance with definitions of environmental damage, developing the list of Specially Protected Species and characterizing the parameters for designation, determining the impacts of acoustic techniques in the Antarctic environment, studying unauthorized collection of Antarctic meteorites, and continuing to advise on scientific aspects of protected area management plans.

XXIV Antarctic Treaty Consultative Meeting St. Petersburg, Russia, 9 - 20 July 2001 Report by the SCAR Observers

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Dr R H Rufford, President, and Dr P D Clarkson, Executive Secretary, represented SCAR as Observers at XXIV ATCM in St Petersburg.

The Meeting was opened by Ambassador Leonid A. Skotnikov, Director, Legal Department, and Ministry of Foreign Affairs of the Russian Federation. Ambassador Leonid A. Skotnikov was elected Chairman of the Meeting. Mr. Valerie S Knyazev was appointed Head of Secretariat and Rapporteur. Mr. Vasily Titushkin was appointed Executive Secretary. Ambassador Don Mackay (New Zealand) and Dr. Roberto Puceiro (Uruguay) were elected Chairmen of Working Groups I and II respectively.

The Meeting considered the establishment of a permanent Secretariat. In response to a Statement by the Argentine Defence Minister, the United Kingdom advised the Meeting that it was ready to join a consensus on the location of the proposed Secretariat to the Antarctic Treaty. All delegations then unanimously and warmly welcomed the new consensus on the location of the Secretariat in Buenos Aires, Argentina. Many details concerning the staffing, operation and funding of the Secretariat remain to be determined.

The meeting noted that Estonia had acceded to the Antarctic Treaty and that Ukraine had ratified the Protocol. The Meeting also noted that Annex V to the Protocol had not yet entered into force because ratification was still awaited from Poland and India. The Polish Delegate advised the Meeting that the appropriate instrument had been forwarded to the Depository but there was some confusion over its receipt. The Indian Delegate advised the Meeting that the Indian Government had the matter in hand.

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Committee for Environmental Protection

Professor O Orheim, Chairman of the Committee, presented the Final Report of CEP IV. The Guidelines on Circulation of CEP Documents had been amended and were adopted in Decision 2 (2001). The Chairman also noted that the CEP had agreed to undertake a rolling review of the Annexes of the Protocol, starting at CEP V with Annex II. The CEP had also established an Intersessional Contact Group to address cumulative impacts of activities in Antarctica.

New Zealand had introduced a paper on the unrestricted collection of Meteorites in Antarctica, a matter that SCAR had originally brought to the attention of the ATCM. The view was expressed by many delegations that the unrestricted collection of meteorites in Antarctica was a violation of Article 7 of the Protocol and that appropriate legal and administrative measures needed to be introduced by those Parties currently unable to regulate this activity. The Meeting adopted Resolution 2 (2001) although this was not as strong as SCAR would have liked. However, the matter will remain on the CEP agenda for further consideration in future.

Resolution 2(2001): Collection of meteorites in Antarctica

The Representatives,

Concerned at the potential loss to scientific research because of unrestricted collection of meteorites in Antarctica;

Urge Parties to the Environmental Protocol to take such legal or administrative steps as are necessary to preserve Antarctic meteorites so that they are collected and curated according to accepted scientific standards, and are made available for scientific purposes.

The CEP discussed a proposal by the Czech Republic to construct a new research facility at Turret

Point on King George Island. The Meeting recommended that the Czech Republic should take due account of the provisions of Recommendation XV - 17 concerning the siting of new stations, including the need for a CEE before proceeding further with this proposal.

The CEP discussed the Russian proposal to drill a further 50 m in the existing hole above the subglacial Lake Vostok. SCAR also questioned the extent of the planned drilling and Russia confirmed that drilling would stop about 80 m above the ice&endash;water interface. Russia also tabled a paper proposing a scheme for contamination-free sampling of the lake water. France questioned Russia on the timetable for the production of a CEE and Russia confirmed that this would be prepared in time for ATCM XXV.

The CEP will continue its intersessional work on Antarctic specially protected species, to which SCAR will contribute. The UK noted that the possible extension of the status of specially protected species to taxa not already covered by the Protocol could, in due course, raise concerns of a juridical nature between the competencies of different elements of the Antarctic Treaty System.

SCAR expressed its regret that it had not been possible to complete the Working Paper on the scoping exercise for State of the Antarctic Environment Report but assured the Meeting that it would be tabled at CEP V.

The Meeting received eleven new management plans for protected areas and these will be examined by two intersessional contact groups chaired by the United Kingdom and the United States as the proponents of the plans. SCAR will be examining these and providing comment to the contact groups.

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Other matters

COMNAP advised that the Guidelines on Contingency Planning and Emergency Response Action were available on the COMNAP Web-site (www.comnap.aq). COMNAP is currently developing comprehensive Guidelines on Contingency Planning for other Incidents or Accidents that may occur in Antarctica.

Working Group 1 considered the Question of Liability as Referred to in Article 16 of the Protocol. The Chairman reported that informal consultations during the first week of the ATCM had completed an Article by Article review of the United States text on environmental emergencies and the Chairman's draft text based on the United States text. The Chairman noted that there had been useful discussion in small groups on the definitions of "environmental emergency", including "unplanned or accidental events", "response action", and "operator". Another small group had considered the issue raised by the references in the text to "dependent and associated ecosystems". The joint SCAR&endash;COMNAP Working Paper in response to XXIII ATCM Resolution 5 (1999) had addressed this point and concluded that there were no agreed scientific definitions of these terms. The paper also identified activities that might result in harm to the environment. The meeting thanked COMNAP and SCAR for their work and requested COMNAP in consultation with SCAR to provide information on the following:

- "worst case scenarios" for land- and sea-based environmental emergencies;
- a range of scenarios less than worst case that might result in environmental impacts;
- scenarios similar to those above) for which response action would not be possible.

Many delegations indicated that they were ready to work in the intersessional period if possible so as to achieve an agreement on this Annex as soon as possible.

The United Kingdom presented a Working Paper covering the Final Report of the Antarctic Treaty Meeting of Experts convened in April 2000 under the terms of Decision 2 (1999). The Meeting of Experts had made good progress in beginning to develop guidelines for Antarctic shipping and related activities. A number of key principles for the guidelines had been considered. The Meeting agreed that it was important to continue to make progress with the development of the Antarctic shipping guidelines.

Russia introduced a Working Paper on "The Arctic and the Antarctic (Comparative analysis)". Russia concluded that the differences between the two regions were much broader than their similarities. so any future discussion should be of a specific scientific nature only. Sweden noted the useful analysis of the dissimilarities but thought that there were also many issues that implied more similarities than differences, such as:

- climate and climate change issues;
- environmental impacts and vulnerability;
- contamination levels of different airborne pollutants;
- contamination of sea and sea-beds;
- waters circulation;
- radiation etc.

ASOC introduced its paper on Antarctic tourism suggesting that tourism policy should not be left solely to the industry and that Antarctic Treaty Parties should be more involved. There were differing views on the rate of increase in Antarctic tourism. Concern was expressed about the practical management of adventure tourism and the potential impact it may have on national programmes and tour operators that may become involved in search and rescue operations.

IAATO presented an overview of tourism activities, noting that 12,248 tourists travelled to Antarctica during the 2000-2001 season, a decrease in numbers from the previous season. IAATO noted that there could be a rise in tourism numbers in the future given the potential use of large cruise vessels. Further data analysis can be found on IAATO's website (www.iaato.org). The Meeting agreed that the issue of tourism should be the subject of detailed discussion at XXV ATCM.

The Meeting received reports of inspection under the Antarctic Treaty by the United States (February 2001), Norway (January 2001), and Belgium&endash;France (early 1999). The reports found that the stations inspected were generally well-managed. Areas for improvement included: fuel storage and containment; inadequate sewage treatment systems; houseplants at some stations; limited oil spill response equipment; and the need to replace Halon gas by ozone-friendly alternatives. It was noted that prior completion of inspection checklists would be very helpful and having an inspector fluent in the native language of the station being inspected would be an advantage at some stations.

Some delegations that the English language translation of a Russian paper on Antarctic research under the Federal Research Programme could give rise to a perception that some of the geological research being undertaken was mineral exploration, contrary to Article 7 of the Madrid Protocol. Russia reported that this was not the case; the research was scientific and complies with the requirements of the Protocol.

Canada reported progress on the international cooperative development of an interactive, multi-dimensional, multi-subject atlas of Antarctica. National mapping agencies and academic institutions of six countries, with the active involvement of the SCAR Working Group on Geodesy and Geographic Information, are contributing to the project. A technical workshop is planned to be held in Argentina in December 2001.

WMO submitted papers on the role of Antarctic Meteorological Networks and on the status of the Ozone Hole.

The Meeting welcomed a paper by Russia proposing the compilation of a glossary in the four Antarctic Treaty languages of the terms, definitions and abbreviations used in Antarctic Treaty documentation.

The Czech Republic presented papers on its recent scientific activities in Antarctica and concerning plans to establish a station on King George Island to undertake research in physical geography, chemistry and biology. The Meeting welcomed the Czech Republic's interest in scientific research in Antarctica but concern was expressed over the proposal to establish a new facility on King George Island, given the large number of bases already there. The Czech Republic also informed the Meeting of its intention to ratify the Environmental Protocol by the end of 2001, and its aim to become a Consultative Party. One Party noted that in pursuing Consultative status it is not necessary to establish a station in order to conduct a good scientific programme. The Meeting urged the Czech Republic to consider cooperating with Parties that already have established bases. The Meeting also noted the importance of preparing an EIA.

Romania outlined its Antarctic scientific activities in 1998-2000, including studies of pollution, biology, biochemistry, climate change and nutrition under extreme conditions.

WMO reported the publication of the International Antarctic Weather Forecasting Handbook, co-sponsored by the British Antarctic Survey, Bureau of Meteorology, SCAR, COMNAP and WMO.

Australia, Canada and Uruguay reported on different national educational initiatives being undertaken.

Australia presented the "Report from the intersessional Contact Group reviewing information exchange requirements". The report identified three information categories: Pre-season, Annual (end of season) and Permanent. The report recommended that a central web site be established for the transmission and presentation of that information. Argentina offered to work with Australia to establish the central web site. The United States reported its intention to establish a web site as Depositary government for the Antarctic Treaty with information about the status of the Treaty and including information from the Antarctic Treaty handbook. A revised edition of the Handbook is due to be issued shortly.

Poland offered to host XXV ATCM in Warsaw, Poland, 3 - 14 September 2002.

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List of Measures, Decisions and Resolutions adopted XXIV ATCM

Measure 1 (2001)

Antarctic Protected Area System Historic Sites And Monuments: "A Hut", Scott Base, Ross Sea Region, Antarctica

Measure 2 (2001)

Antarctic Protected Area System Historic Sites And Monuments
Ruins of the Base Pedro Aguirre Cerda, Pendulum Cove, Deception Island, Antarctica

Measure 3 (2001)

Antarctic Protected Areas System: Extension of Expiry Dates for Certain Sites of Special Scientific Interest

Decision 1 (2001)

Establishing an Antarctic Treaty Secretariat in Buenos Aires, Argentina

Decision 2 (2001)

Guidelines on Circulation and Handling of CEP Documents

Decision 3 (2001)

To elaborate a draft text of an annex on the liability aspects of environmental emergencies

Resolution 1 (2001)

To determine which of the Recommendations, adopted by the Ist to XVIIIth ATCM, have been superseded by subsequent Recommendations, Measures, Decisions or Resolutions or can be considered obsolete for other reasons.

Resolution 2 (2001)

Collection of meteorites in Antarctica

Resolution 3 (2001)

Review of the list of Historic Sites and Monuments

Resolution 4 (2001)

Guidelines for handling of pre-1958 historic remains whose existence or present location is not known

Resolution 5 (2001)

On the exchange of information