

XXV Antarctic Treaty Consultative Meeting

Warsaw, Poland, 10–20 September 2002

Report by the SCAR Observers

Professor Dr J Thiede, President, Professor D W H Walton, Chief Officer of the Standing Committee on the Antarctic Treaty System, and Dr P D Clarkson, Executive Secretary, represented SCAR as Observers at XXV ATCM in Warsaw.

The Meeting was opened by Mr Slawomir Dabrowa, Deputy Foreign Minister, Head of the Polish Delegation. Mr Tadeusz Iwinski, Secretary of State then delivered a message of greeting from Mr Leszek Miller, Prime Minister of the Republic of Poland. Mr Slawomir Dabrowa was elected Chairman of the Meeting. Ambassador Ryszard Sarkowicz was appointed Executive Secretary. Mr Stanislaw Czartoryski was appointed Deputy Executive Secretary. The Meeting established four Working Groups (WGs) and appointed their Chairmen as follows:

WG on the Secretariat: Professor Francesco Francioni (Italy)

WG on Liability: Ambassador Don Mackay (New Zealand)

WG on Legal and Institutional Matters: Mr Jan Huber (The Netherlands)

WG on Operational Matters: Ambassador José Manuel Ovalle (Chile).

The initial Plenary Session continued with the Reports to the ATCM by the Depositary Governments for the Antarctic Treaty, CCAMLR and CCAS, followed by the reports from the Observers SCAR, CCAMLR, and COMNAP and the Experts ASOC, IAATO and IUCN.

The meeting noted that there were no new accessions to the Antarctic Treaty (45 State Parties) or the Protocol (29 State Parties). The Meeting also noted that Annex V to the Protocol had entered into force on 24 May 2002.

Committee for Environmental Protection

Professor O Orheim, Chairman of the Committee, presented the Final Report of CEP IV that had been published in the Final Report of XXIV ATCM and as a separate document.

Compliance with the Protocol

Under ***General Matters***, Romania informed the Meeting that it had ratified the Protocol but that the instrument had not yet been received by the Depositary Government. It was noted that the United States was proposing draft legislation to prevent unregulated collection of Antarctic meteorites. Eleven Parties submitted annual reports on the implementation of the Protocol as required under Article 17 of the Protocol.

Under ***Annex I***, a draft Comprehensive Environmental Evaluation (CEE) was submitted by Russia concerning the proposal to sample Lake Vostok. The SCAR paper “Exploring Subglacial Antarctic Lakes: A SCAR Progress Report” was also tabled here. The topic generated considerable discussion, particularly as the recommendation from XXVII SCAR encouraged further scientific studies to ensure minimum risk of an attempt to enter the lake using the current borehole at Vostok Station. The proposal was in three parts, to drill a further 50 m to obtain more core from the accreted ice; to drill a second further 50 m to take

the drill bit to 30 m above the ice-water interface; and then to drill the final 30 m to enter the lake. Initially there was confusion regarding which of the three stages of drilling were to be included in the CEE and the relative timing of each stage. A contact group was formed to resolve the matter where it was emphasized that no drilling will take place in the 2002–03 season and that the first of the further 50 m will be drilled in the 2003–04 season, subject to an IEE. The second further 50 m and the final 30 m will be subject to a CEE that will be submitted to the CEP Chairman at least 120 days prior to CEP VI at XXV ATCM. An open-ended Intersessional Contact Group (ICG) was established to examine the CEE as soon as it is submitted. The specific terms of reference of the ICG are all scientific. The Convenor of the ICG will be Jean-Jacques Reyser (France). SCAR has still to respond to the question from Russia about exactly what further work SCAR glaciologists recommended before drilling the first further 50 m.

Russia reported that it will be re-establishing its ice runway at Novolazarevskaya Station. ASOC queried whether the IEE was sufficient but Russia stated that the work was to re-establish the existing runway, the impacts were judged to be no more than minor or transitory, and adequate fuel containment and clean-up measures had been put in place.

It is expected that two other CEEs will be submitted to CEP VI. New Zealand will prepare a draft CEE for the new ANDRILL programme, a 9-year drilling programme in the McMurdo Sound area to investigate global environmental change during the past 65 Ma. The Czech Republic will prepare a draft CEE for the establishment of a new research station at Brandy Bay, James Ross Island, north-eastern Antarctic Peninsula.

Under *Annex II*, the Meeting agreed to undertake a review of the Annex and established an open-ended ICG under the convenorship of José Maria Acero (Argentina) to progress this matter. The Meeting welcomed the SCAR paper on this topic.

On the matter of conservation and Specially Protected Species, SCAR offered, in conjunction with IUCN, to provide advice to the CEP on the conservation status of birds and seals, using the IUCN Red List criteria. The Meeting also agreed that CCAMLR, CCAS and other appropriate organizations should be consulted in this process as there appeared to be overlapping jurisdictions.

The Meeting discussed the complex question of biological prospecting in Antarctica and expressed concerns about this development. Members were encouraged to prepare papers on this topic for CEP VI. The Meeting also proposed to bring the matter to the attention of the ATCM as it was considered that legal and political aspects would also need to be addressed.

Under *Annex III*, several members reported on clean-up measures being undertaken at both operational and abandoned stations. COMNAP presented a paper on best practice for waste water disposal on ice-free ground at inland stations.

There were no papers submitted under *Annex IV* and no discussion.

Under *Annex V*, the new numbering system for the protected areas (Resolution 5 (1996)) was adopted in a revised Resolution (Annex to Resolution 2 (2002)) now that Annex V had entered into force. The eleven ASPA Management Plans that had been discussed by two ICGs since XXIV ATCM were approved by the CEP and subsequently adopted by the ATCM under Measure 1 (2002). In addition, minor changes to ASPAs 130 and 157 were accepted by the Meeting and the revised plans were added to the Measure. However, it was noted that the plan for ASPA 121 would need approval from CCAMLR. Revised plans for four existing ASPAs and plans for three new ASPAs were tabled and will be discussed by four ICGs led by Australia, India, Italy, and the United States.

The United Kingdom reported on the review of the Historic Sites and Monuments and introduced a proposal for a web-based information archive on the Antarctic Protected Areas System. Germany tabled a research report on two possible tourist sites and announced its intention to table a draft ASMA at CEP VI. Argentina reported on an international expedition to Deception Island for the purpose of establishing a draft ASMA for the island. Brazil announced that the responsibility for coordination of activities in Admiralty Bay, King George Island, under the terms of the voluntary ASMA had been transferred to Poland.

Environmental Monitoring

Three information papers on monitoring activities were introduced.

State of the Antarctic Environment Report

SCAR introduced its paper on “Scoping the Data for a State of the Antarctic Environment Report”. New Zealand reported on the findings, preparation and follow-up work for the “State of the Ross Sea Region Environment Report”. Australia introduced a web-based system for tracking environmental monitoring indicators. The CEP welcomed all these developments and agreed that Australia and New Zealand should jointly lead intersessional work to move forward the SAER issue.

Emergency Response and Contingency Planning

COMNAP introduced its paper on “worst case” and “less than worst case” scenarios and, after consultation with ASOC and SCAR, tabled a revised version. IAATO presented a paper on environmental emergencies arising from tourist activities. The meeting noted that these papers would also be introduced into the discussions on environmental liability.

Data and Exchange of Information

China submitted a paper on its data management system. Argentina gave details of the Antarctic Treaty website: www.infoantarctica.org.ar.

Cooperation with other Organizations

Australia reported as the CEP observer to CCAMLR.

Election of Chairman

Dr Tony Press (Australia) was elected Chairman of the CEP in succession to Professor Olav Orheim (Norway) who had completed two 2-year terms in office.

Preparation for CEP VI

The meeting agreed to add “Biological Prospecting” to the Agenda for CEP VI.

Other matters

The *Liability Working Group* continued to debate the matter of an Annex on Liability for Environmental Damage. The “Chairman’s Draft”, focusing on the United States Draft, was discussed with particular attention to the scope of the annex. Other papers were tabled.

The *Secretariat Working Group* addressed the following questions of function and funding for the Secretariat in Buenos Aires:

1. the constitutive instruments for the establishment of the Secretariat;

2. the Secretariat's functions;
3. the legal capacity of the Secretariat and the role of the ATCM in directing and supervising the Secretariat;
4. the budget;
5. privileges and immunities;
6. cost-sharing.

The WG agreed that establishment should be a two-step process with a Measure supported by a Decision. It was agreed that the model of the CCAMLR Secretariat should be a good guide for the AT Secretariat with some modifications. The Secretariat will function as an organ of the ATCM; enjoy legal capacity under Argentine domestic law; legal capacity, privileges and immunities of the Executive Secretary and staff will be regulated in a Headquarters Agreement to be approved by States Parties and formally concluded between the ATCM and the Argentine Republic. There was no agreement on cost-sharing to fund the Secretariat. The WG agreed to continue its work intersessionally, possibly including a meeting in Buenos Aires early in 2003.

The *Legal and Institutional Matters Working Group* approved the well-known map of Antarctica in a square surround as the official emblem of the Antarctic Treaty to be used on all official documents. The Meeting expressed concern that the only Recommendation to enter into force since 1983 was Recommendation XVI-10 (Annex V to the Protocol) and Parties were encouraged to redouble their efforts to rectify this situation. A list of spent Recommendations was approved. The proposal for a Standing Committee to oversee the work of the Secretariat intersessionally was considered to be a good idea that should be further elaborated. France introduced a paper proposing an Annex VII to the Protocol on regulation of tourism and other non-governmental activities. The proposal did not receive support but France offered to facilitate informal intersessional discussions on this matter.

The *Operational Working Group* discussed many papers submitted on tourism. Several of these presented tourism statistics and others expressed concern about the scale of activities and, in particular, the growing development of adventure tourism. This WG also considered the proposal for an annex on tourism to the Protocol but concluded that this is not required.

The WG considered the matter of Antarctic shipping guidelines but agreed to await completion of the IMO document on Arctic shipping guidelines. The papers on Estonian and Romanian Antarctic activities were noted.

Tasks for SCAR arising from XXV ATCM (CEP V)

The following matters were identified as requiring action and input from SCAR:

- Comment on three draft CEEs;
- Possible response to Russia on Vostok glaciology questions;
- Response to the Berlin workshop report and questions from Germany on marine acoustic techniques;
- Bird and seal status assessments based on IUCN Red Lists, with IUCN;
- Input to the ICG on the review of Annex II;
- Consultation with COMNAP on guidelines for overflight of wildlife concentrations;
- Possible participation in a workshop on the SAER process;
- Input to ICG on monitoring cumulative impacts;

- Input to four ICGs on revised and new ASPA management plans;
- Scientific review of COMNAP papers as requested;
- Advice to CEP on biodiversity and biological prospecting, if appropriate;
- Preparation of a science presentation for XXVI ATCM plenary.

List of Acronyms and Abbreviations

ANDRILL	Antarctic Geological Drilling Project
ASMA	Antarctic Specially Managed Area
ASOC	Antarctic and Southern Ocean Coalition
ASPA	Antarctic Specially Protected Area
ATCM	Antarctic Treaty Consultative Meeting
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CEE	Comprehensive Environmental Evaluation
CEP	Committee for Environmental Protection
COMNAP	Council of Managers of National Antarctic Programmes
IAATO	International Association of Antarctica Tour Operators
ICG	Intersessional Contact Group
IEE	Initial Environmental Evaluation
IMO	International Maritime Organization
IUCN	International Union for the Conservation of Nature (World Conservation Union)
SAER	State of the Antarctic Environment Report
SCAR	Scientific Committee on Antarctic Research
WG	Working Group