WP 40

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Report of the Intersessional Contact Group on Inspections in Antarctica under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol

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Working Paper submitted by the Netherlands, the Republic of Korea and the United States of America

Summary

ATCM XXXIX agreed to establish an ICG to consider the practice of conducting inspections under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol. Based on a number of questions, the ICG discussed the practice of inspections and explored options to enhance the effective organisation of inspections, including the promotion of cooperation in conducting inspections, as appropriate. This Working Paper contains the questions that constituted the basis of the ICG's discussions, summarises the views expressed by the participants and provides a number of recommendations to Working Group 2 at ATCM XL.

I. Introduction

At many previous ATCMs the Consultative Parties have discussed the practice of conducting inspections under Article VII of the Treaty and Article 14 of the Protocol. Often such discussions focused on reports of inspections that had been conducted in the season prior to the ATCM, but regularly also more general issues and views in respect of inspection practices have received attention. At ATCM XXXIX, this more general debate was prompted by Information Paper 102, tabled by the Republic of Korea, entitled 'Rethinking Antarctic Treaty inspections; patterns, uses and scopes for improvements'. Discussions on this paper resulted in the establishment of an Intersessional Contact Group (ICG), for which the ATCM adopted the following Terms of Reference (ToR; see Final Report ATCM XXXIX, para. 198):

> "The Meeting agreed to establish an ICG to consider the practice of conducting inspections under the Antarctic Treaty and the Environmental Protocol with the aim of:
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> - describing the practice of inspections under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol;
> - exchanging views on the practice of conducting such inspections and exploring options to enhance the effective organisation of inspections, including the promotion of cooperation in conducting inspections, as appropriate;
> - providing a report, including any agreed recommendations, to Working Group 2 at ATCM XL."

It was also agreed that Observers and Experts would be invited to provide input, that the Executive Secretary would support the ICG and that the Netherlands, the Republic of Korea and the United States of America would act as co-convenors of the ICG (Final Report ATCM XXXIX, para. 199).

To start the discussions of the ICG a number of questions were identified that were considered relevant for the topics mentioned in the above ICG-ToR. These questions were based on discussions at previous ATCMs, ATCM papers (e.g., UNEP/ASOC's information paper ATCM XXXV/IP59), the general conclusions of various inspection reports, and information in the Inspection Database (www.ats.aq). The co-conveners received responses to these questions from Argentina, Australia, France, Germany, Norway, South Africa, Spain, United States of America, the United Kingdom, the United States of America and ASOC. Based on all the responses received, the co-conveners drafted

this ICG report. **The report summarizes the responses to the questions and contains a number of recommendations to the ATCM.**

II. Questions and summary of responses relating to the practice of inspections under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol and options to enhance the effective organisation of inspections, including the promotion of cooperation in conducting inspections, as appropriate

A) Data on previous inspections and visited sites

1. **Do you have suggestions for improving the data on past inspections? (This question referred to a number of tables included in the announcement paper)**

Summary of responses

The tables attached to the ICG-announcement paper
The tables provided in the announcement paper were considered useful, but several participants highlighted that other tables might also be of value, for instance a table that would show the most inspected stations. Furthermore, the information could be improved by ensuring that the information is up-to-date and by adding information that is relevant from an inspection perspective, such as information on which stations are actually in use today (USA). For instance, in relation to the stations listed in Table 2, some stations have not been used for years and are in a "care-taker/mothballed" status, while some others are described as unmanned observation bases. Therefore, perhaps some indication of continued/future use of the stations would be warranted. In respect of the relevant tables, the discussion indicated that it would be important to determine the more precise aims or usefulness of collating new information to ensure added value compared to the information that is already available (Norway).

Establishing a system to collate inspection information and to ensure easy access
More generally (apart from the tables), most participants emphasized that updated and easily accessible data on inspections is extremely useful for improving the inspection system. Several participants (Argentina, France, UK) suggested the further improvement of the existing system towards a system that would enable Parties to easily access updated information on inspections of stations. This could take different forms, for instance through developing tables (Argentina) that would be updated after each inspection (France). One participant suggested that "a further development might be to make it possible to view the data spatially – i.e. see the extent to which inspection activity relates to the main areas of human activity" (Australia). Along similar lines, another participant suggested the development of a system that would allow the user to click on the name of a facility (UK). Such information would be very useful for planning inspections, selecting the facilities to be inspected, as well as for providing easy access to previous inspection reports to inspectors. The collated data could also provide information on trends in inspections. For instance, one participant (Argentina) stated that the available information in the tables highlighted the unequal "geographical" scope of the inspections effectively conducted. The information would also show that certain facilities have been inspected relatively often compared to other facilities (South Africa; Argentina).

2. **Should it be considered desirable to include the facilities in Table 2, which have never been inspected since the entering into force of the Protocol, in future inspections and if so, are there approaches that would make this feasible?**

Summary of responses:

Circulation of the list of stations never inspected
In respect to the list of stations never inspected, it was suggested to up-date this information (ASOC): which sites or facilities (active or otherwise) do currently exist in Antarctica and which of these facilities have never been inspected or have not been inspected in the relatively recent past (e.g. since the entry into force of the Protocol)? Another participant suggested to add information on whether the stations are actually still in use (USA). Next, it was suggested that the list could be circulated to all Consultative Parties to enable them to include these stations in future inspections (Germany, Spain, South Africa). One participant highlighted that "the fact that a facility has never been inspected cannot be the only and first criterion to identify the facilities to be inspected" (France). For instance, taking into account that certain facilities never inspected are small and seasonal, "there is merit in ensuring that the limited resources devoted to inspections are directed towards major facilities that, for example, carry greater potential environmental risk (including those 'temporarily unoccupied')" (Australia).

3. **Should it be considered desirable to include more other types of sites and facilities than stations, camps and refuges in future inspections (e.g., ASPAs and ASMAs, tourism facilities)?**

Summary of responses:

Inspections of tourism facilities
Several participants (France, UK, ASOC) emphasized that inspections should also relate to other facilities in Antarctica than stations. Particularly, the inclusion of tourism facilities in inspections was broadly supported (France, Germany, Norway, South Africa, UK, ASOC). For this purpose, one participant suggested the development of "a specific Tourism/NGO Inspection Checklist" (South Africa). One participant stated that "the agreed checklist for inspections (Resolution 3 (2010) Annex) already refers to touristic and non-governmental activities (Section 6 of the checklist)" (Germany). This participant also stated that "when inspecting scientific stations it should be inquired whether logistics that are necessary for stations anyhow, depend on support by touristic operators". One participant expressed the view the "primary purpose for the inspection mechanism relates to Parties' activities and conformance with the provisions of the Treaty and Protocol" and that "[m]echanisms other than inspections are available and might also be considered for reviewing NGO activity, and management tools (such as ASPAs and ASMAs)" (Australia).

Inspection of other facilities, such as vessels, aircrafts, HSMs, ASMAs and ASPAs.
Several participants stated that inspections should also include other facilities, such as vessels, aircrafts, HSMs, ASMAs and ASPAs and that it would be useful to broaden the information system on inspections to such other facilities (France, Germany, UK, ASOC). A suggested option was to list all facilities within a certain distance of active research stations: "This way those seeking to conduct inspections would have easily accessible information on nearby known sites and facilities that could be visited as part of their inspections" (ASOC). Other participants also emphasized the importance of inspections of other facilities, particularly ASPAs (Argentina, USA), but they also stressed that such inspections should not result in the increase of negative impacts: inspections to ASPAs could increase the number of people entering an area which may have been designated to avoid human presence to protect certain outstanding values. Therefore, one participant suggested

that it would probably be better to encourage inspections of those facilities where potentially impacting activities take place (Argentina). One participant raised more explicit doubts regarding the usefulness of collating data on inspections to ASMAs and ASPAs as these areas are subject to reviews every five years: "Information on the date for the next review is available in the ATS Antarctic Protected Areas Database, and information on the inspections that have been taken are easy to locate" and "adding ASMAs and ASPAs to the list might overcomplicate the overview, reducing its utility" (Norway).

4. **Do these data raise other issues that deserve attention of the ATCM?**

No responses.

B) Practical experiences with conducting inspections and exchanging views on options to enhance the effective organisation of inspections

5. **Are there legal or practical factors that constitute hurdles for the conduct of inspections in Antarctica (apart from obvious issues such as weather conditions) and what approaches could be taken to address these concerns?**
   E.g.:
   a) **language issues;**
   b) **concerns relating to technical communication services (e.g., internet);**
   c) **lack of updated information on responsible persons;**
   d) **issues related to domestic law;**
   e) **financial issues (e.g., insurance issues).**

Summary of responses

Language issues
Participants underlined the importance of good communication during an inspection, which implies that one or more inspection team members should speak the native language of the staff of the inspected facilities (France, USA; hinted at by Australia). An alternative might be to work with a translator (South Africa). Limiting language issues may also be one of the arguments in favour of joint inspection teams from different Consultative Parties (Argentina).

Technical communication services
Participants noted that technical communication services (e.g., internet access) are not always available which may constitute a challenge during inspections (Germany, South Africa, USA). One participant stated that "poor technical communication services could be a hurdle if inspection teams are unable to contact the stations they intend inspecting to advise them regarding the details of the inspection (number of persons, date and time of arrival, etc.). Accordingly, stations would be unaware of the inspection team's arrival, which could be somewhat problematic in terms of planning, availability of persons/information, and so on" (South Africa). The participant recognized that technical communication levels differ from station to station, which may make it unclear how the above hurdle can be effectively addressed.

Up-to-date information on responsible persons
It was noted that any changes in respect of the responsible contact persons relevant for inspections could be ensured through the updates of the information in the Electronic Information Exchange System (EIES), which information must be updated annually (South Africa).

Domestic law issues
One participant stated: "Despite the overarching principles of the Protocol, domestic law applied in Antarctica differs from country to country in terms of the implementation and enforcement of the provisions of the Protocol" (South Africa).

Financial issues and logistics:
It was noted that financial costs involved in organising or participating in an inspection (not only flight tickets, but particularly costs related to all logistical issues) may clearly constitute a hurdle for various countries (France). Not only the financial issues, but also the availability of/access to logistical services (ship, aircrafts) can be a practical hurdle for carrying out inspections (France). Particularly countries that do not maintain these services themselves may have difficulties in organising an inspection themselves (see also question 11 on joint inspections).

Availability of observers
One participant noted that conducting an inspection is time consuming and that for some experts or representatives of national administrations who could act as observers, it may be difficult to find this time (France).

6. What are your experiences with the Inspection Checklists?

Summary of responses:

Inspection checklists
Inspection checklists are considered very useful by most participants, not only for the inspection team but also for the inspected facility (e.g. station staff). However, several participants stressed that the checklists "should be considered as aids for inspectors and not compulsory documents, nor should they restrict the range of issues that an inspection can cover" (UK and in similar wording Australia, France, USA (with reference to Resolution 3(2010)) and ASOC). One participant considered this particularly relevant as some components of the checklist A go beyond the provisions of the Protocol (e.g., telecommunication and medical capability issues) (France). Several participants stated that having the information based on the checklist available prior to the inspection is beneficial for an efficient inspection (Argentina, France, Germany, USA), even though this is not a legal requirement (Australia). For instance, it may limit the paperwork during the inspection, "allowing for a more in-depth visual on-site inspection and ultimately optimizing time use, which, in an environment like Antarctica, can often be crucial" (Argentina). In practice, several Consultative Parties fill in the checklist A for their own station(s) prior to inspections (Argentina, France) and up-date this information annually (France, USA).
However, another participant stated that, although preparations are important, "on ground" inspection is even more important: "it is the information that is found on location that is most interesting" (Norway). Therefore, this participant expressed the view that "it might not be desirable to fill out all information on the inspection list beforehand using information sources, before seeing it on the ground" (Norway). Some participants raised the question whether it would be time for a revision of the checklists, based on the many years of experience with these documents in practice (Germany, South Africa). A participant also noted that the checklists are not always used adequately (South Africa).

7. **In respect of inspection teams:**
    a) **Based on your experiences, is it possible to sketch the 'ideal inspection team' in terms of expertise and experience?**
    b) **What are the major components of a good preparation of an inspection for team members?**
    c) **Are there safety or health issues that are typical for inspection expeditions that should receive attention?**

Summary of responses:

Expertise of an inspection team
Some participants were reluctant to define the 'ideal inspection team' (Norway) and "would certainly not want to be prescriptive about what the composition of an inspection team should be" (UK). Nonetheless, the participants provided certain general characteristics ('mix of skills') for conducting good and effective inspections. Characteristics that were mentioned in the responses by participants include:

- Legal expertise of Antarctic Treaty regulations, including the Protocol on Environmental Protection, as well as knowledge of the rules concerning the inspection process;
- Related to the previous component: expertise on identifying actual and potential impacts resulting from the interactions between sites and facilities and the environment. This may also require ecosystem knowledge;
- Expertise regarding logistics, including technical expertise for assessing the condition of e.g. fuel tanks, sewage systems, transport means, etc.;
- knowledge about the "state of the art" of key installations for running a station (or a ship), such as installations related to safety issues and water - and energy management;
- Expertise to understand science programs;
- Expertise in health and safety issues (e.g., first aid);
- Heritage expertise for assessing the condition and management needs of heritage.
- Relevant language skills;
- Ability to document the inspection (reporting, photography, video);
- If applicable, expertise of ship operations.

While having these skills in the inspection team is more important than the educational background of persons, generally one could expect that the above skills are represented in a team that includes an environmental expert, an operations manager, a person with a scientific background, and a policy or legal expert (Argentina, France, South Africa, UK and USA). It was also noted that appointing a team leader, responsible for coordinating the team, is important, particularly for joint inspections (South Africa). Furthermore, apart from the above more 'general' inspection team members, an inspection may require special expertise, depending on the facilities or sites that are being inspected (e.g., HSMs, ships, etc.): "in these cases, the Party conducting inspections should previously set their objectives and methodology and consequently, conformation of the team would rely on this definition" (Argentina).

One participant expressed the view that an inspection team should not always be required to have all skills and that inspections with a certain focus should also be possible: "In case not all items of the inspection list could be covered due to a limited number of participants, an inspection team should be granted the possibility to focus solely on selected items of the check list" (Germany).

Preparations

Based on the responses of participants, preparations for an inspection should ideally include:

- Reviewing past inspection reports of the facility, if available;
- Collecting and reviewing relevant information on the facility and the site that will be inspected through COMNAP, National Program websites, EEIS, SCAR database and/or other sources (depending of the types of facilities that will be inspected);
- identification of the specific matters that might benefit from on-ground observation / verification;
- information about major projects or initiatives underway (for example, activities that have been subject to a CEE);
- planning meetings;
- making logistic arrangements;
- dividing work among inspection team members, establish clear agreements on who is responsible for what and drafting a programme/work schedule;
- developing a report outline (items to be included while keeping the option open to add issues based on the inspection).

One of the participant stated that "it would be important to take advantage of the different databases available in the Antarctic Treaty Systems: EEIS, COMNAP databases, SCAR databases" (France). This participant raised the question of "how an inspection team can have access to these databases, especially through discussion with SCAR and COMNAP". An option could be that managers of stations provide the information on the basis of the checklist to the inspectors prior to their visit (France; see also question 6). However, as stated above, one participant stressed that the preparations based on documentation should not be too dominant as eventually the actual situation on the ground is most important (Norway).

A participant stated that "in some cases, making contact in advance with a facility that the team intends to visit may be important, to ensure that the inspection team visit can be safely conducted and does not conflict with activities that may make an inspection unviable, or to ensure that any logistic assistance required (such as local area transport) can be provided" (Australia). However, it was also stressed that the option should exist to conduct inspections without prior notice (USA, ASOC).

Safety and health issues

It was stated that members of inspection teams should be in good health (Spain) and that inspectors should be medically checked (France). "It would also be important that they have, at least with them, their own medical record, if not possible to send it in advance to the medical officer at the visited stations" (France). Another participant expressed the view that "safety and health issues are likely to be similar to those involved in planning for normal Antarctica operations" (Australia). In respect of safety and health issues, one participant advised that the inspection team would follow the health and safety rules of the visited station(s) "as long as this does not lead to any hindrance of the inspection i.e. where they can/can't go within the station" (UK). "Inspection of an unoccupied facility may introduce additional risks that would need to be taken into account in planning and inspection" (Australia). It was also reminded that it is important to have first aid as one of the skills within the inspection team (ASOC), particularly if an inspection focuses on protected areas or sites or facilities that are uninhabited during the time of the inspection. One participant suggested that it would be good to have the advice of the joint SCAR/COMNAP Medical Expert Group (https://www.comnap.aq/Groups/medical/SitePages/Home.aspx) on this specific issue (France). One participant questioned whether this question is of relevance for the mandate of the ICG (Norway).

8. **Are there new technologies or approaches that raise opportunities for enhancing the effective organisation or conduct of inspections?**

Summary of responses:

One participant stated that "time serial photography (including through e.g. Google Earth) organised in advance of the expedition could be an option" (ASOC). Also other techniques, such as body cameras and UAVs, could under certain conditions be helpful when safe and interference with operations at the site or facility are prevented (ASOC). "Use of remote sensing (satellite imagery) in advance of an inspection may be valuable for planning purposes" (Australia). Another participant suggested that, "as regards new approaches, visitor fees for tourists to support financially the inspection of touristic vessels and frequently visited sites (including ASPAs and ASMAs) could be explored" (Germany).

9. **Are there approaches to ensure that inspections also pay attention to cumulative impacts on important Antarctic values (e.g., in areas with a relatively high accumulation of stations and facilities)?**

Summary of responses:

This issue was considered important by many participants (France, South Africa, United Kingdom, ASOC), but one participant questioned whether this question is of relevance for the mandate of the ICG (Norway). As possible approaches to ensure that inspections also pay attention to cumulative impacts on important Antarctic values, participants mentioned:

- Promotion of information exchange among Parties working in the same area (Spain);
- Adding "Cumulative Impacts" to the Environmental Protection Measures in the Inspection Checklist, especially for multiple use/purpose stations and/or stations in close proximity to one another (South Africa);
- Area inspections (although each Party can only be responsible for their own stations) (United Kingdom);
- Including "all stations and facilities of a certain area in the inspection, if feasible and as appropriate" (Germany);
- Preparation by "reading CEEs, IEEs, and prior inspection reports ahead of time" as this "could help put the impacts into a cumulative impact context" (USA);
- Inspector's mindfulness of the spatial or temporal concentration of activities at a site or facility (ASOC). It was emphasized that the cumulation of impacts may result from more than one station or facility, but may also result from station operation and other types of activities (e.g., tourism) (ASOC);
- Monitoring of impacts over time: participants (Argentina, ASOC) emphasized that cumulative impacts may result from various facilities or activities at a site, but may also occur over time at one facility (e.g., increase of 'footprint' due to increased evidence of use (e.g., tracks), the spread of buildings) or site (e.g., a much visited tourism site. Collecting adequate information may "require thorough preparation, for instance through consultation of earlier inspection reports" (ASOC), although one might also question whether the inspection system currently deals with these issues adequately: "in the way inspections currently develop, in a very short time frame, it is highly improbable to detect cumulative impacts insofar as these kinds of studies require a more long-term monitoring procedure" (Argentina; see also question 10). This seems to connect the issue of inspections with the issue of monitoring.

10. Is the current practice of conducting inspections sufficient to inspect tourist and other non-governmental activities and related facilities and transport means in Antarctica?

Summary of responses:

As noted above under question 3, the inclusion of tourism facilities in inspections was broadly supported (France, Germany, Norway, South Africa, UK, ASOC). It was stated that at least (semi)permanent tourist facilities (e.g., White Desert Hotel, Union Glacier camp) and reoccurring activities (e.g., marathons) should be incorporated in the inspection system (France), even though the system was also considered useful for temporary activities (ASOC). One participant stated that "the fact that land-based tourist facilities and activities are not permanent […] makes it impossible to have an updated overview over exact locations of activities, which would make it challenging to conduct inspections" (Norway). This participant was also hesitant to treat semi-permanent tourism facilities as permanent facilities (Norway). Another participant stated that it "would be open to suggestions on how to facilitate inspections of tourist facilities operated by national programs" (USA).

While certain participants expressed the view that the inspection system is "sufficiently adaptable to cover the inspection of non-governmental activities" (United Kingdom; in similar wording Australia and the USA), participants also noted that such facilities and activities received little attention under the existing inspection system (France, Germany, ASOC). Special attention was requested for the inspection of yachts: "the inspections of private yachts can be a challenge as it is difficult to coordinate an inspection team visit with yachts that normally do not hold to set schedules (as a general rule)" (USA). Reference was also made to working paper ATCM XXXVIII/WP18 on Inspection of Yachts under the Antarctic Treaty and its Protocol on Environmental Protection (UK).

In terms of inspecting long term effects, the importance of long-term monitoring was emphasized: "If the question is to assess the on-site management of tourist groups by private operators or to check compliance of any ship with appropriate technical/legal regulations, the scheme may seem adequate. However, if the objective is to measure the impact of certain types of tourist activities in certain given areas, again it would seem that the scheme is inadequate as this, once again, requires long-term monitoring" (Argentina; see also question 9). As noted above, one participant suggested the development of "a specific Tourism/NGO Inspection Checklist" (South Africa).

11. While the right to conduct inspections is a treaty right of each individual Consultative Party, inspections have regularly been organised and conducted jointly by two or more Consultative Parties:

- **a) What are the experiences with multinational inspections (joint inspections by two or more Consultative Parties)?**
- **b) Do you consider the improvement of international cooperation in conducting inspections desirable and, if so, how could this be achieved?**
- **c) What approaches could be taken to ensure and enable an active participation of all Consultative Parties in the practice of conducting inspections?**

Summary of responses:

Joint inspections
Participants underlined that conducting inspections is a treaty right of each individual Consultative Party. However, it was also recognized that the comprehensive organization, logistical and financial needs for an inspection may make joint inspections very useful for those Parties that would consider these needs a hurdle for individual inspections (Argentina; in similar wording Germany). Joint inspections may also have other advantages, such as the promotion of international collaboration (Argentina, USA), the increase of language skills (Argentina) and other skills and expertise within the team (Germany), possibly a more equal "geographical" reach of inspections (Argentina), strengthening objectivity, the promotion of consultation, and the option to distribute the work load (South Africa). In respect of this last advantage, one could think of "a division of tasks where one Party might be in charge of inspector (of both countries) transportation, while the other would be in charge of preliminary research and report preparation and edition" (Argentina). It was noted that for such advantages, it might be best to ensure that joint inspections "have a balanced distribution of participants from each Party involved" instead of inviting one 'guest-inspector' from another CP (Argentina). However, it was also noted "that Joint inspections are in many cases likely to be more challenging to plan and coordinate" (Australia). It was suggested that "joint inspections should include not more than three Consultative Parties to ensure feasibility" (Germany). Several participants stated that their experiences with joint inspections were positive (Australia, Argentina, Germany, Spain, United Kingdom, USA).

In respect of the future, it was suggested that Parties could possibly consider fully or partly funding a joint inspection with Parties that are unable to conduct an inspection on their own or to voluntarily provide logistics for an inspection while inviting other countries to participate (South Africa, ASOC). It was also stated that "early planning and communication of inspections could lead to a greater number of Parties being involved, however given that Parties have a right to conduct "surprise" inspections, in some cases advance communications to those being inspected and others will be limited" (USA). An option might also be – for instance to increase the learning experiences among inspectors – that a country invites observers from a number of countries to inspect its own facilities and facilitate the logistics and provides the support for this. "This would clearly remove the surprise factor of inspections, but would enable access to facilities that are hard to get to by countries that do not normally have the ability or willingness to conduct inspections" (ASOC). Another option might be to organise "'neighbourhood inspections' (i.e. with other parties active in the vicinity, which might help keep costs under control, and help raise general awareness of activities in a region, and enhance opportunities for collaboration" (Australia).

It is clear that participants consider these options as voluntary options. This also applies to the concept of conducting joint inspections more generally. The view was expressed "that joint inspections are mainly the result of bilateral ad-hoc agreements rather than the product of multilateral decisions" (Argentina). "It must be a choice of the individual Parties as to whether they wish to get involved in an inspections programme" (United Kingdom; in similar wordings Norway). In respect of this choice (individual or joint inspections), another participant stated that "there should be no official policy either of the ATCM or of the ATCPs as a group in favor of one approach over the other" (USA). According to one participant, "the most important point with respect to ensuring the involvement of *all* parties, is in following-up inspections. It is important to ensure and enable good discussions at ATCM based on the findings from inspections" (Norway).

One participant stated that the ATCM has never used its competence to designate observers and to carry out inspections under procedures to be established by the ATCM (Article 14(2)(b) of the Protocol): "It could be a good approach to identify the right targets and to motivate the consultative parties to participate in such inspections" (France).

C) Exchange of views on other issues relevant for the ICG

12. Could the conduct of an overall (meta) analysis past inspection reports be beneficial, e.g., for the purpose of identifying general strategic issues relevant for the implementation of the Treaty and/or the Protocol and the effectiveness of inspections?

Summary of responses:

Many participants expressed the view that the conduct of an overall (meta-) analysis of past inspection reports could be beneficial (France, Germany, Spain, United Kingdom, USA, ASOC). It was noted that a meta-analysis had already been conducted in the past: At ATCM XXXVII, the UK and co-sponsors tabled a WP2 "which identified consistent themes identified over 10 years of inspection reports, and proposed that the ATCM consider systematically addressing these issues, as they were common to many stations/facilities" (UK). Another participant expressed the view that the good exchange of views on the basis of this paper "was quite recent and is probably sufficient at present" (Australia). Others stated that (additional) meta-analysis were welcomed as such analysis:

- would be useful in terms of guiding the planning of inspections with regard to, *inter alia*, the necessity of an inspection (which stations/facilities have been regularly inspected, which have been omitted and which perhaps require a follow-up inspection) and the question what should be included or excluded in the inspection (which aspects/issues are in order and which need to be followed up on) (South Africa);
- would assist those wishing to conduct inspections in designing and carrying out the inspections process (ASOC);
- could provide helpful best practices and other recommendations that could be very useful for countries that have not conducted as many inspections as others (ASOC);

In respect of such meta-analysis, the following additional comments were provided:

- "It might be useful to task the secretariat with this" (Norway);
- "The goals of the analysis should be clear from the outset, and the inspection database should be cleaned out so that the analysis is relevant. Historic trends (e.g. the past 50 years) may be interesting but more recent trends may be more relevant" (ASOC);
- "Factors that may need to be considered in such meta analysis, include 1. Repeated inspections to a facility consistently finding the same problems; 2. Timing of inspections, including for instance reference to inspections too far in the past e.g. pre-Protocol; 3. Issues to do with the accumulated experience and higher standards - e.g. what could have been regarded as teething problems in implementing the Protocol in 1998 would be considered more of an issue in 2018" (ASOC);

13. Are you of the view that the ATCM should consider a process that makes it possible to review the extent to which recommendations in inspection reports have received follow-up actions?

Summary of responses:

On the one hand, participants stressed that recommendations in inspection reports have no binding force (Argentina, Spain, USA). In fact, "any recommendations arising from an inspection report reflect, *strictu sensu*, only the opinion of a particular Party, and not one of the ATCM as a body"

(Argentina**).** Furthermore, it was stated that in view of "limited resources and competing demands" "Parties may feel that recommendations made by an inspection team are not entirely valid, compared to considerations by the operators themselves" (USA). However, on the other hand, it was also emphasized that a practice of inspection reports without any monitoring of the follow-up actions would not contribute to the strengthening of the implementation of the Protocol (ASOC) and most participants expressed the view that a mechanism by which progress can be assessed and discussed would be desirable (Australia, Spain, South Africa, United Kingdom, ASOC). One option that was mentioned by various participants would be to invite inspected Parties to table a report at the ATCM to inform the other Parties on follow-up actions that have eventually been taken two or three years after the inspection (France, United Kingdom). One participant suggested that there could be a need to "distinguish between following up breaches of the treaty, and following up recommendations from the inspecting party. In the case of breaches, a formal process to review follow-up actions could be useful. Some sort of follow up for recommendations might also be desirable, especially if the same recommendations are reflected in multiple inspections" (Norway).

14. Are there other aspects you would like to address concerning the practice of conducting inspections and the effective organisation of inspections?

Summary of responses (limited to the issues not already discussed above):

In response to this final question, one participant expressed the view that "in effectively organising an inspection, it is imperative that all members of the inspection team/s are notified sufficiently in advance (i.e. timeously) of the envisaged inspection, especially if it is to be a joint inspection by two or more Parties" (South Africa). Another participant stated that "[a]ctual or potential challenges include the expansion of some activities and facility types, the appearance of new actors or hybrid forms of facilities or operators e.g. national Antarctic programs and commercial entities" (ASOC).

III. Recommendations to the ATCM

The ICG recommends the ATCM to discuss the following proposals at ATCM XL:

a) To request the Antarctic Treaty Secretariat:
   - To establish a system which would list all stations in Antarctica and then allow the user to click on any station and bring up all the relevant information of past inspections, such as the dates of inspections, by which Consultative Parties the inspections have been conducted and a link to the inspection reports;
   - To advise the ATCM whether such a system could also include information on inspections of:
     - vessels/aircraft for logistic support of science;
     - tourism facilities, such as seasonal camps and vessels/aircraft;
     - HSMs;
     - ASMAs; and
     - ASPAs;
   - To make the system searchable by all relevant terms, such as the inspecting Party, name of station, name of vessel or aircraft, name of HSM, ASMA or ASPA, etc;
   - To update the list of stations never inspected ;
   - To request the Antarctic Treaty Secretariat how the above described system would relate to the existing ATS website's database on inspections, and
   - To request the Antarctic Treaty Secretariat to provide a cost estimate to accomplish the above described system.

b) To invite Consultative Parties to encourage Consultative Parties, when planning and conducting inspection activities:
   - to give consideration to whether a facility has been inspected often or seldom in recent years;
   - to consider including stations never inspected in future inspections;

c) To discuss whether it would be desirable to invite Parties to update Inspection Checklist forms for its stations and facilities annually to help ensure that the most up-to-date data is available to inspection teams, even though the Inspection Checklists have a different primary aim and are not compulsory;

d) To invite Consultative Parties to take into consideration the desirability that one or more inspection team members speaks the language of the staff of the inspected facilities or to work with a translator, in order to ensure good communication during an inspection;

e) To encourage Consultative Parties to include tourism facilities in inspections and to consider whether the development of a specific Tourism/NGO Inspection Checklist would be desirable;

f) To encourage Consultative Parties to include other facilities and sites, such as vessels, aircrafts, HSMs, ASMAs and ASPAs, in inspections and to discuss the options discussed by the ICG to encourage this;

g) To discuss the various options discussed in the ICG for encouraging joint inspections and involving Consultative Parties that are unable to organise inspections on their own, while acknowledging that inspections are a treaty right and it is within the discretion of each Consultative Party whether to conduct inspections alone or with others;

h) To discuss the option for the ATCM to designate observers and to carry out inspections under procedures to be established by the ATCM (Article 14(2)(b) of the Protocol);

i) To discuss how inspected Parties may wish to respond to findings of inspection teams.

Attachment I

Tables that provide updated information on the inspections that have been conducted and the facilities that have been inspected under Article VII of the Antarctic Treaty and Article 14 of the Environmental Protocol.

Table 1 - Number of inspections by Consultative Parties since 1998, based on XXXV ATCM/IP/59 (updated by S. Tamm from www.ats.aq)

Inspecting Country	Number of Inspections in which the Country has Participated	Year of Inspection
UK	5	1999, 2005, 2005, 2013, 2014
USA	5	2001, 2005, 2006, 2012, 2013
Australia	4	2005, 2005, 2010, 2011
France	2	1999, 2007
Germany	2	1999, 2013
Norway	2	2001, 2007
New Zealand	2	2005, 2007
Russia	2	2012, 2013
Belgium	1	1999
Finland	1	2004
Peru	1	2005
Sweden	1	2007
Japan	1	2010
Netherlands	1	2013
Spain	1	2013
South Africa	1	2013
Czech Republic	1	2014
Chile	1	2015
Argentina	1	2015
China	1	2015

Table 2 - Facilities identified in XXXV IP/59 as never having been inspected since 1998 and three facilities that have been inspected since ATCM XXXV
Check: new facilities (established since ATCM XXXV) which have not yet been inspected should be added to this list)

Name of facility	**Country operating the facility**	**First opened**	**Facility Type**	**Status**	**Last inspection (- : never inspected)**
Asuka	Japan	1984	Station	Seasonal	-
Beaver Lake	Australia		Camp		-
Belgrano II	Argentina	1955	Station	Year-round	1982
Browning Pass	Italy	1997	Camp	Seasonal	-
Cap Prud'homme	France		Camp	Seasonal	-
Dakshin Gangotri	India	1983	Station	Seasonal	-
Dome Fuji	Japan	1995	Station	Seasonal	-
Dumont d'Urville	France	1956	Station	Year-round	1994
Edgeworth-David	Australia		Camp	Seasonal	-
Enigma Lake	Italy	2005	Camp	Seasonal	-
Fossil Bluff	United Kingdom	1961	Camp	Seasonal	1992
Guillermo Mann	Chile	1991	Station	Seasonal	-
Kohnen	Germany	2001	Station	Seasonal	-
Kunlun	China	2009	Station	Seasonal	-
Law - Racovita – Negoita	Australia & Romania	1987	Station	Seasonal	-
Lieutenant Arturo Parodi	Chile	1999	Station	Seasonal	-
Macchu Picchu	Peru	1989	Station	Seasonal	-
Marble Point Heliport	USA		Camp	Seasonal	-
Matienzo	Argentina	1961	Station	Seasonal	-
Melchior	Argentina	1947	Station	Seasonal	-
Mid Point	Italy	1998	Camp	Seasonal	-
Mirny	Russia	1956	Station	Year-round	1994
Mizuho	Japan	1970	Station	Seasonal	-
Molodezhnaya Airfield	Russia		Camp	Seasonal	-
Odell Glacier Camp	USA		Camp	Seasonal	-
Orcadas	Argentina	1904	Station	Year-round	1994
Primavera	Argentina	1977	Station	Seasonal	-
Progress	Russia	1989	Station	Year-round	-
Refugio Ecuador	Ecuador	1990	Refuge	Seasonal	-
Ripamonti	Chile		Station	Seasonal	-

Rothera Skiway	United Kingdom	1975	Camp	Seasonal	-
Russkaya	Russia	1980	Station	Seasonal	-
S17	Japan	2005	Camp	Seasonal	-
Signy	United Kingdom	1947	Station	Seasonal	1994
Siple Dome	USA		Camp	Seasonal	-
Sitry	Italy	2000	Camp	Seasonal	-
Sky Blu	United Kingdom		Camp	Seasonal	-
Svea	Sweden		Station	Seasonal	-
Tor	Norway	1985	Refuge	Seasonal	-
Wilkins Aerodrome	Australia		Camp	Seasonal	-

Table 3 - Facilities identified in XXXV IP/59 (2012) as never having been inspected, which have been inspected since then (past 5 years; based on XXXV ATCM/IP/59 and www.ats.aq)

Facility	**Inspecting party and year of inspection**
Bharati	USA / RUS 2012
Zhongshan	USA / RUS 2012
Cámara	UK / Czech 2014