



ANTARCTIC  
RIGHTS

Draft Antarctica Declaration

June 2026





## ANTARCTICA DECLARATION

[Draft of 8 June 2026]

### Contents

Article I. Antarctica.....	1
Article II. Legal status of Antarctica .....	2
Article III. Rights and freedoms of Antarctica and Antarctic beings.....	2
Article IV. Limitation on rights and freedoms .....	3
Article V. General duties of people and institutions.....	3
Article VI. Specific duties of States.....	5
Article VII. Decision-making in relation to Antarctica.....	6
Article VIII. Activities within Antarctica.....	6
Article IX. Implementation .....	7
Article X. Interpretation .....	7

[Note: the final Declaration will not contain footnotes]

## ANTARCTICA DECLARATION

### Preamble

We, the peoples of Earth who proclaim and support this Declaration:

understanding that we are all part of the Earth Community, an indivisible, living community of interrelated and interdependent beings;

celebrating the beautiful, wild continent of Antarctica, the Southern Ocean, and the community of life that inhabit those awe-inspiring lands, ice, waters and skies;

grateful for the magnificent Antarctic community constituted by the inter-relationships between multitudes of Antarctic beings and for the vital role Antarctica plays in maintaining the health of the whole Earth Community;

conscious of the grave threats that climate disruption, ocean acidification, commercial fishing and other human impacts pose to Antarctica;

recognising that existing legal and political systems do not afford Antarctica adequate protection or a voice in decision-makings that affect them;

believing that ensuring that humans do not disrupt or harm Antarctica, and collaborate for peaceful purposes within Antarctica,<sup>1</sup> is in the best interests of both Antarctica and of humankind;

accepting our collective responsibility to collaborate in taking urgent and<sup>2</sup> decisive actions to prevent irreversible harm;

united by our aspiration to ensure that Antarctica is able to flourish as an autonomous, self-regulating community, free from human control and harmful influences;

proclaim this Antarctic Declaration, and call on all international bodies, peoples, organizations and institutions to adopt, promote, and give effect to it.

### Article I. Antarctica

Antarctica is a magnificent, ancient, indivisible, autonomous and self-regulating community of inter-dependent beings, which has a unique presence and spirit, and plays a vital and indispensable role in maintaining conditions conducive to the flourishing of life.

---

<sup>1</sup> The reservation of Antarctica for peaceful purposes is fundamental to the Antarctic Treaty System.

<sup>2</sup> The need for urgency is recognised in the Preamble to the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). "CONSCIOUS of the urgency of ensuring the conservation of Antarctic marine living resources;"

**Article II. Legal status of Antarctica**

- (1) Antarctica is an independent, autonomous entity with a unique international legal status and personality.<sup>3</sup>
- (2) Antarctica has:
  - (a) the right to independence and to exercise all legal powers freely without dictation by States;
  - (b) jurisdiction within its territory, over all people and institutions within it, and over all Antarctic beings wherever they may be; and
  - (c) the right to equality in law with States.
- (3) Antarctica may exercise any power that a State is entitled to exercise under international law to protect themselves and their legal status, territory, powers, rights and freedoms.

**Article III. Rights and freedoms of Antarctica and Antarctic beings**

- (1) Antarctica, and each Antarctic being, has the following inherent and inalienable rights and freedoms:
  - (a) the right to exist, to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
  - (b) the right to self-expression and self-determination;
  - (c) the right to maintain the relationships that contribute to the integrity and ecological functioning of Antarctica and sustain life;
  - (d) the freedom to be wild, and free of pollution and human disruption, control, or human interference that may endanger their rights and freedoms;
  - (e) the right to be respected; and
  - (f) the right to protect themselves against actual or threatened violations of their dignity, rights and freedoms.
- (2) Antarctica beings retain their rights and freedoms when they are outside the Antarctic Convergence.
- (3) In addition to their inherent rights and freedoms, Antarctica and each Antarctic being also has:
  - (a) the right to have their dignity, rights and freedoms be respected, protected and upheld by people and institutions;

---

<sup>3</sup> An entity with international legal personality is capable of possessing international rights and obligations and to take certain types of action on the international level.

- (b) the right to be protected by from harm caused by humans, including the elimination of hazards;
- (c) the right to full and prompt restoration of any harm caused by people or institutions violating any of their rights or freedoms;
- (d) the right to have people investigate, monitor and communicate impacts on them, and to effectively represent their interests in human decision-making;<sup>4</sup> and
- (e) the right to be represented in any legal or administrative proceedings that may affect their legal status, powers, rights or freedoms.

#### **Article IV. Limitation on rights and freedoms**

- (1) Antarctica and each Antarctic being:
  - (a) has the rights and freedoms specified in Article III to the extent that the right or freedom in question can be applied to a being of that nature; and
  - (b) may not be denied any such right or freedom on the basis of culturally-specific human distinctions such as may be made between organic and inorganic beings, species, origin, or usefulness to people.
- (2) The rights and freedoms of Antarctica and each Antarctic being are limited by the inherent and inalienable rights of other beings (including human beings), and any conflict between those rights must be resolved in a way that supports the integrity, functioning, and health of Antarctica and the Earth Community.
- (3) A limitation on a right or freedom is justifiable if it:
  - (a) promotes harmonious coexistence and the integrity, functioning, and health of Antarctica; and
  - (b) does not restrict the right or freedom unreasonably or more than is necessary to achieve the objective of the limitation.

#### **Article V. General duties of people and institutions**

- (1) Every person and institution must:
  - (a) respect and protect the presence, dignity, beauty and intrinsic value of Antarctica and Antarctic beings;
  - (b) take all reasonable measures to coexist harmoniously with Antarctic beings and to enhance and conserve the integrity of Antarctica and its vital ecological cycles, processes and balances;

---

<sup>4</sup> This is elaborated up in Article VII below.

- (c) recognise respect, protect, promote and give effect to the legal status and powers of Antarctica referred to in Article II and the legal rights and freedoms set out in this Declaration;
  - (d) avoid unjustifiably violating or limiting the rights and freedoms recognised in this Declaration;
  - (e) pursue livelihoods, wellbeing and economic interests in ways that do not threaten or harm Antarctica, and take preventative measures to protect Antarctica and Antarctic beings from harm caused by humans or institutions, including measures:
    - (i) to stabilize the global climate;
    - (ii) to prevent modifications or disruptions of the genetic or physical structure of any Antarctic being in a manner that may endanger their integrity, or capacity to contribute to the vitality and functioning of Antarctica; and
    - (iii) to prevent Antarctica being mined or exposed to toxic, radioactive or other harmful pollution;
    - (iv) to prevent the presence of humans in Antarctica causing harm; and
  - (f) take all measures necessary to mitigate any harm caused by violations and restore affected beings fully and promptly.
- (2) People and institutions must apply the following principles to promote harmonious coexistence.
- (a) As inter-related, mutually dependent members of the Earth Community, Antarctic beings and human beings are kin.
  - (b) Antarctica and Antarctic beings must be respected and their rights and freedoms protected, instead of being controlled, managed, exploited or owned.
  - (c) People are individually and collectively responsible for contributing to the health, integrity and functioning of the Earth Community with sustains them, including Antarctica.
  - (d) The conservation, protection, and restoration of Antarctica's ecological communities must be prioritised over gaining financial or other benefits at Antarctica's expense.
  - (e) A precautionary approach that prioritises the protection of Antarctica must be applied if there is doubt about whether a proposed activity will harm Antarctica.

**Article VI. Specific duties of States**

- (1) Each State, in addition to its duties under Article V, must take legislative and other measures to transform relevant domestic, transnational and international law and practice:<sup>5</sup>
- (a) to recognise and respect the legal status of Antarctica as set out in Article II;
  - (b) to establish and apply effective norms and laws for the defence, protection and conservation of the rights and freedoms of Antarctica and Antarctic beings;
  - (c) to ensure that the integrity, health and functioning of Antarctica and Antarctic beings, and human impacts on them, is closely monitored and that information and research in that regard is shared promptly with other States and relevant institutions, and communicated to the public;
  - (d) to ensure that that no one engages in any activity in Antarctica contrary to the principles or purposes of this Declaration and that the potential consequences of such activities are assessed before they are undertaken;
  - (e) to ensure that its citizens and institutions incorporated within, or controlled from, its territory, do not violate the rights and freedoms recognised in this Declaration while outside Antarctica;
  - (f) to treat any act or omission that limits a right or freedom recognised in this Declaration as unlawful, unless, and to the extent that, the person or institution responsible proves that it is a justifiable limitation;
  - (g) to impose and enforce legal liability for violation of the rights and freedoms recognised in this Declaration, including by enabling its citizens to take legal action to uphold those rights and freedoms; and
  - (h) to eliminate economic or other incentives to violate the rights and freedoms recognised in this Declaration and to develop and promote economic, social and other means of enhancing the wellbeing of people through harmonious coexistence.
- (2) Each State may appoint ambassadors or other representatives to promote harmonious coexistence with and within Antarctica, and the effective implementation of this Declaration.

---

<sup>5</sup> These duties only apply to State because they have the power to legislate and enter into treaties. One of the implications of this duty is that it would require States to consider how to transform the ATS to accord with the Declaration.

## **Article VII. Decision-making in relation to Antarctica**

- (1) People and institutions must take all reasonable measures to ensure that Antarctica and Antarctic beings are represented effectively in decision-making that may affect them, or their legal status, power, rights or freedoms recognised in this Declaration.
- (2) In giving effect to paragraph (1), each State must take legislative and other measures to enable Antarctica to be effectively represented, in a manner consistent with its legal status and powers under Article II, in sub-national, national, transnational or international:
  - (a) decision-making that may have a significant impact on Antarctica;<sup>6</sup> and
  - (b) legal or administrative proceedings that may affect the recognition, exercise or protection of their legal status, powers, rights or freedoms
- (3) Humans must strive to ensure that decision-making in relation to Antarctica is wise and promotes harmonious co-existence and the best interests of Antarctica.
- (4) In determining what is in the best interests of Antarctica or of an Antarctic being, decision-makers must:
  - (a) be sensitive to the fact human beings are not indigenous to Antarctica, and actively seek to understand the ways in which Antarctica and Antarctic beings express themselves; and
  - (b) take all other relevant information into account, including the best available scientific information and different cultural perspectives.

## **Article VIII. Activities within Antarctica**

- (1) People and institutions may only undertake an activity within Antarctica if there is a compelling reason for doing so and the activity:
  - (a) is for peaceful purposes;
  - (b) does not violate any right or freedom recognised in this Declaration;
  - (c) is consistent with the principles in Article V (2); and
  - (d) is not contrary to the best interests of Antarctica.
- (2) In planning and conducting research within Antarctica priority must be given to scientific research that improves our understanding of how to coexist harmoniously

---

<sup>6</sup> In order to give effect to the requirement to make decisions in the best interests of Antarctica it is important to address how people can articulate the interests of Antarctica and Antarctic beings so that they can “participate” in / be represented in human decision-making that may affect Antarctica. This could include participation in the ATS and its bodies, the IPCC, and the United Nations and should include the right to participate in legal proceedings before national and international courts.

with Antarctica and within Earth, and of how to identify what is in the best interest of Antarctica.<sup>7</sup>

- (3) Fishing and other forms of human predation on Antarctic beings may only be permitted to the extent that such activities:
  - (a) are consistent with paragraph (1); and
  - (b) are unlikely to have a significant adverse impact on the populations of those animals or the ecosystems within which they live.
- (4) If there is reason to believe that an activity that has been permitted under paragraph (1) has had, or is likely to have, impacts on Antarctic beings that disqualify it from being permitted under this Article, it must be modified, suspended or cancelled to ensure compliance with this Article.

#### **Article IX. Implementation**

The peoples of Earth who proclaim and support this Declaration must collaborate to ensure its effective implementation, including by establishing institutions and processes that are consistent with Antarctica's inherent nature and legal status, and ensure that:

- (a) when decisions or actions that affect Antarctica or specific Antarctic beings are to be taken, planned or undertaken, the best interests of Antarctica and the affected Antarctic beings are identified and communicated as accurately as reasonably possible; and
- (b) Antarctica and Antarctic beings are represented by people with the necessary understanding, personal qualities, expertise and commitment to the best interests of Antarctica, to do so with integrity and wisdom.<sup>8</sup>

#### **Article X. Interpretation**

- (1) This Declaration must be interpreted in a manner that promotes its spirit and purpose and is consistent with the principles in Article V (2).
- (2) In this Declaration:
  - (a) "Antarctica" means the community of inter-dependent Antarctic beings that exists within the area bounded by the Antarctic Convergence, and includes the continent of Antarctica, the ice, sea, seabed, atmosphere, and indigenous

---

<sup>7</sup> This sub-paragraph is intended to reorient the focus of research to research that benefits Antarctica while not limiting freedom of scientific enquiry.

<sup>8</sup> It is envisaged that an Antarctic Alliance will initiate processes, as appropriate, institutions to articulate what they believe to be in Antarctica's best interests in relation to particular issues, and to appoint human representatives to advance those interests in various human institutions.

organisms within that area, and the relationships among them, and unless the context indicates otherwise, it refers also to Antarctic beings collectively;

- (b) "Antarctic being" means any living or non-living natural entity that exists consistently or periodically within Antarctica, and includes land, water, ice, the atmosphere, indigenous organisms and ecological communities, in all their forms, both collectively and individually, but does not include any humans, non-native organisms or objects made by humans;
  - (c) "Earth Community" means the unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings that are part of Earth;
  - (d) "harmonious coexistence" means humans interacting with other beings in ways that both strengthen the Earth Community, and respect and protect the rights of all beings to fulfil their roles within the Earth Community; and
  - (e) "institution" means a State, corporation or other public or private entity that is a legal subject in the jurisdiction in which it is established.
- (3) This Declaration neither:
- (a) restricts the recognition of additional inherent or other rights of Antarctica, or any Antarctic beings; nor
  - (b) denies the existence of rights, freedoms, or powers recognized by existing law, to the extent they are consistent with this Declaration.
- (4) If there is a conflict between an inherent right or freedom recognised in Article III, and a provision of international customary law, a treaty, transnational, national or subnational law, common law or customary law, the inherent right or freedom must prevail.<sup>9</sup>

---

<sup>9</sup> This follows from the fact that the pre-existing, intrinsic and inalienable rights, which are recognised in this Declaration, were not created by humans, preceded human laws, and cannot be altered by humans. If the laws of Nature take precedence, it must follow that human laws that are in conflict with the laws of Nature are inherently and automatically, invalid.