



Antarctica Declaration

First Online Consultation Webinar, Summary Transcript

Speakers: Roberta Bosu (Global Campaigner, Antarctic Rights) and Cormac Cullinan (Lawyer; Author, *Wild Law*; Judge, International Rights of Nature Tribunal; Co-founder, Global Alliance for the Rights of Nature; Director, Wildlaw Institute; 2025 Shackleton Medal)

Welcome

Roberta Bosu, Global Campaigner for Antarctic Rights, opened the session and welcomed Cormac Cullinan. She introduced him as a lawyer and author, noting his book *Wild Law, A Manifesto of Earth Justice*, and listing his roles: Judge of the International Rights of Nature Tribunal, Co-founder of the Global Alliance for the Rights of Nature, Director of the Wildlaw Institute, and recipient of the 2025 Shackleton Medal.

Given the length of the Declaration, the session was divided into two parts, leaving space for questions, feedback and challenges. In the first part, Cormac would guide participants through the opening sections of the Declaration, followed by fifteen minutes of questions. In the second part, he would cover the remaining articles, followed by a further round of questions.

Introduction: Why Antarctica Matters

Roberta opened by outlining Antarctica's global significance. Antarctica represents about 10% of the Earth's land surface, a scale she illustrated with a comparison to the size of the UK. It drives global ocean circulation, distributing heat, oxygen and nutrients across every ocean basin, and its ice reflects up to 90% of incoming solar radiation back to space; without it, more heat would be absorbed, and every climate impact would accelerate. Antarctica also holds around 90% of the world's surface freshwater.

The ice holds the equivalent of 58 metres of potential sea level rise. Should it melt, entire communities, not only cities but ecosystems such as the Pacific atoll reef systems and coastal populations worldwide, would be lost.

Roberta asked what a tipping point feels like before it tips. Scientists suggest several planetary boundaries in Antarctica may already have been crossed. Last June, winter temperatures were recorded at roughly 20 degrees warmer than normal. Overfishing is a further concern: the krill fishery has been officially closed for the season after reaching quota, only the second time this has happened, and this year the closure came in early August rather than the usual 30 November cut-off.

According to the IUCN, the Emperor Penguin and the Antarctic fur seal have both been reclassified as endangered on the Red List. Human activity is also increasing: IAATO figures put visitor numbers at around 124,000 in 2025. Some travel to marry or run a marathon there; others come out of concern that these ecosystems are disappearing, a form of "last chance tourism" also seen at glaciers elsewhere. These

pressures compound one another, since warming air and ocean temperatures have direct knock-on effects across the other crises Antarctica faces.

Roberta asked who is responsible for safeguarding what she called the Earth's life support system. At present, that responsibility sits with the Antarctic Treaty System. Drawing on her background in diplomacy, she called the Treaty System a remarkable achievement: reached during the Cold War, it froze the territorial claims of the twelve nations that held them at the time and banned military activity in Antarctica. The Treaty entered into force in 1961. The Convention on the Conservation of Antarctic Marine Living Resources followed between 1980 and 1982, governing fishing and marine ecosystems in the Southern Ocean, and in 1991 the system was strengthened further by the Protocol on Environmental Protection, which developed a comprehensive regime for protecting the Antarctic environment "in the interest of mankind as a whole."

In 2026, there are 58 Treaty parties, but only 29 hold decision-making power, and every decision requires consensus, which has produced a degree of gridlock; several proposed marine protected areas remain unresolved for this reason. Roberta also addressed a common misconception that the Treaty itself expires in 2048: any consultative party may request a review conference, but any change to Article 7 would still require agreement by a majority of consultative parties.

The Treaty, she argued, was built for a world of nation-states, and what is needed now is governance that reflects Earth diplomacy rather than state-only diplomacy. It remains one of the great achievements of modern diplomacy, but the real question is not whether it has served Antarctica well, but whether it was ever designed for the problems faced today. This question, what if Antarctica could speak for itself, gave rise to Antarctic Rights.

Antarctic Rights is a global civil society initiative advocating for the legal recognition of Antarctica as an autonomous, rights-bearing entity under international law. The movement began in 2021 with 16 founding members: environmental lawyers, Antarctic scientists, artists, indigenous representatives and Rights of Nature experts who came together to ask what it would mean to listen to Antarctica. This working group drafted the first version of the Declaration of Antarctica in 2023, and the movement has since grown to more than 90 organisations and 350 individuals.

The campaign advocates for Antarctica to be recognised as a living entity with inherent rights to exist, to regenerate, to evolve and to be represented, principles set out in the Declaration that Cormac would go on to explain. The second draft was updated in June, ahead of the current consultation period.

Roberta addressed a further misconception that the campaign seeks to dismantle the existing Treaty System. It does not. She described the System as a genuine foundation and a pioneering model for its time, but one built for 1959, meaning threats originating outside the Treaty area are not accounted for within it. Crucially, the permanent residents of Antarctica have no voice in its governance, and neither does Antarctica itself.

The campaign builds on existing foundations rather than starting from nothing: Antarctica's intrinsic value is already recognised in Article 3.1 of the Madrid Protocol, and Rights of Nature are already recognised in constitutions, statutes and court rulings around the world. The UN Secretary-General has called it the fastest-growing legal movement of this century; current figures, likely already out of date given the pace of change, count 687 Rights of Nature initiatives worldwide and 66 countries with related laws, policies or rulings, some of which are also Antarctic Treaty signatories.

Roberta acknowledged that this work is unprecedented and that not every answer is yet known. Open questions include who speaks for Antarctica, how Antarctic rights coexist with the current Treaty System,

and what these rights mean in practice for fishing quotas or research activity. The Declaration, she said, must be written with the community, not handed down to it, hence the consultation process.

She set out the timeline: the working group formed in 2021, the draft Declaration was launched publicly in 2023, and the Antarctic Alliance was formed on 1 December of the previous year, Antarctica Day. This year's focus is the Declaration itself. The consultation process launched in London during London Climate Action Week, with public input open from July until 30 September. Feedback will be incorporated between 30 September and December, ahead of a final version being signed in Cape Town on 1 December during the Antarctic Rights Festival, a week of events.

Participants can get involved by responding to the consultation form, joining the Antarctic Rights Alliance via a QR code, or emailing antarcticrights@garn.org.

Before handing over to Cormac, Roberta read the preamble of the Declaration: "***We, the peoples of Earth, are all part of the Earth community, an indivisible living community of interrelated and interdependent beings.***"

Part One: Understanding the Declaration

Cormac opened by explaining that, before the break, he would introduce the Declaration, what it is for and what it intends to achieve, before questions and then a walk through the individual articles. He encouraged participants to read the text itself and to offer specific comments on both the wording and the thinking behind it.

He set out the Declaration's four main purposes.

1. First, and most importantly, to redefine how people relate to Antarctica, shifting from the idea that humans should govern Antarctica toward striving to coexist harmoniously with Antarctica and Antarctic beings.
2. Second, to articulate the rights of Antarctica and Antarctic beings, and the corresponding duties of humans to respect those rights.
3. Third, to expand responsibility for protecting Antarctica beyond the states currently party to the Antarctic Treaty System, to a responsibility shared by all of humanity.
4. Fourth, to provide a foundation for future action, in effect a manifesto for the Antarctic Alliance.

This thinking is most clearly expressed in the preamble, which moves from humanity's relationship with Antarctica, to the seriousness of the current situation, to a way forward, to shared responsibilities and aspirations, and finally to a commitment to action. It opens by situating readers within the Earth community, then celebrates the continent and the life it holds, deliberately using more emotional language than is typical in legal texts to convey the quality of that relationship rather than treat it as a matter of cold, intellectual law. It then moves to gratitude: Antarctica plays a vital role in regulating the planet's climate, and that gratitude is, in a sense, the basis for humanity's obligations toward it.

The preamble goes on to acknowledge the grave threats Antarctica faces, climate change foremost among them, and recognises that, despite the achievements of the Treaty System, Antarctica continues to deteriorate. It then turns to the way forward: allowing Antarctica to continue performing its role within the global ecosystem serves both Antarctica's interests and humanity's. It moves to accepting collective responsibility for urgent, decisive action, a common aspiration for Antarctica to flourish, and finally proclaims the Antarctic Alliance and calls on others, particularly international bodies, to do likewise.

Cormac highlighted two concepts essential to understanding the Declaration as a whole. The first is Earth community, the understanding that all beings are part of Nature. The second, which follows from it, is harmonious coexistence within Nature: as members of this extraordinary living community, humans have responsibilities to help maintain its integrity and health, since that is the source of life. Both terms are formally defined at the end of the Declaration.

Article One addresses who Antarctica is, rather than the more conventional question of where or how big it is. Antarctica is understood as a being composed of many beings, sometimes described as holons within a larger whole, much as individual cells collectively form organs and a body. It has both tangible and intangible dimensions and exists within the wider community of life. It is described as autonomous, though with a caveat: self-regulating, but not independent from the whole, remaining an integral part of the Earth community.

The relationship with Antarctica is framed around living harmoniously with Antarctic beings, with recurring emphasis on relatedness, celebration, gratitude, respect and responsibility. The concept of kinship, drawn from indigenous perspectives, reflects that, traced back far enough, all beings share common origins in the same stardust, and that humanity needs Antarctica as much as it forms part of a shared community.

Respect sits at the centre of this: Antarctica is recognised as having an inherent right to respect, matched by a corresponding duty on humans, individuals and institutions alike, to respect and protect the value of Antarctica and Antarctic beings, just as those beings' dignity, rights and freedoms are to be upheld. Throughout the Declaration, every right held by Antarctica is mirrored by a corresponding human duty, grounded in the ideas of responsibility and reciprocity: because human wellbeing depends in part on Antarctica's health, humanity owes it a reciprocal duty of care.

One guiding question the drafters asked themselves was what it would mean to be guided by Antarctica itself. There is no precedent for this, so listening to Antarctica comes first. Accordingly, the Declaration includes a right for Antarctica to have its beings' impacts monitored by humans, matched by a state duty to communicate that information, since it is not easy for the ordinary person to know what is happening there.

Indigenous perspectives have informed the Declaration throughout: understanding Antarctica and Antarctic beings as beings rather than objects or territory, recognising both tangible and intangible dimensions, the idea of harmonious coexistence and kinship found across many indigenous cultures, and an emphasis on wisdom and integrity, reflecting the recognition in many indigenous societies that elders and wise people should take the most difficult decisions, in contrast to the political systems common in most countries today. If Antarctica is to be given a voice in international affairs, Cormac argued, that voice must be exercised with wisdom and integrity.

Questions and Answers, Round One

Power and the limits of legal change

Christine, from the German Network for the Rights of Nature, asked what the Declaration really changes given how many international rules and agreements already exist, much of which fails only because governments do not keep their promises. She asked whether this is fundamentally a question of power rather than of changing the legal level, drawing on five years of experience explaining why the Rights of Nature approach matters in Germany.

Representation for native Antarciticans

Marisa, joining from Argentina and originally from Antarctica, asked whether those born on the continent itself would be considered. She said native Antarcticans are grateful for the initiative, since representation has been one of their biggest concerns given how few people are native to the continent, and expressed a wish to be part of the initiative and have a voice regarding their homeland.

Cormac thanked Marisa, noting she was the first person he had met who was born in Antarctica. As it stands, the definition of Antarctic beings excludes humans, on the basis that humans did not evolve as part of that ecosystem, though he said he would welcome corresponding with her afterwards and invited her to join the Antarctic Alliance to continue the conversation, since it was not one the group had previously had reason to explore.

On the broader question of impact, Cormac drew on more than thirty years as an environmental lawyer to argue that legal rules alone cannot adequately protect the Earth. A key reason, he said, is that most legal systems rest on the error of treating humans as separate from, and superior to, Nature, with Nature then defined in law as a mere object. The Declaration aims to shift that underlying perception: asking who Antarctica is, rather than where or what it is, challenges how dominant cultures think. This is not only a legal project but also about shifting how people understand humanity's role within the Earth community, and building new ways of regulating human behaviour that reflect interconnectedness. It is a large undertaking that may take decades, but Cormac pointed to the rapid growth of the Rights of Nature movement as encouraging, and expressed hope that recognising Antarctica would be the first time a being, as such, is recognised within international law.

Standing alone or joining the Treaty

Julie, a former lawyer from Edinburgh, asked whether there might be scope for the Declaration to eventually become a protocol added to the existing Antarctic Treaty, and what legal standing a freestanding declaration would have if it remained standalone instead: in effect, whether the intention is to work within existing legal norms or remain independent of them.

Cormac replied that the starting point is a standalone document, recognising what the drafters regard as inherent rights, in the same way human rights exist because people are human, not because a government granted them, and hold even where a government denies them; the same, he argued, applies to Antarctica. The intention is to build growing support, including from states (most of Africa, for instance, has only one Treaty party, South Africa, out of the whole continent), while hoping to influence the existing Treaty structure over time.

Incorporating this view directly into the existing system is difficult, he said, because it reflects such a different worldview: recognising Antarctica as a being with agency does not sit easily within a system that treats it as an object. That said, there are natural links, particularly through the Madrid Protocol's recognition of Antarctica's intrinsic value; the existing system does not yet have a mechanism to give that recognition effect, and a Rights of Nature approach could.

Cormac acknowledged this might sound unusual to many lawyers, but drew a parallel with growing up in apartheid South Africa, where the only formally sanctioned route to change the law was through a parliament that excluded the majority of the population. He described how an entirely new process, a constitutional assembly, bypassed parliament and produced a new constitution once that route was blocked, illustrating that a system under pressure and deadlocked can give way to a genuinely new path forward. He expressed hope for a similar shift in Antarctic governance as ecological pressures intensify and appetite for systemic change grows.

Threats to Antarctica and who bears responsibility

Dave asked what threats Antarctica currently faces, who is responsible for them, and which continents or countries are most at risk, wanting to understand who is affected, who bears responsibility, and why Antarctica should hold rights.

Cormac identified climate change as probably the most significant threat. Melting ice threatens Antarctica's role in driving global ocean circulation, and because most Antarctic ice sits on land, in ice sheets roughly two kilometres thick, its loss carries the risk of substantial sea level rise, potentially several metres over time, eventually affecting an enormous number of coastal cities worldwide. Even though this is a slow process, once melting is underway it is very difficult to reverse.

The countries most responsible for climate change are largely in the Global North, many of which are also Antarctic Treaty parties making decisions about Antarctica's future. Ocean acidification, krill fishing pressure and increasing tourism add further strain. Because Antarctica is integral to the healthy functioning of the global climate, including ocean currents and weather systems, its decline is likely to affect agriculture, climate and fisheries in nearly every part of the world.

Part Two: The Articles of the Declaration

Cormac gave a brief overview of the Declaration's structure.

After the preamble, Article One addresses understanding Antarctica; Article Two, its legal status; Article Three, the rights and freedoms of Antarctica and Antarctic beings; Article Four, the limitations on those rights; Article Five, the general duties of peoples and institutions to respect them; Article Six, the specific duties of states; Article Seven, decision-making in relation to Antarctica; Article Eight, activities within Antarctica; Article Nine, implementation; and Article Ten, interpretation.

Article Two describes Antarctica's legal status as unique, independent and autonomous, broadly equivalent to that of a state, while acknowledging that it is not a state and has no direct precedent, so much of what this means in practice will be developed over time. Antarctica is described as having effective jurisdiction over its territory, as independent of the power of other states, as entitled to be treated as an equal with other states internationally, and as able to exercise any powers a state could exercise under international law.

Article Three sets out the rights and freedoms of Antarctica as a whole and of individual Antarctic beings. These rights are described as inherent and inalienable, arising from the beings' existence rather than from any external grant, and as retained beyond Antarctica's borders, for example by a whale that migrates to breed elsewhere. The article also covers rights to representation in proceedings and to restoration of harm caused.

All rights, Cormac noted, must be capable of limitation, which Article Four addresses. Not every being holds identical rights, given differences in their nature (what matters to ice may not matter to a penguin), and conflicts between rights must be resolved in the way best for Antarctica and the community as a whole, echoing how conflicting human rights are resolved in the interest of the collective. Limitations are not prohibited outright but must be justified and proportionate, a principle drawn from human rights law, comparable to the restriction of movement during the COVID-19 pandemic in the interest of the greater good.

Article Five sets out the corresponding general duties of peoples and institutions: to respect and protect Antarctica, to take reasonable measures to coexist harmoniously with it, to give effect to its legal status, to avoid unjustifiable violations of its rights, and to pursue ways of living that enable harmonious

coexistence, restoring harm where it has occurred. This mirrors the broader challenge facing humanity of learning to live within the community of life without degrading it.

The Declaration also sets out principles to promote harmonious coexistence: kinship, individual and collective responsibility, the principle that conservation of Antarctica must carry more weight than financial gain, and the application of a precautionary approach.

Article Six adds duties specific to states, over and above the general duties applying to all humans, including taking legislative and other measures to align domestic law with the Declaration, an iterative process that could over time extend to amending the Antarctic Treaty System itself, and appointing ambassadors to promote good relations with Antarctica.

Article Seven addresses decision-making. At present, decisions about Antarctica are taken by a group of states largely pursuing their own national interests rather than necessarily Antarctica's best interests. The Declaration calls for human systems to change so that Antarctica can be effectively represented, for decision-making affecting Antarctica to be wise and to promote harmonious coexistence, and for humility in recognising the limits of human understanding of what it is to be Antarctic, since humans did not evolve there, while paying close attention to Antarctica to learn.

Article Eight governs activities within Antarctica. There must be a compelling reason for any activity to take place at all; it must remain peaceful, as is already the case, and must not violate Antarctic rights or freedoms. Research should be prioritised where it advances understanding of Antarctica's best interests rather than being conducted primarily for the researcher's own benefit. Fishing and harvesting raise the underlying question of whether humans should act as predators within an ecosystem they did not evolve within at all; where such activity does occur, it must not have a significant adverse effect on populations, and must be modified if later shown to be harmful.

Article Nine, implementation, sets out only the basic principles, since a wide consultative process is envisaged after signing to determine the appropriate institutional arrangements. Key principles include the need for global collaboration, the establishment of new institutions consistent with listening to Antarctica, ensuring that planning and action serve Antarctica's best interests, and that anyone representing Antarctica does so with integrity, expertise and genuine commitment.

Article Ten addresses interpretation. Where there is doubt about wording, interpretation should be guided by the Declaration's spirit and purpose and by the principle of harmonious coexistence. The list of recognised rights is deliberately left open, so further rights may be recognised in future.

Questions and Answers, Round Two

The Antarctic Treaty as a model for the Moon

Colin, who works in space policy and space law and has an interest in Rights of Nature, raised what he called a left-field question. He has been considering the Antarctic Treaty as a possible model for how humanity might treat the Moon, where no proper governing treaty currently exists despite growing national and commercial mining interests, and asked whether Cormac had thoughts on the Treaty as a prototype for a collective approach to the Moon.

Cormac said he knew others working specifically on Rights of Nature approaches to the Moon, though he had not applied his own thinking to it directly. He suggested the general method used for Antarctica might be helpful: starting from the nature of the being in question, Antarctica in one case, the Moon in the other, and examining the relationship between humans and that being, asking whether it is helpful or harmful

and whether it needs to be reconceived. For Antarctica, the fundamental shift was moving away from territory subject to political claims toward a community of life; the considerations for the Moon would differ, but the general approach might still be useful, even if the outcome would look quite different given how fundamentally different the Moon is from Antarctica.

Anticipating opposition

Dafit asked whether the Antarctic Rights movement expects opposition, and if so, what strategies are being put in place to address it.

Cormac said opposition is very likely from some quarters, for example from countries with existing claims to parts of Antarctica who may resist the idea of Antarctic autonomy. No specific strategies have yet been worked out to counter that opposition; the current focus is building a strong body of support around these ideas, starting with those closest to the movement's position, and dealing with resistance as it arises, noting that the Declaration itself is not yet finalised. What can be done now is to communicate that the intention is to act in the public good: what is good for Antarctica is good for humanity as a whole, and the initiative is not intended as antagonistic to humanity's interests.

Harmonious coexistence versus resource use

Alberto asked Cormac to say more about the concept of harmonious coexistence, which recurs throughout the Declaration and is addressed again in the interpretation article. He noted it brings to mind the concept of "reasonable resource use" used by countries such as China and Russia, non-claimant states expanding their scientific and logistical footprint in Antarctica, and asked whether harmonious coexistence implies limits on what humans can do on the continent, or something different.

Cormac called it a very good question, and distinguished the concept sharply from reasonable use of natural resources. Most governments still measure success primarily through GDP and economic growth, which in his view causes significant ecological damage and remains fundamentally anthropocentric. Sustainable development was originally conceived to prevent the worst of that damage, but in practice, he argued, it has increasingly become about sustaining development itself, without meaningfully limiting human activity for the sake of ecological health.

Harmonious Coexistence Within Nature is closer to Harmony with Nature, a term developed primarily within biodiversity policy and the stated overall objective of the Kunming-Montreal Global Biodiversity Framework. The word within is used deliberately to emphasise that humans are inside Nature, not outside it, and coexistence reflects that this is not a single binary relationship between humans and Nature, but a matter of maintaining good relations with many different beings at once, an idea also reflected in indigenous constitutional traditions, such as Ecuador's recognition of the Rights of Nature in service of living well, or *buen vivir*. Recognising Rights of Nature is a means to that end, not an end in itself. Cormac framed this as an aspirational goal for humankind more broadly, with the Antarctic Declaration as one step toward it.

Great power competition and enforcement

Subrat, who researches international relations and the geopolitics of the polar regions as global commons, asked how realistic it is to enforce an ecocentric declaration when the existing Antarctic Treaty System already struggles to prevent dual-use infrastructure, given that polar regions, like outer space, are increasingly subject to great power competition. He also asked how far the ontological security of Antarctica's flora and fauna can hold up against the insecurity driven by competing states, as already seen play out in Greenland.

Cormac called it a very good question, and said that in his experience the only force stronger than states is people. The existing system, involving a relatively small number of states, has not been successful enough, as Subrat noted. One option is to try to change it from within, difficult given the requirement for unanimity; the other is to build change from outside, gathering broad public support first, then support from states, particularly small island states with the most to lose, who may not be Treaty parties but could still join the movement, creating a coalition capable of exerting real political pressure.

That does not resolve the underlying question of how to physically stop harm to Antarctica: a mining or krill fishing vessel will still need to be stopped by people, not by Antarctica or its penguins and whales. Organisations such as Sea Shepherd, which physically intervene against krill fishing, arguably already play something like that role, and this is an area the next phase of the project is expected to explore further. Cormac said the effort does not need to remain the exclusive domain of states, though as many states as possible signing on to protect Antarctica's rights would certainly be welcome; this has to be a wider effort than working with just a few states.

Native Antarcticans and next steps

Marisa returned to Cormac's earlier point that humans exist within Nature rather than apart from it, suggesting that recognising the rights and intrinsic value of Antarctica alongside the existence of native Antarcticans could give the initiative both an ecological and an ethical, inclusive dimension. She asked for a contact address to discuss how native Antarcticans' perspective and the Declaration might contribute to each other.

Roberta invited her to reach out directly, and noted that this was only the first webinar. The QR code shared during the session links to a dedicated Declaration page, where the text is currently available in English, French and Spanish, along with a feedback form in the same three languages that includes guiding questions as well as open fields for general feedback. The page also lists upcoming events, including in-person sessions in Berlin and Cape Town, and further webinars in different time zones and languages, with sessions in Spanish, French and Italian in preparation, reflecting the languages spoken across the executive committee. The input window remains open until 30 September, and participants can join the Antarctic Rights Alliance via the QR code, submit feedback through the form, or write directly to antarcticrights@garn.org.

Closing Remarks

Roberta thanked all participants for their involvement, their thoughtful questions, and for spending an hour and a half together, adding that the team was very pleased that so many chose to join. She thanked Cormac, the team behind the scenes, Sara and Stefania, and the interpreters, Ramon and Jean-Jacques, before wishing everyone a good day or evening.