

IUCN WORLD COMMISSION ON ENVIRONMENTAL LAW

Webinar Series: The Transformative Power of Law

**Antarctica as a Living Community and Rights-Holder:
Duties, Representation, and Governance in a Changing Climate
Wednesday, 5 August 2026, 3:00-4:00 pm CEST. Online webinar**

1. Overview

This webinar, convened by the IUCN World Commission on Environmental Law's (WCEL) Rights of Nature Specialist Group, examined what it would mean to recognise Antarctica as a living community and rights-holder under international law. The session followed the adoption of Resolution 54 ("Recognition of the Rights of Antarctica") at the 2025 IUCN World Conservation Congress in Abu Dhabi, and introduced the draft Antarctic Declaration, an initiative of the Antarctic Alliance, open for public consultation ahead of its planned adoption on Antarctica Day, 1 December 2026, in Cape Town.

The discussion was framed around three questions that ran through the whole session:

Duties:

If Antarctica is a rights-holder, who owes it obligations, what do they consist of, and how is compliance assessed?

Representation:

Antarctica's fate is decided in forums where it has no standing; without legal representation, rights recognition remains symbolic.

Relationship to the existing regime:

Does rights recognition sit alongside the Antarctic Treaty System (ATS) as a complement, or function as a corrective to it?

2. Agenda and Speakers

3:00–3:05	Opening remarks	Ayman Cherkaoui, Deputy Chair IUCN WCEL / Director, Hassan II International Centre for Environmental Training
3:05–3:15	IUCN and Antarctica: the 2025 Resolution and beyond	Prof. Philippe Cullet & Dr Harsh Bhati, Chair & Deputy Chair, IUCN WCEL Rights of Nature Specialist Group
3:15–3:25	Protecting Antarctica's intrinsic value: current regime and future prospects	Dr Ricardo Roura, Independent Scholar and Senior Advisor, Antarctic and Southern Ocean Coalition (ASOC)
3:25–3:35	Intrinsic value of Antarctica and inherent rights	Linda Sheehan, Executive Director, Environment Now
3:35–3:45	Relationship between the ATS and the Antarctic Declaration	Cormac Cullinan, Executive Director, Wild Law Institute
3:45–4:00+	Open Q&A	Full panel

3. Speaker Calibre: Who is in the Room

The panel combined the treaty-law establishment, the leading legal architect of the global rights-of-nature movement, and the practitioner voice from inside the Antarctic conservation system, giving the session both institutional authority and intellectual originality.

Prof. Philippe Cullet - *Chair, IUCN WCEL Rights of Nature Specialist Group*

Professor of International and Environmental Law at SOAS University of London and Visiting Professor at the National Law University Delhi. Holds a JSD from Stanford, an LLM from King's College London, and a Licence en droit from Geneva. Chairs the IUCN WCEL's rights-of-nature work and co-chairs the International Law Association's Committee on Rights of Nature. Currently leads a €2.48 million European Research Council Advanced Grant (2025–2030) on water conflicts in South Asia. Author of multiple monographs on environmental and water law.

Dr Harsh Bhati - *Deputy Chair, IUCN WCEL Rights of Nature Specialist Group*

Lawyer, researcher and educator in environmental, cultural heritage, natural resources and energy law. Holds a doctorate in environmental law from Uppsala University (Sweden), an LLM in Environmental, Natural Resources and Energy Law from Lewis & Clark Law School (where he received the Environmental Ambassador LLM Award), and a law degree from Jindal Global Law School, India.

Dr Ricardo Roura - *Independent Scholar and Senior Advisor, Antarctic and Southern Ocean Coalition (ASOC)*

Antarctic conservation professional with a PhD from the University of Groningen and fourteen field seasons in Antarctica, including winter-overs with Greenpeace, the Argentine Antarctic programme and the University of Canterbury (NZ). Since 1997 he has represented ASOC — the official environmental NGO observer — at Antarctic Treaty System fora, and currently serves as ASOC's representative to the Committee for Environmental Protection, the ATS's environmental advisory body.

Linda Sheehan - *Executive Director, Environment Now*

Holds a B.S. in chemical engineering (MIT), an M.P.P. (UC Berkeley Goldman School of Public Policy) and a J.D. (UC Berkeley Law). Co-founded and led Earth Law Centre, the first NGO dedicated to advancing nature's rights; previously Senior Counsel at the Leonardo DiCaprio Foundation and Executive Director of the California Coastkeeper Alliance. Has given invited testimony to the UN General Assembly, taught nature's-rights law at Vermont Law School, and published widely, including in *Environmental Rights: The Development of Standards* (Cambridge University Press, 2019).

Cormac Cullinan - *Executive Director, Wild Law Institute; Secretariat, Antarctic Alliance*

South African environmental attorney and one of the founding figures of the global rights-of-nature movement. His book *Wild Law: A Manifesto for Earth Justice* (2002) pioneered the field of Earth Jurisprudence. Led the drafting of the Universal Declaration of the Rights of Mother Earth (Bolivia, 2010) and of the current draft Antarctic Declaration. Founder and Executive Committee member of the Global Alliance for the Rights of Nature; judge of the International Rights of Nature Tribunal. Awarded the 2025 Shackleton Medal for the Protection of the Polar Regions. Has advised governments in more than 25 countries and addressed the UN General Assembly on Earth Jurisprudence.

Ayman Cherkaoui - *Deputy Chair, IUCN WCEL; Director, Hassan II International Centre for Environmental Training*

Chaired the session; senior figure within IUCN WCEL's leadership and directs one of the Commission's key training institutes.

4. Capture: Concepts and Discussion

4.1. Why Antarctica, why now; the opening frame

Ayman Cherkaoui opened by situating the session within WCEL's broader mandate, a network of over 1,500 environmental law specialists tasked with advancing the development and use of environmental legal concepts. He set out the scale of what is at stake: Antarctica covers roughly a tenth of Earth's land surface, drives global ocean circulation, holds about 70% of the world's fresh water and 90% of its ice, and shapes climate thousands of kilometres away, yet almost no one lives there.

He traced the legal history from Richard Byrd's 1950s hope for Antarctica as "a continent of peace," through the 1959 Antarctic Treaty (which suspended sovereignty disputes) and the 1991 Madrid Environmental Protocol, which established the protection of Antarctica's intrinsic, wilderness and aesthetic values as a guiding principle (Article 3). He then identified two structural limits of that regime that motivate today's discussion:

- Jurisdictional limit: the greatest threats to Antarctica (chiefly climate change) originate outside the treaty area, beyond its reach.
- Procedural limit: the ATS's consensus requirement lets a single state block measures with strong scientific backing, as has repeatedly happened with proposed marine protected areas (MPAs) under CCAMLR (the Convention on the Conservation of Antarctic Marine Living Resources).

He located Resolution 54 within a wider IUCN lineage: Resolution 100 (2012, urging the Union to treat rights of nature as core to its work), Resolution 75 (2016, on inherent rights), and the cluster of five rights-of-nature resolutions passed alongside Resolution 54 at the 2025 Congress (on nature in territories, rivers, and ecological recovery), all now carried forward by the Rights of Nature Specialist Group.

4.2. IUCN and Antarctica: the 2025 Resolution and beyond — Prof. Cullet & Dr Bhati

Prof. Cullet explained that Resolution 54 is unusual among rights-of-nature resolutions in that it explicitly acknowledges an existing, complex legal regime (the ATS) rather than starting from a blank slate. Its mandate to WCEL and IUCN is to evaluate the concept of Antarctica's fundamental rights and the corresponding duties of humans, and to protect Antarctica's intrinsic value and dependent ecosystems. He framed the webinar's open questions: who may represent Antarctica and Antarctic beings in decision-making and legal proceedings; what duties follow for states, individuals and institutions; whether existing non-market rules (the mining moratorium, pollution prohibitions) can serve as building blocks; and whether carve-outs such as the scientific and tourism exceptions reveal a need for stronger representation.

Dr Bhati added that Antarctica is a distinctive case for the rights-of-nature field: unlike rivers, forests or mountains, which are usually within a single domestic jurisdiction and often linked to indigenous or local communities, Antarctica has no permanent human community and sits under a distinctive international governance regime, while remaining central to global climate stability, ocean circulation and biodiversity. This makes representation the central problem: Antarctica's interests cannot be reduced to human preference or political convenience, and may instead need to be approached through ecological integrity, precaution, scientific knowledge, cultural plurality, and intergenerational responsibility.

4.3. Protecting Antarctica's intrinsic value: Dr Ricardo Roura

Dr Roura offered a practitioner's view grounded in the Madrid Protocol. Key points:

- Intrinsic value is the value something has in itself, independent of any use or benefit to humans (its instrumental value). The Protocol protects it, remarkably and unusually, alongside wilderness, aesthetic and scientific values, though it leaves the terms undefined; parties have applied them operationally (e.g. in designating Antarctic Specially Protected Areas and environmental impact assessments).
- Antarctica's intrinsic value resides in the whole, not a checklist of parts (penguins, ice, seals). Protecting the whole should, in principle, shape every human interaction with the continent — not just protect selected representative components while treating the rest as exploitable resource.
- That tension is sharpest in the Southern Ocean: CCAMLR does not mention intrinsic value and defines conservation to include "rational use," reflecting an instrumental focus, despite requiring an ecosystem approach and a precautionary standard against irreversible damage. The krill fishery, feeding mostly non-essential markets (supplements, pet food, aquaculture feed), exemplifies the contradiction, since krill underpins the entire Southern Ocean food web and its carbon sequestration.
- He argued that the integrity and connectivity of the Antarctic marine ecosystem should itself be treated as part of Antarctica's intrinsic value, consistent with, and achievable within, the existing CCAMLR framework (e.g. proposals to protect 30% of the Southern Ocean by 2030, which already have broad member support but lack full consensus).

His conclusion: whatever legal lens is used, the responsibility is the same, to preserve what makes Antarctica what it is, for its own sake and for future generations, human and non-human, and the legal foundations to do so are largely already in place.

4.4. Intrinsic value and inherent rights; the draft Antarctic Declaration: Linda Sheehan

Linda Sheehan grounded the discussion in Earth-community thinking: most legal systems rest on the (scientifically indefensible) premise that humans are separate from and superior to the rest of nature. The global rights-of-nature movement seeks to correct this by recognising other beings, animals, rivers, ecosystems, as subjects with inherent rights, arising simply from their existence as part of the community of life, just as humans claim inherent rights.

She traced the legal lineage from IUCN Resolution 100 (2012) through WCEL's 2016 Declaration on the Environmental Rule of Law (which paired an obligation to promote nature's well-being with the principle that nature has an inherent right to exist, thrive and evolve), to the new IUCN Antarctica and Southern Ocean Strategy (2025) and Resolution 54.

She then introduced the draft Antarctic Declaration (available at AntarcticRights.org), highlighting its core proposals:

- Recognising Antarctica as an autonomous, self-regulating entity with a unique international legal status.
- Upholding the inherent rights of Antarctica and Antarctic beings, including the right to exist and maintain identity and ecological integrity.
- Ensuring Antarctica is represented in decisions that affect it, with those decisions guided by Antarctica's own best interests.
- Establishing corresponding human duties to respect and protect Antarctica's intrinsic value and beauty.

She drew an explicit parallel to the Universal Declaration of Human Rights (1948), which did not replace international law but set standards that guided its evolution, arguing the Antarctic Declaration is intended to work the same way relative to the ATS. The declaration is open for public comment now, with adoption planned for Antarctica Day, 1 December 2026, in Cape Town, South Africa, one of the original Antarctic Treaty signatories and the only African ATS consultative party.

4.5. Relationship between the ATS and the Antarctic Declaration: Cormac Cullinan

Cormac Cullinan, invoking Thomas Berry's framing of the universe as "a communion of subjects, not a collection of objects," argued that humans are part of, not separate from, the Earth community, and that legal systems must evolve to reflect that ecological reality. He set out why the existing regime, though groundbreaking for its time, is insufficient: the greatest threat to Antarctica (climate breakdown) originates outside the treaty area, and conservation measures, such as new MPAs, have repeatedly been blocked for political reasons unrelated to Antarctica's own interests.

He was explicit that the Antarctic Declaration does not seek to replace the ATS. The two instruments differ in kind:

- The ATS is an agreement between contracting states; it defines a governance system, who has a seat, and how human activity in Antarctica is managed.
- The Declaration is not an inter-state agreement. It defines the legal status and inherent rights of Antarctica and Antarctic beings, and the duties that follow for all humans, not only signatory states, because those duties arise from humanity's actual dependence on Antarctica's stability.
- The ATS treats Antarctica as a place for peaceful scientific collaboration, managed by the states conducting that research. The Declaration treats Antarctica as a subject that affects, and is affected by, everyone (chiefly via climate change), shifting the focus from managing activity within Antarctica to changing global behaviour that affects Antarctica from outside.

He closed by framing the initiative as an experiment in building governance institutions fit for the 21st century: rather than treaty-based institutions that reflect only state interests, the Antarctic Alliance is working toward governance that treats people as members of the Earth community with responsibilities to it, not merely as citizens of states.

5. Question and Answer Session

The Q&A drew a large number of written questions from an engaged, expert audience — several from named specialists in Antarctic governance, ASOC and rights-of-nature law — of which the panel addressed the following in the time available.

5.1. Representation and accountability

Andrew Kelly asked how recognition of Antarctica as a rights-holder would become operational inside the ATS, who would represent it, with what authority, and whether this could constrain a state's use of consensus to block protective action. Cormac Cullinan responded that, at present, Antarctica has no seat at any governance table; only state representatives do. If Antarctica were accepted by a domestic legal system as a legal subject, it could be represented in that country's courts; if accepted as a subject of international law, it would be entitled to standing within the UN system or the ATS. Answering how humans can "listen" to Antarctica and represent that faithfully in decision-making is, he said, the central and hardest question, one the Antarctic Alliance intends to work through deliberately, via an inclusive process, after the Declaration is signed on 1 December, rather than rushing to a premature answer.

5.2. Political will and public awareness

Sophie/Tophy Lloyd asked about the consistency of political will and voting behaviour among states. Linda Sheehan noted early signs of support and curiosity (alongside some concerns) in various fora, and pointed to the multilateral adoption of Resolution 54 at the 2025 Congress as a strong indicator of openness to a stronger relationship with Antarctica.

An audience member asked about the biggest challenge in raising public awareness of the rights-of-nature movement. Dr Roura reflected, drawing on his geology background, that establishing new legal and ecological paradigms, like the Antarctic Treaty System itself, inherently takes time, and rights of nature in Antarctica will be no exception. Dr Bhati added that rights of nature is often misunderstood as purely symbolic or philosophical rather than a legal and governance approach already embedded in some constitutions (e.g. Ecuador). He stressed that the concept is not about excluding humans from nature but about shifting humanity's relationship to it, from ownership, extraction and management toward duties of care, restraint, restoration and representation, and that public communication needs to make Antarctica's deep, if invisible, connection to everyday life (climate stability, sea-level rise, ocean circulation) more visible.

5.3. Other models and comparative governance

Leslie Adams asked whether the governance model of the International Space Station might be relevant. Linda Sheehan agreed this is a useful comparison, another shared political space governed by agreements now under pressures unforeseen when they were drafted in the late 1950s — and suggested there is room to draw across these fields.

Gary Friedlander asked whether the group had considered pursuing UN member-state-style status for nature via sovereignty over unclaimed territory (Marie Byrd Land), referencing his own prior paper on this and alternative UN recognition pathways. This was noted among the unanswered questions due to time.

5.4. Jurisdiction and coexistence with the ATS

Victor David asked in which court Antarctica's rights would be justiciable. Horacio Werner asked how the Declaration is intended to coexist with the ATS in governance terms. These were raised but, given time constraints, were folded into Cormac Cullinan's closing remarks on representation (see 5.1) rather than answered individually.

5.5. What concrete problem does this solve?

Horacio [Vanda], of the Agenda Antarctica Foundation, asked what concrete short- or medium-term problem the initiative aims to solve, beyond the ethical and rights dimension. Dr Roura responded that he would not frame the

Declaration as solving a short- or medium-term problem, or as a panacea; he described it instead as a longer-horizon shift in how humanity relates to Antarctica, one that, over time, should improve outcomes for the continent and, hopefully, for other beings including humans.

5.6. Coordination within IUCN

Scott [Hajost/name unclear in recording], ASOC Board Vice-Chair and a member of the IUCN Antarctic and Southern Ocean Task Force who helped anchor Antarctica into IUCN's 20-Year Vision, asked how the Rights of Nature Specialist Group is coordinating with the IUCN Secretariat and the Antarctic and Southern Ocean Task Force on Resolution 54. Dr Bhati confirmed that WCEL and the Secretariat, while technically linked, are organisationally distinct, and that engagement on coordinating timing began only a couple of months prior to the webinar and is ongoing.

5.7. Unanswered / deferred questions

Time did not permit responses to all questions. Notably unanswered on the recording: Irina Rose's question on Kaitiakitanga (Māori guardianship concepts) as a comparator; and Elache Rashviane's question asking the panel to elaborate further on representation and accountability mechanisms. The panel encouraged participants to continue the discussion in writing and via the public consultation on the draft Declaration.