

Rights of Nature for Antarctica: Unique Challenges and Promises

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Talk to Friends of the River Cam

Cambridge

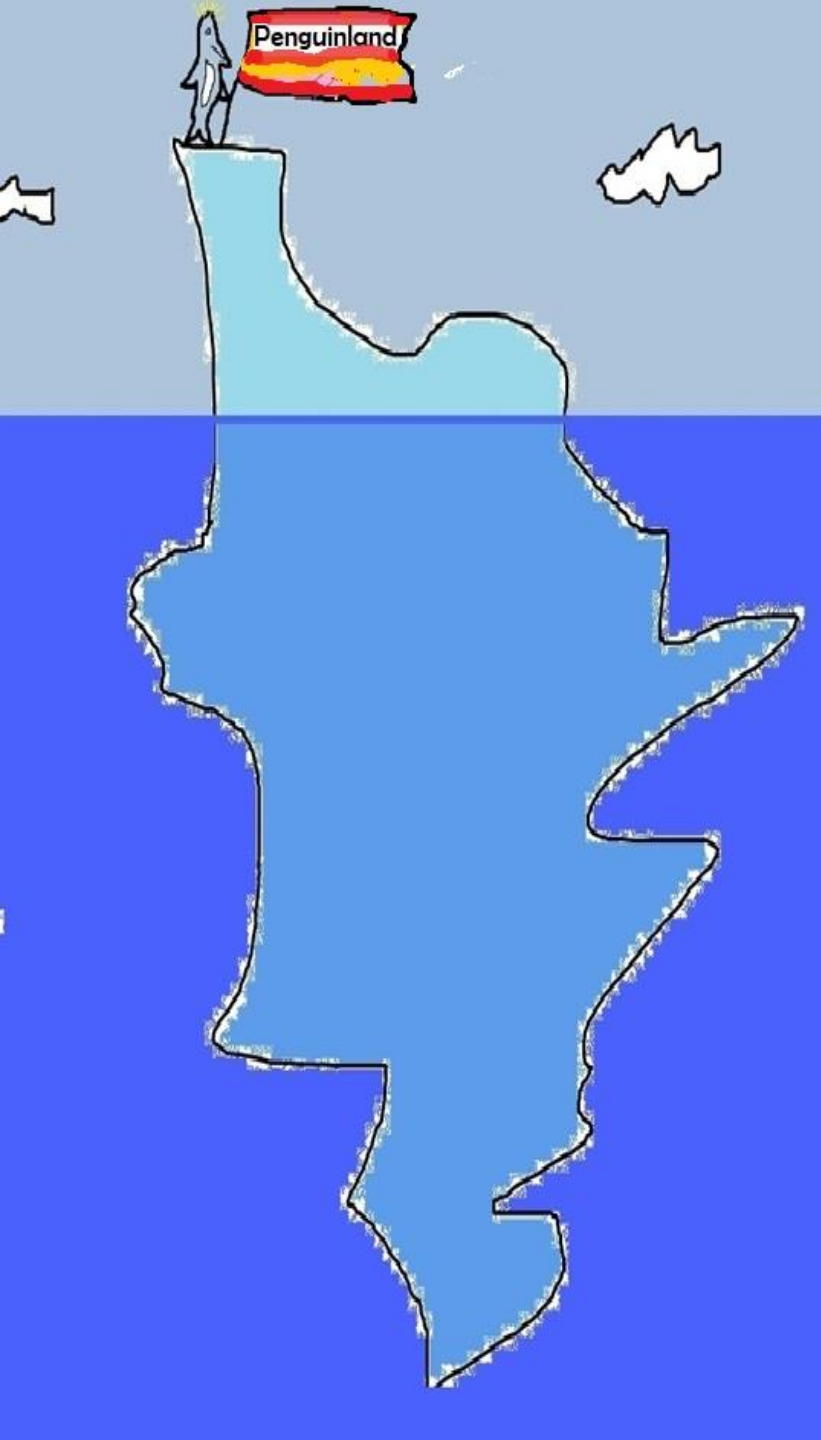
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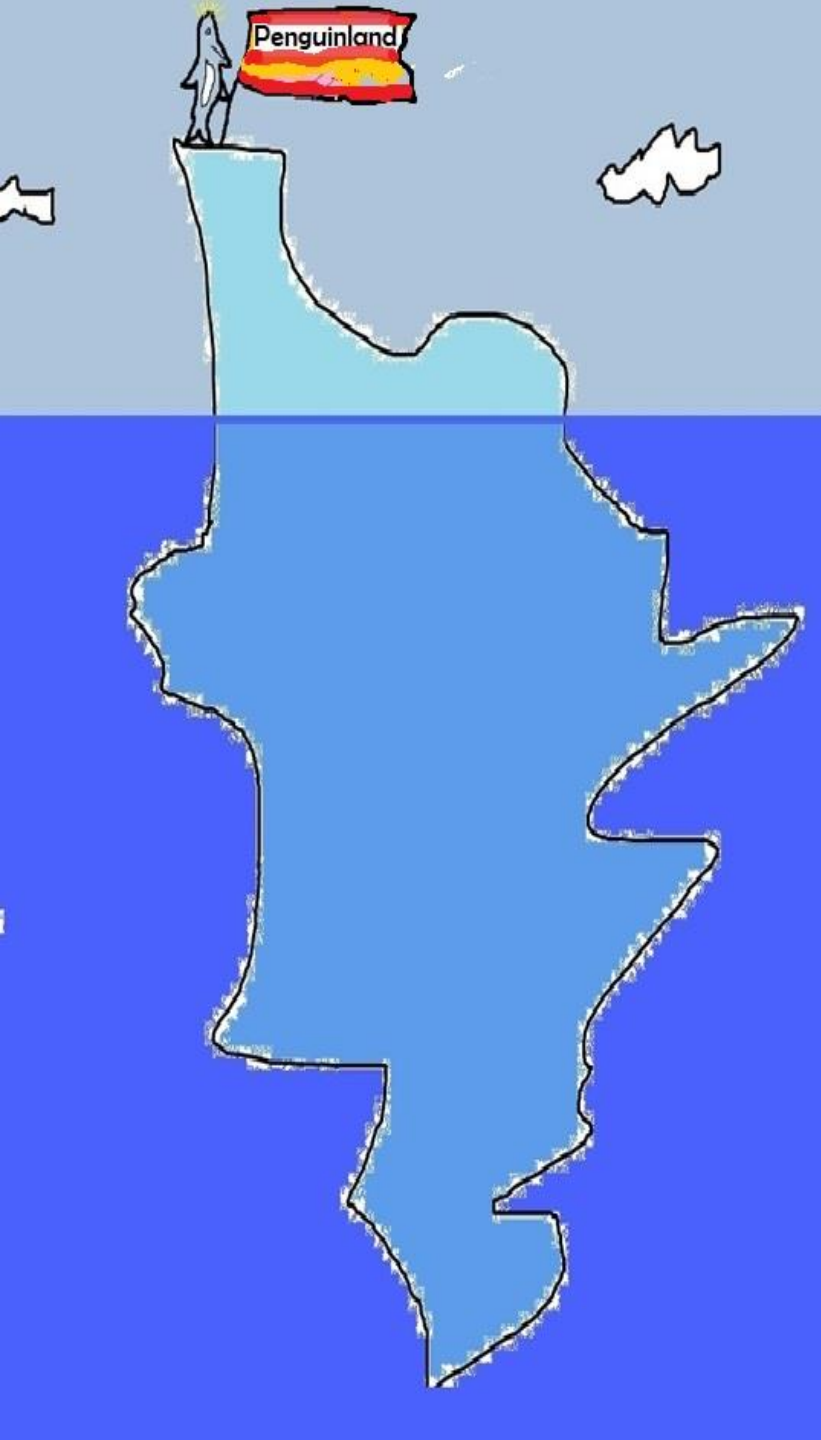


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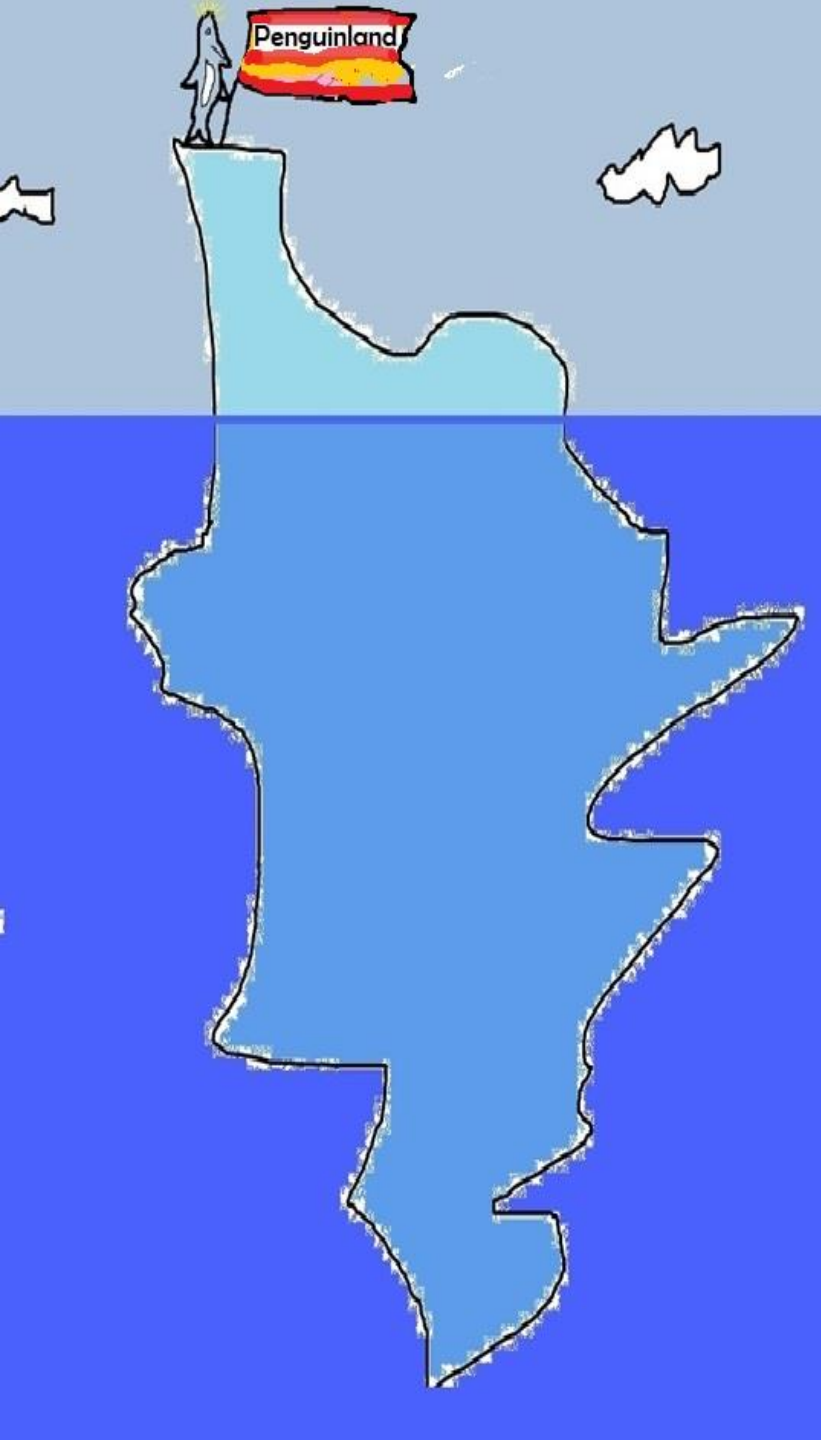
Flash Antarctic quiz

- Which states have claimed territory in Antarctica? What is the status of those claims?
- When was the AT signed?
- How many countries are part of the AT today?
- What were the AT's main objectives?
- When was the Environmental Protocol signed?
- What happens in 2048?



Plan

1. Giving nature rights
2. Giving rights to Antarctica
 - Political, legal, and institutional challenges
3. And yet, why is it promising?

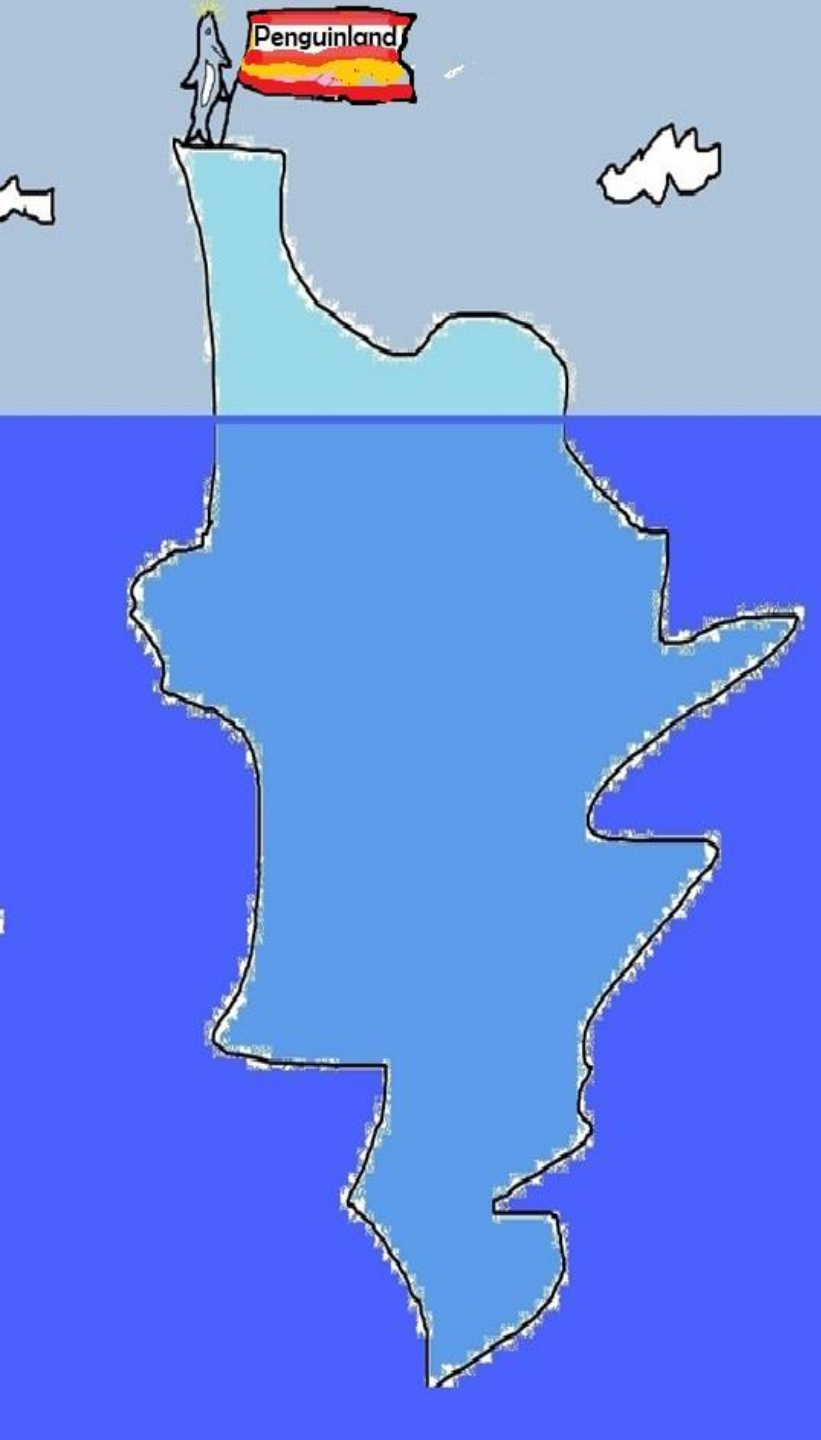


1. Giving nature rights

The cases of Ecuador, Bolivia, and New Zealand

“Because we are part of nature, to speak of nature’s rights is to speak of the rights of communities, the rights of the Huaorani, the rights of the uncontacted tribes, because they live from nature. Recognizing the rights of nature was thus a recognition of their own rights.”

Sofía Espín
(Ecuadorian Constitutional
Assembly)



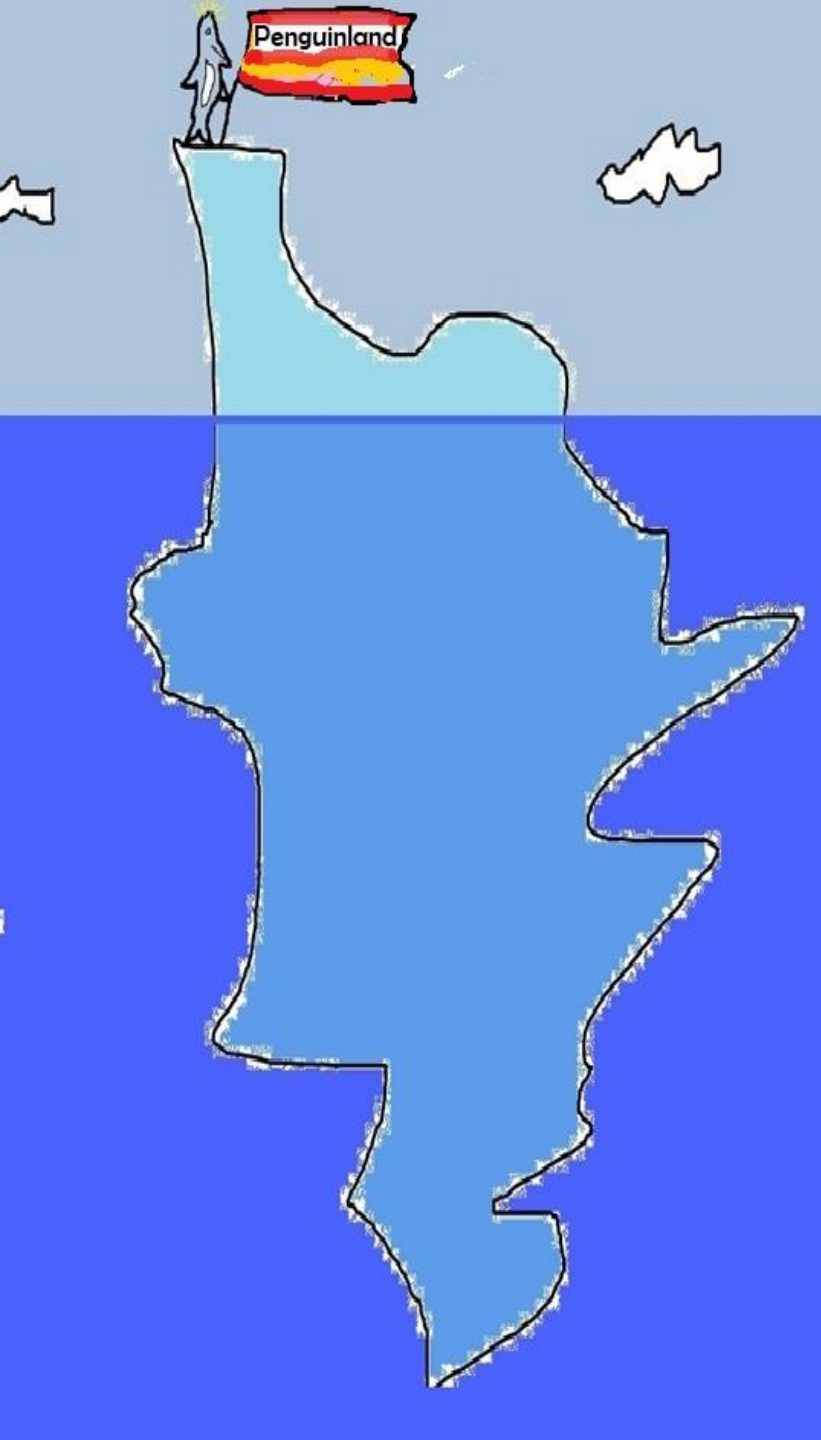
1. Giving nature rights

The cases of Ecuador, Bolivia, and New Zealand

“These recent examples were not designed in order to give more rights to nature or in order to uphold the environmentalists’ claims of according legal personality to nature. Instead, they were devised as a way to better uphold the human rights of the indigenous Māori of New Zealand”.

Catherine J. Iorns Magallanes

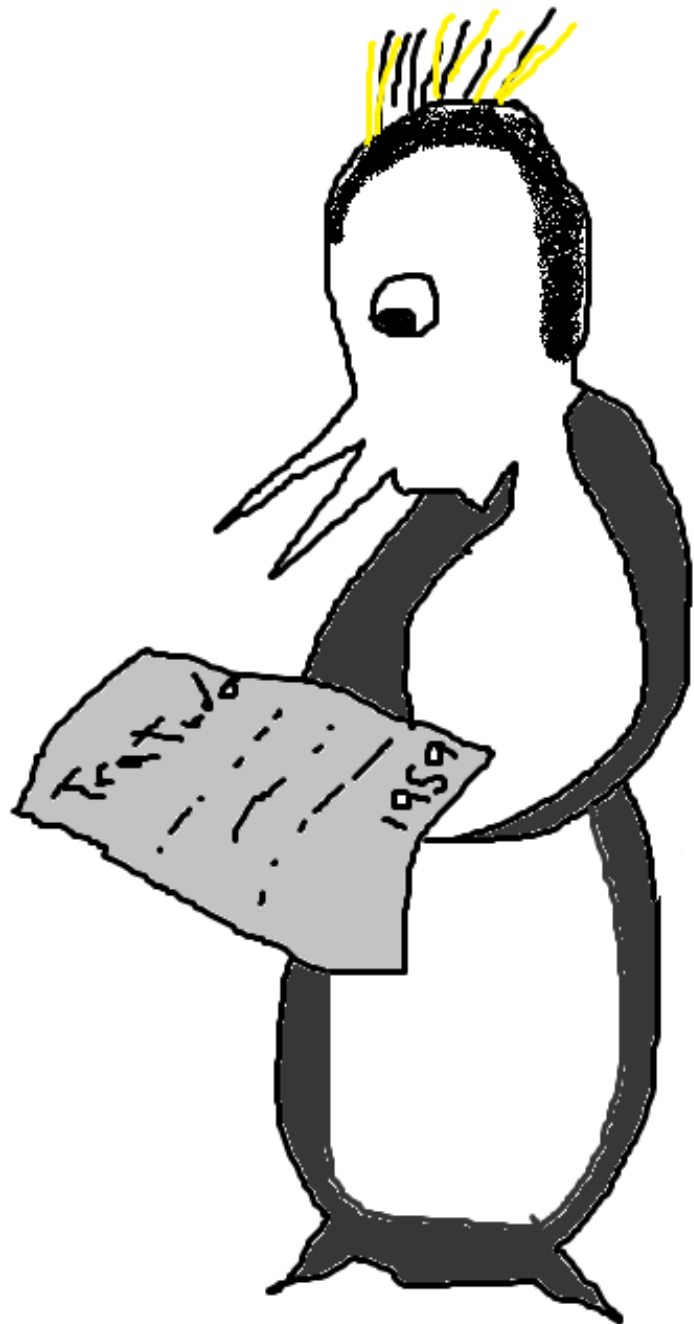
(“Nature as an Ancestor: Two Examples of Legal Personality for Nature in New Zealand”)



2. Giving rights to Antarctica

The Environmental Protocol of the Antarctic Treaty (1991) recognizes the intrinsic value of Antarctica:

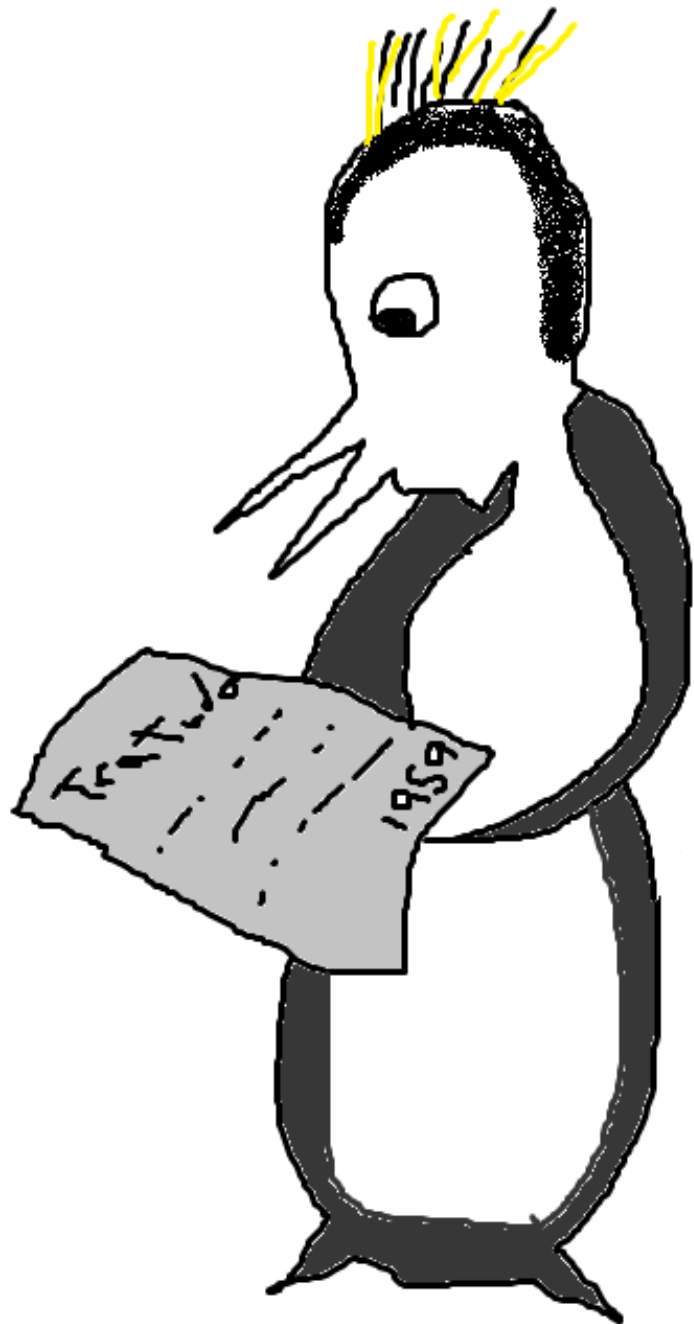
“The protection of the Antarctic environment and dependent and associated ecosystems and *the intrinsic value of Antarctica*, including its wilderness and aesthetic values and its value as an area for the conduct of scientific research, in particular research essential to understanding the global environment, shall be fundamental considerations in the planning and conduct of all activities in the Antarctic Treaty area”.



2. Giving rights to Antarctica

But what does this mean in practice?

- States are represented in Antarctica, but Antarctica remains unrepresented.
- No regulations so far taken *for the sake of* Antarctica.
- Antarctica is absent or, at best, indirectly considered in international fora like the UNFCCC, meetings of CBD and UNCLOS, etc.

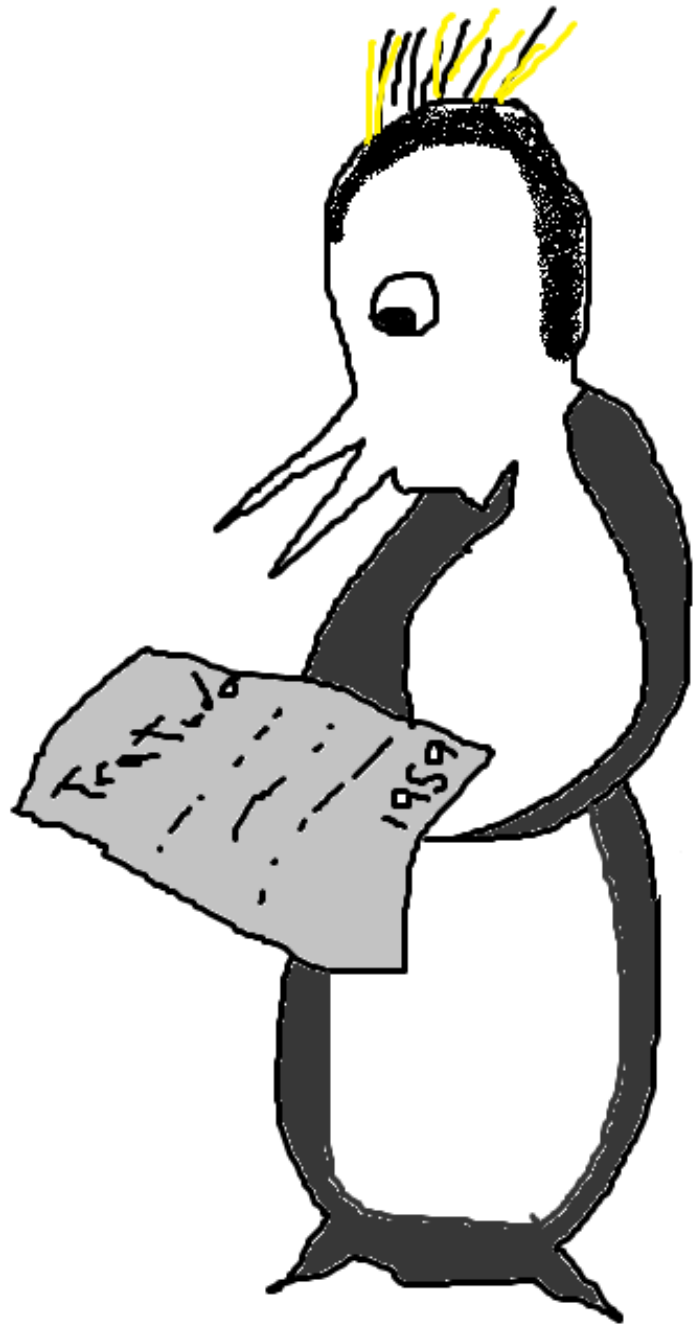


2. Giving rights to Antarctica

So, what would it be like to make Antarctica a legal person?

Challenges that I will gloss over:

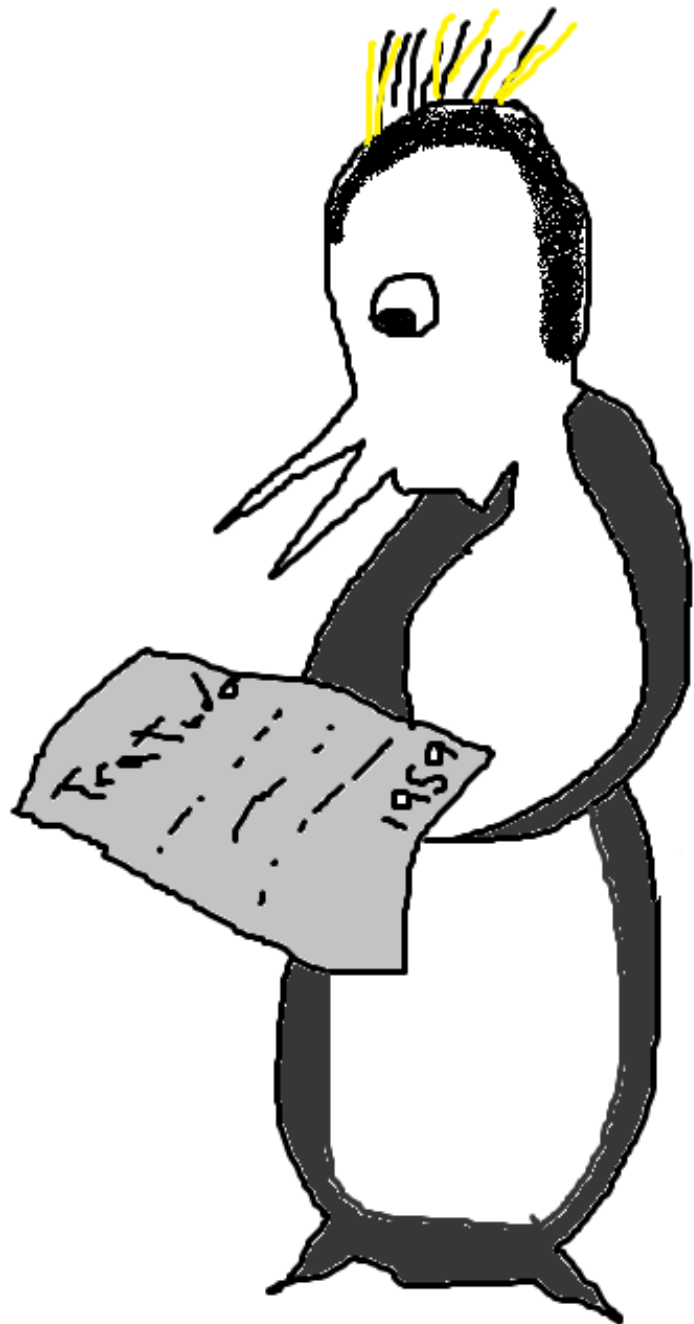
- Conceptual: How to delimit Antarctica
- Epistemological: How to know Antarctica's interests
- Ethical: How to solve conflicts of interest between Antarctica and other entities, human and nonhuman



2. Giving rights to Antarctica

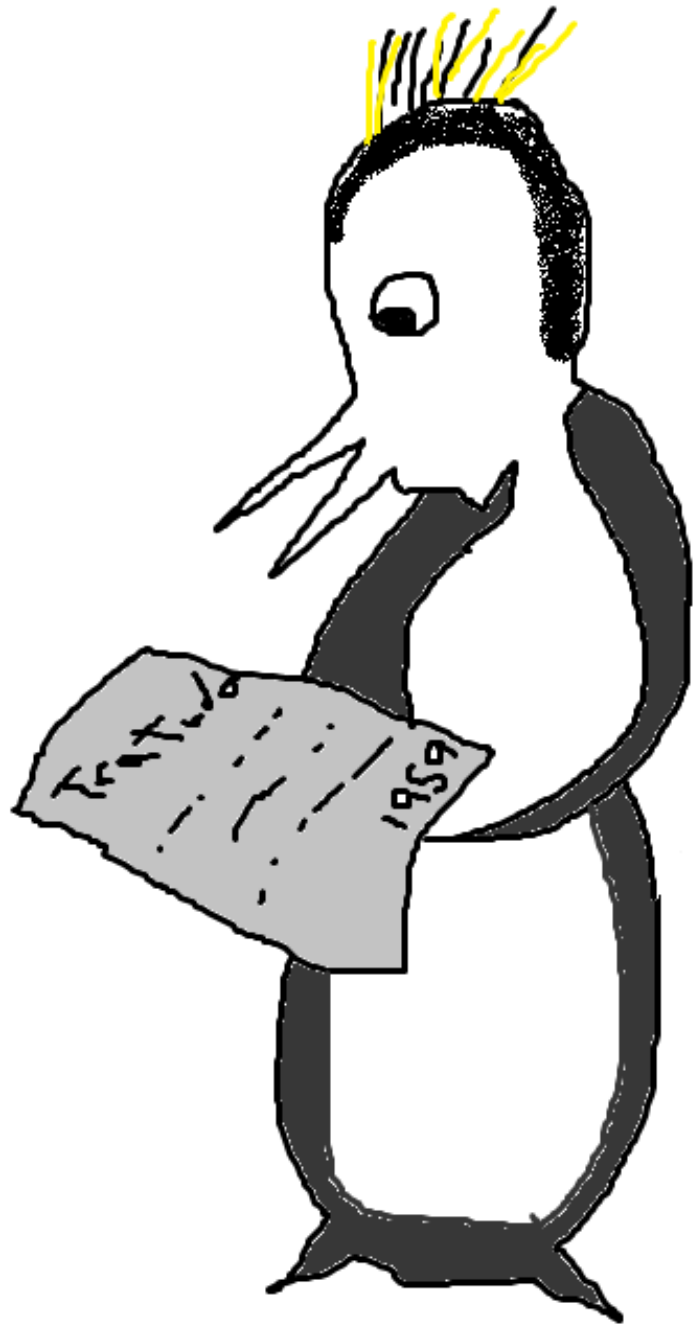
➤ Political challenges

- Feasibility
- Choosing the guardians:
 - People who *know*
 - People who *care*
 - Maybe also people who *couldn't care less?*



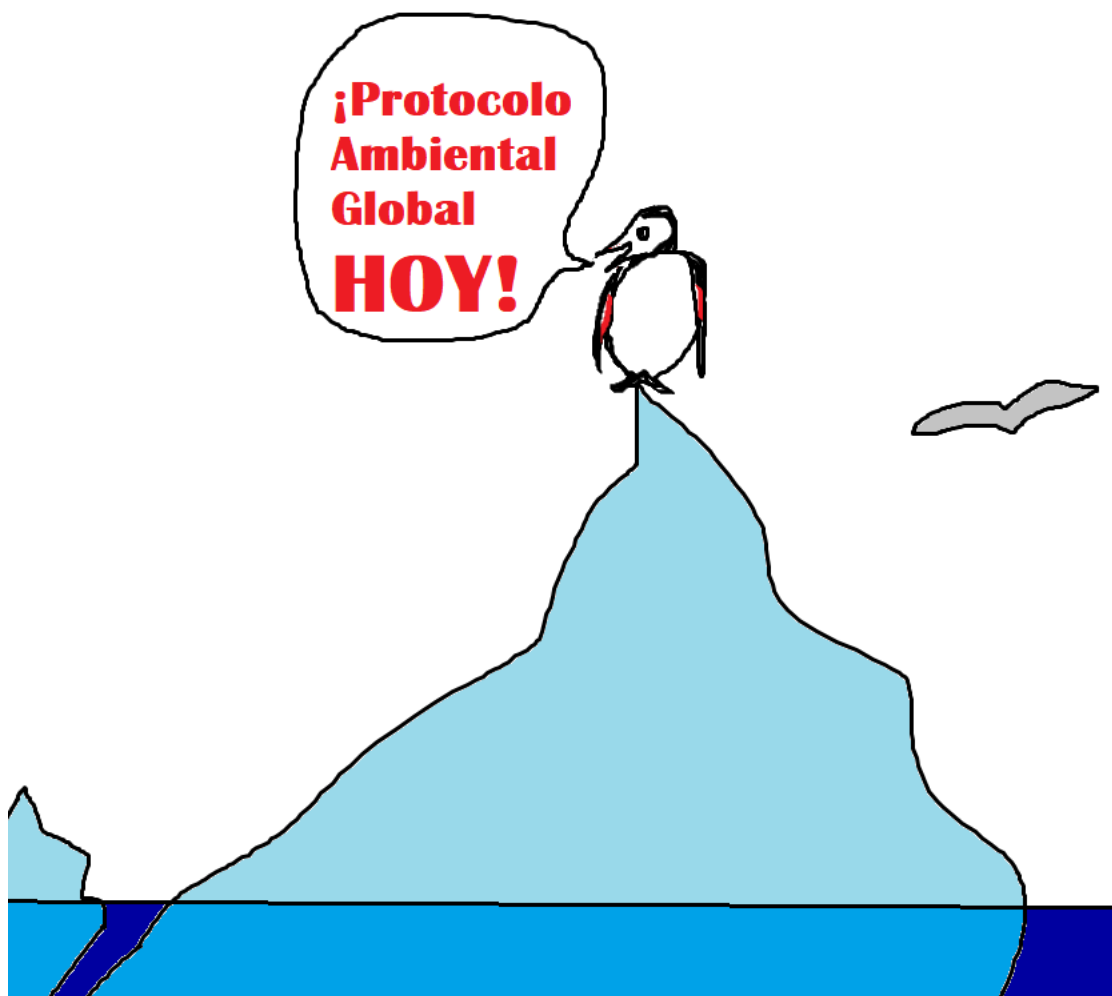
2. Giving rights to Antarctica

- Legal challenges
 - Doubly first of its kind in international law: a *non-state actor* with legal standing, representing *nonhumans*
- Institutional challenges
 - How many representatives?
 - How much decision-making power?
 - Who guards the representatives?



3. And yet, why is it promising?

- Moving beyond methodological anthropocentrism and methodological nationalism in global political governance
- From the 1st December, check <https://www.antarcticrights.org/>



Thank you!