



Environmental Law in “the Last Place on Earth”

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Antarctica is the coldest, windiest, and highest continent on earth. Despite its harsh natural environment, Antarctica is teeming with life from tiny krill to a variety of species of penguins, seals, and whales (including endangered blue whales, the largest creatures ever to exist on earth). Only two percent of the Antarctic land mass is visible because nearly all of the continent is covered with a massive ice sheet averaging more than a mile thick. This ice cap contains nearly 70 percent of all freshwater on the planet and its fate in the face of global warming may have profound effects on the future of the planet's environment.

Antarctica's environment is protected by a unique legal regime that began with the Antarctic Treaty that entered into force in 1961. Pursuant to this treaty the nations that have claimed portions of the Antarctic land mass have agreed to suspend their claims of sovereignty. The 1991 Protocol on Environmental Protection to the Antarctic Treaty designates the continent as a "natural reserve devoted to peace and science." These and other measures, including private codes of conduct developed by the International Association of Antarctic Tour Operators, have dramatically improved environmental practices on the continent.

This lecture will review how well the unique legal regime to protect the Antarctic environment is working. It will discuss the difficulty of taking enforcement action against transgressors, as illustrated by controversies over Japanese whaling in Antarctica and the recent confrontation between the New Zealand navy and a criminal fishing enterprise. The lecture will compare and contrast the legal regime that governs protection of Antarctic's environment with that applicable to the Arctic, where there has been a rush to exploit polar oil resources.