

Polar Bears in Antarctica: An Analysis of Treaty Barriers

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Abstract : The Assisted Colonization of Polar Bears to Antarctica requires a careful analysis of treaties to understand existing legal barriers to *Ursus maritimus* transport and movement. An absence of land-based migration routes prevent polar bears from accessing southern polar regions on their own. This lack of access is compounded by current treaties which limit human intervention and assistance to ford these physical and legal barriers. In a time of massive planetary extinctions, Assisted Colonization posits that certain endangered species may be prime candidates for relocation to hospitable environments to which they have never previously had access. By analyzing existing treaties, this paper will examine how polar bears are limited in movement by humankind's legal barriers. International treaties may be considered codified reflections of anthropocentric values of the best knowledge and understanding of an identified problem at a set point in time, as understood through the human lens. Even as human social values and scientific insights evolve, so too must treaties evolve which specify legal frameworks and structures impacting keystone species and related biomes. Due to costs and other myriad difficulties, only a very select number of species will be given this opportunity. While some species move into new regions and are then deemed invasive, Assisted Colonization considers that some assistance may be mandated due to the nature of humankind's role in climate change. This moral question and ethical imperative against the backdrop of escalating climate impacts, drives the question forward; what is the potential for successfully relocating a select handful of charismatic and ecologically important life forms? Is it possible to reimagine a different, but balanced Antarctic ecosystem? Listed as a threatened species under the U.S. Endangered Species Act, a result of the ongoing loss of critical habitat by melting sea ice, polar bears have limited options for long term survival in the wild. Our current regime for safeguarding animals facing extinction frequently utilizes zoos and their breeding programs, to keep alive the genetic diversity of the species until some future time when reintroduction, somewhere, may be attempted. By exploring the potential for polar bears to be relocated to Antarctica, we must analyze the complex ethical, legal, political, financial, and biological realms, which are the backdrop to framing all questions in this arena. Can we do it? Should we do it? By utilizing an environmental ethics perspective, we propose that the Ecological Commons of the Arctic and Antarctic should not be viewed solely through the lens of human resource management needs. From this perspective, polar bears do not need our permission, they need our assistance. Antarctica therefore represents a second, if imperfect chance, to buy time for polar bears, in a world where polar regimes, not yet fully understood, are themselves quickly changing as a result of climate change.

Keywords : polar bear, climate change, environmental ethics, Arctic, Antarctica, assisted colonization, treaty

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