
A Rothbardian approach for the assignment of property rights on the Antarctica continent

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Abstract: The Antarctica continent is the only one which has not been officially distributed among States, remaining up till today in a legal frozen situation. Besides, the state-centric International Law and the States' interests do not allow to achieve a solution. In this paper, a new overview for the continent's future is presented, based on the assignment of private property rights, following, mainly, the anarcho-capitalist Murray Rothbard's the Ethics of Liberty.

Keywords: Antarctica continent; Murray Rothbard; liberty; property; self-ownership; ethics of liberty; individual property.

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1 Introduction

The Antarctica is the most austral continent of the Earth, surrounded by the Antarctic Ocean, which is considered as the water mass that is south of the 60th parallel south. The continent is “a circular mainland that has a peninsula, which diameter is 4.500 square kilometres, and is considered as the most elevated continent of the planet” [translated from Marqués, (2010), p.44]. The continent, due to its isolated location, has no indigenous population or government, on the contrary to the arctic ground regions. Besides, the Antarctica “does not only include the terrestrial territory itself, but the water within, the subsoil, and adjacent waters: inland waters and territorial sea” [translated from Diez de Velasco (2013), p.426]. Finally, the continent is divided in two parts, East and West Antarctica, separated by the Transantarctic Mountains (Petit et al., 1999, p.431) (See Figure 1).

Figure 1 The Antarctica continent (see online version for colours)



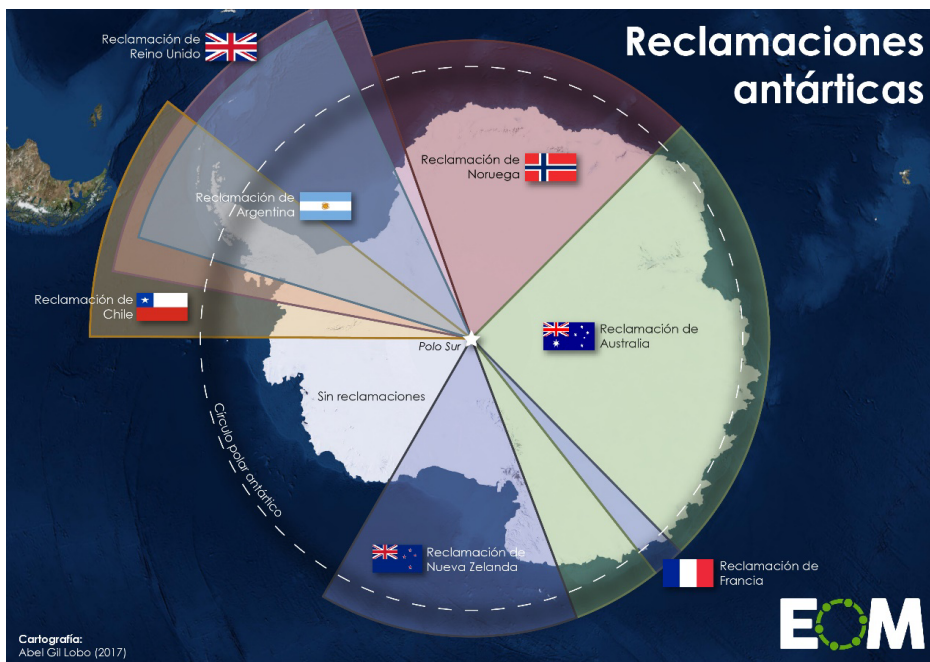
Source: Maps of World (2013)

The question of who discovered the continent is still a dispute topic. Apparently, the first official discover of the Antarctica could have been made on the 17th century, by the Spanish explorer Gabriel de Castilla (Vázquez de Acuña, 1993), although there were previous theories that argued that some ice land should exist in the south of the planet, and various expeditions in the early XIX century had sighted islands close to the Antarctica. The first fully documented sight of the continent was on 27 January 1820, made by the Russian militaries Fabian Gottlieb von Bellingshausen (Baltic German) and Mikhail Lazarev, but they did not take land. On the other hand, it is today disputed if John Davis, an American seal hunter, took land on 7 February 1821, at the Hughes Bay. Meantime, several explorers discovered islands and coast of the continent, like the Ross

expedition, until the *first documented landing* on the continent was made by Mercator Cooper, a North American captain, between 1851 and 1853, on the Oates Coast. From this moment, several expeditions of Norwegian, New Zealanders, and other nation's explorers began to take land on the continent, until the so-called *heroic age of Antarctic expeditions* began at the end of the 19th century, when larger expeditions began to explore the Antarctica. Two of the most important expeditions of this period are, first, the Admunsen's expedition, from 1910 to 1912, which was the first one that made it to get to the South Pole, and, secondly the British Antarctic Expedition from 1910 to 1913 (Cacho, 2011).

At the beginning of the twentieth century, several countries began to make their claims over the territory of the Antarctica. First, in 1908, the British "made their declaration of territorial sovereignty over all the lands below the 60th parallel, between the 20th and the 80th meridians, with vertex at the South Pole" [translated from Albiac, 2013]. Years after that, other countries like France, New Zealand, Australia and Norway made their own reclamations, in addition to Chile and Argentina, with one difference: the last two claims overlapped the British reclaimed territory. Besides, the Marie Byrd Land remained unclaimed (see Figure 2 for all these claims). After World War II, the Soviet Union and the United States of America did not claim any territory nor recognise any of the previous claims, but they established their claim reservation in case that any other Nation made other territorial claim or tried to validate its own reclamation (Diez de Velasco, 2013, p.426).

Figure 2 Territorial claims on the Antarctica (see online version for colours)



Source: Albiac (2013)

Finally, in 1959, the mentioned nations, among others, firmed the Antarctic Treaty, which is the main document of the Antarctic Treaty System, with others like the Agreed

Measures for the Conservation of Antarctic Fauna and Flora (1964), the Convention for the Conservation of Antarctic Seals (1972), among others treaties. This System has *erga omnes* (to all) effect, and many States have joined the System, up to 53. This is the actual legal *statu quo* of the Antarctica, in which we will deepen later.

The permanent mass colonisation of the continent remains, for now, impossible. The reason is the extreme climate conditions, in addition to the prohibitions of the Antarctic System to take up permanent residence in the continent, which is a fundamental matter for our proposal. However, there are several thousand people in the continent every year, depending on the climatic station, distributed in the over 50 permanent research facilities of the signatories' states. In any case, the first Antarctic settlement was the Omond House, made by the Scottish National Antarctic Expedition (1902–1904), which was led by William Speirs Bruce. After this, several similar projects were made, establishing some countries their own bases *before* the Antarctic system sign, like the Chilean González Videla base (1947), the Australia's Mawson Station (1954), the U.S. McMurdo Station, the Soviet (now Russian) Mirny Station, or the French Dumont D'Urville Station (Bishop, 2018).

The first person born in the Antarctic region was Solveig Gunbjørg Jacobsen (1913–1996), in the South Georgia Islands, and the first documented person born in the continent itself is the Argentinian Emilio Marcos Palma (1978), born in the Esperanza base. Furthermore, up till 11 persons have been born in the continent until 2009 (Steve, 2011).

In terms of resources, the continent and surrounding water have not been totally explored. Therefore, it is not yet viable to appoint the total possible economic value of this continent. However, a great amount of mineral resources have been confirmed to be in the Antarctica, including iron ore, chromium, copper, gold, nickel, among other minerals, in addition to another fishing resources (CIA, 2018). Besides, while the possible amount of gas and oil in the Antarctic region remains a mystery, “[S]ome predictions suggest the amount of oil in Antarctica could be 200 billion barrels, far more than Kuwait or Abu Dhabi” (Teller, 2014). On the other hand, the Ross Sea contains massive oil and gas resources, but their extraction would be, today, too expensive as they are not easily accessible. Finally, the Antarctica contains, due to its climate and location, around 70% of the Earth's fresh water, which could be lost because of the climate change, but, on the other hand, that same climate change could provoke the natural resources of the region to be fully accessible in 50 years (Marqués, 2010, p.45).

2 Materials and methods

As we appointed before, the continent's property remains unclear until today. First, because seven countries claimed for a part of the territory, being three of them non compatible. Secondly, Russia (as the legal successor of the USSR) and the US have reservations in case of any international conflict between States in the future. And, finally, because the Marye Byrd Land have not been reclaimed by any State. The question of private property rights in Antarctica is complex and has received very little consideration in the literature. We are referring to authors such as: Orrego-Vicuña (1988, p.103) who refers to the complexity of the debate; Suter (1991) that opposes private property in the continent; Triggs (1987) about no State recognition of individual claims to sovereignty (1987, p.52), or common heritage as a form of “communal ownership and

control of property which is, therefore, not subject to individual ownership” (1987, p.99) or others.

The reclamations cannot be expanded with other States’ new claims nor executed, as three of them are not compatible, while Russia and the US have not appointed what land they would reclaim in case of conflict. Therefore, we should study what is the legal system that maintains this inflexible situation, the legal forms of territorial acquisition, and after that, we shall propose a different way of acquisition based on Rothbard’s *Ethics of Liberty*.

There have been many forms of territorial acquisition over the Western legal history, although today mainly occupation is considered as a legitimate way of doing it. As Marqués says: “According to the contemporary doctrine of International Law, the effective occupation requires that the reclaimed territory is considered, on the one hand, *terra nullius*,¹ and, on the other hand, that the claiming State have made peaceful and prolonged manifestations of sovereignty over the intended territory” [translated from Marqués (2010), p.59]. On this point, there are requirements for occupying the territory like: there must not be any local population, and there must be an established situation of Rule of Law, which has not been done in our case as, on the one hand, the States are ‘occupying’ the territory only with scientific bases, and on the other hand, all these States have signed the Antarctic Treaty of 1959, which does not recognise, dispute or establish any territorial claim [Antarctic Treaty (1959), Article IV]. What is most interesting for us here, is that there is no reclamation over the Mary Byrd territory from any State, and this Treaty is aimed at States, not individuals, as we can see in the requirement of the Rule of Law. Thus, we could infer, that this territory can be privatised without any collision with the treaty, although we may explain this later.

Other forms of legal acquisition have been invoked, like the theories of contiguity and continuity, based on an undefined proximity of and island, or the country itself to the continent, respectively. Some countries like Argentina or Chile also pretend to use the *Uti possidetis*² principle of Roman law as heirs of the Spanish Empire. Finally, there are claims based on segmentation theories, discovering and exploration, being these States the UK, New Zealand and Australia after their independence as they were part of the British Empire, and finally, France.

In any case, all these States are part of the 1959’s Treaty as well as other many that joined it, so all the reclamations are ‘frozen’. The Treaty prohibits military bases, and declares scientific research liberty and the obligation of informing other countries in case of any dismemberments or scientific programs. Therefore, as no State has shown interest of *de facto* validate its reclamation, nor to renounce to it, the current situation is a factual internationalisation of the continent, in spite of the formal territorial claims.

In addition to the 1959’s treaty, there are other protocols which are part of the Antarctic legal system. First, the Convention for the Conservation of Antarctic Seals (1972) protects the mentioned animals, secondly, the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR, 1980) protects the rest of the living resources of the Continent. Finally, the Protocol on Environmental Protection to the Antarctic Treaty, also called the Madrid protocol, was signed in 1991, entered into force in 1998, and will be reviewed in 2048. This protocol establishes that “[A]ny activity relating to mineral resources, other than scientific research, shall be prohibited” [Madrid Protocol (1991), Article VII].

In conclusion, there is a ‘*de facto* internationalisation’, and a tendency to turn the continent into a common heritage of humanity, as only States have reclaimed a part of the continent (Diez de Velasco, 2013, pp.573–575).

3 Results and discussion

After analysing the continent’s situation from the most extended point of view used both in International Law and in Political Science or International Relations, which is the state-centric vision of the political and territorial reality, we shall propose another way to solve the territorial disputes and the Antarctic frozen system, which is an individual-centric vision developed by Murray Newton Rothbard (for the case of the Arctic, see Peña-Ramos and De la Garza-Montemayor, 2018).

Murray Rothbard (1926–1995), a North American-Jew economist and political theorist born in the Bronx, was a disciple of the exiled economist Ludwig von Mises (1881–1973), and a developer alongside other authors like Friedrich Von Hayek of the Austrian economic school (developed at the end of the 19th century and that emphasise the importance of the utility of the products to the consumers in determining the value of such products). After studying statistics in Columbia University, he discovered the works of George Stigler and Milton Friedman (future Nobel Prizes on Economy), edited by the *Foundation for Economic Education*. Rothbard became “the most scrupulous constructor and defender of Austrian (economic) thought” [translated from Rodríguez, 2005]. Rothbard, whose thought went against the current utilitarianism, was an anarchic-capitalist whose ideas relied on the individual rights defence and the economic system that derived from it. A very important part of his work was dedicated to develop, within economic and political theory ambits, the basics for a complete free society based, first, on a natural right of property, and secondly, capitalism.

In 1962, he published *Man, economy and State*, an economic treatise which was originally meant to be a recompilation of the main ideas of Mises’s *Human action*, developed by Rothbard himself. But, due to the political situation within the Cold War and the critics that Rothbard made to the interventionism in the last part of this work, Rothbard had to publish it as an independent work: *Power and market*. Besides, the author, in its *America’s Great Depression* applied the Austrian business cycle theory of Mises and Hayek to the 1929’s crack. According to this theory, the money without backup (on gold standard) injures the property rights and it is the origin of the business (or economic) cycle, as it cheats massively the actors provoking interest rate decreases that simulate increasing both savings and the available means for the new investment funds, many of which won’t be able to be completed, so they are erased by a lack of coordination.

In 1969, Rothbard created the *Libertarian Forum* magazine, pretending to make it the intellectual reference and a broadcast vehicle of the libertarian and anarcho-capitalist ideas, as well as the main institution of the libertarian political movement, which program was published in 1973 with the name *For a New Liberty: The Libertarian Manifesto*. Rothbard defends, based on the natural property right grounded on Locke, a completely free society rejecting the State, which, he says, has increased its power by a progressive and illegitimate way, with injurious results for individuals. His absolute rejections of the State’s existence is still a great disagreement point between the anarcho-capitalist and minarchist traditions Anarcho-capitalism (liberal, individualist, market anarchism)

“opposes the State as institutionalisation and monopoly of systematic coercion and defends a social order based on the right to property and the principle of non-aggression”, and the minarchism “defends a limited or minimum State necessary for security and surveillance functions (national defense against the outside, internal public order) and for the provision or management of other public goods (especially legislation, justice, police, diplomatic relations, public infrastructures)” (Capella, 2014).

Another contribution of Rothbard was the revealed preference principle as the fundamental idea of the welfare economics in his paper *toward a reconstruction of utility and welfare economics*. According to this, will does coincide with action, and thus, action is an indication of the will. Therefore, when two individuals make a voluntary exchange it's because previously they considered that their situation will improve after it, unlike the State's intervention in the market, which prevents by force this exchanges, when it's not appropriating what belongs to individuals.

In 1982, Rothbard developed his theory by adding to the pure economic content of *Power and market* a theory of ethics. Thus the work that brought us here was born, *The Ethics of Liberty*. Rothbard defends in this book the values and principles of free market and refuses the ethical attacks against it, which he consider are lack of sense and coherence. He understands *liberty* as a value itself, and creates a positive ethical theory of individual liberty. For him, it is necessary to cover the economic analysis with evaluative judgements in order to make stronger the defense of individual liberty and a philosophical theory, the libertarian theory, which is necessarily *ethical* (Rothbard, 1998, p.43). Finally, before we get into the application of the Rothbardian ethic to the Antarctic case, we will explain that our author let his last work unfinished, *An Austrian perspective on the History of Economic Thought*, which pretended to be a counter part to *The worldly philosophers*, from Heilbroner. In it, Rothbard includes a historical analysis from Greek Ancient philosophy to Marx and Bastiat, applying to the economic thought the kuhnian refutation of ideas' history as a cumulative process within a constant progress. Thus, he shows how some paradigms and dominant thought substitute another which are not necessarily inferiors, but even on the contrary. Also, he proves that ideas over history do not disappear, although they might sink. Besides, Rothbard rescue crucial authors marginalised by orthodox historiography, like Turgot, Cantillon, Bastiat, or within the School of Salamanca (the center of scholastic learning in 16th century Spain), Juan de Mariana, Domingo de Soto, or Martin de Azpilicueta.

The Ethics of Liberty is divided in five parts. The first one, *Introduction: Natural Law*, approaches natural law and reason, the first as “science”, natural law in front of positive law, natural law and natural rights, and the mission of the political philosophy. The second part, *A theory of Liberty*, constitute the most substantial and longest part of the work, approaching to a robinsonian social philosophy (in reference to Robinson Crusoe), interpersonal relationships: voluntary exchanges, property and aggression, property itself, crime and the problem of land theft, the monopolies of the land, self-defense; punishment and proportionality, the rights of children, “human rights” as property rights, true and false knowledge, bribery and boycott, property rights and the theory of contracts, the ‘lifeboat’ drama, and the ‘rights’ of animals.

The third part, *The State vs Liberty*, approaches the nature and inner contradictions of the State, the moral rank of the relations with it, and inter-State relations. The fourth part, *Modern Alternative theories of liberty*, approaches the utilitarian free market economy: social utilitarian philosophy, principles of unanimity and compensation, von Mises and laissez-faire without evaluative judgements, by reducing to nothing utilitarianism as an

ethical criterion, and criticising very hardly the Isaiah Berlin's negative liberty, Hayek's concept of coercion, and the *immaculate* conception of the State in Nozick. Finally, in the fifth part, *towards a theory of strategy for liberty*, Rothbard approaches the strategy to achieve liberty.

Rothbard develops his theory from a cornerstone, the concept of self-ownership, according to which each individual is a unique and sovereign proprietor that unfolds in an unrestricted way its own jurisdiction over his own body, from which a right to liberty derives, being any aggression banished. Using this concept, Rothbard ties with the original acquisition of ownership principle by *mixing land with work on Locke's theory*, which means that when an individual uses and transforms a resource that lacks of owner, he becomes its first owner. The author continues asserting that this projection of sovereignty over the non-owned resources is legitimate, from which exchange and voluntary transferring is possible for the owner. From the self-ownership right, other rights are logically deduced like property over land, the sea, natural resources or physical goods, so it is completely and absolutely inalienable and inviolable every individual right over himself and his goods, being the infringement of this rights respectively, slavery and theft.

Thereby, Rothbard's *The Ethics of liberty* constitutes a systematic theory, and a guide to define and even assign universally valid property rights, which is applicable to the case of the Antarctica continent, as the situation will not progress with the States claims. In this paper, we do not pretend to establish any closed system of generating, establishing or defining property rights over the continent, because of the extension and because this job would need a long work for lawyers and law theorist. In this paper, we only want to appoint a logics and mechanisms of property rights assignment in the continent, and which parties could be the owners. Rothbard's ideas are summarised in the following lines:

[...] ownership rights are acquired in two ways and two ways only: (a) by finding and transforming resources ("producing"), and (b) by exchanging one's produce for someone else's product-including the medium of exchange, or 'money' commodity (Rothbard, 1998,³ p.37).

[...] all ownership on the free market reduces ultimately back to: (a) ownership by each man of his own person and his own labour; (b) ownership by each man of land which he finds unused and transforms by his own labour; and (c) the exchange of the products of this mixture of (a) and (b) with the similarly-produced output of other persons on the market (Rothbard, 1998, p.40).

In the free society we have been describing, then, all ownership reduces ultimately back to each man's naturally given ownership over himself, *and* of the land resources that man transforms and brings into production (Rothbard, 1998, p.40).

[...] property titles are founded on the basic natural facts of man: each individual's ownership by his ego over his own person and his own labour, and his ownership over the land resources which he finds and transforms (Rothbard, 1998, p.41).

For every person, at any time or place, can be covered by the basic rules: ownership of one's own self, ownership of the previously unused resources which one has occupied and transformed; and ownership of all titles derived from that basic ownership-either through voluntary exchanges or voluntary gifts (Rothbard, 1998, p.43).

Following Rothbard's theory, the first person or group of persons who settle in an unused land, would be natural owners, by colonising and developing it, becoming, thus, the true owners of that land. Non acceptance of this, would be in the author's words, accepting theft and slavery. As we have seen before, it is not easy to establish who the first person that sighted the continent or took land was, but it is evident that no one of them did colonise the continent in the 19th century. After that, most of the expeditions made by the states were not supposed to colonise permanently the continent, nor even make establishments, except for the Omond House. Regrettably, this establishments is today a monument own by the Argentinian government, not a human population establishment.

The reader could think that, as there are thousands of people in the Continent, whether it is every day of the year or the majority of it, and they use the land in which they live, meaning, they 'colonised' in some way the territory of the research stations, and even develop it, these individuals might be the natural owners of that land. This argument is easily attackable, as these persons are in the continent 'occupying' the land *in the name of a State, not in their own name*. Thus, they are not creating a real property right for themselves, but using a land to make scientific research in the name of others, and Rothbard does not contemplate this possibility, moreover, if that 'other' is a State, which cannot be, ontologically, a natural owner.

On the other hand, as the Marye Byrd land has not been reclaimed by any State, and, in fact it really cannot be, unless an international conflict begins around the continent, this land can be colonised, following Rothbard's theory, by any individual or NGO's, acquiring property rights over that territory. We are conscious that it is very difficult to set territorial limits, as the continent is one, the establishment would be also one, and recognising that only the Mary Byrd land can be colonised by individuals is to recognise States claims, which not even they do themselves. As we appointed before, the purpose of this paper is only to offer a non-state-centric vision for the assignment of property rights in the Antarctica continent, and this way has much work to be done in terms of private regulation, limits, trespass, etc. before it can be a feasible option for the 21st century and beyond.

Another possibility, although it has not been established by Rothbard explicitly, is that, understanding the impossibility of the natural self-ownership of the researchers, as they are working contractually for a State, the (for now) 11 persons alive that have been born in the Continent could be considered as the first natural owners. This idea relies in the fact that this people have not signed any contract to be born in that land, and thus, while they may be occupying and developing it right now like the case of Emilio Marcos Palma⁴ or did it in the past, they are meeting the requirements of Rothbard to be the natural owners of the land. Following this argument, the descendants, if they are, of Solveig Gunbjörg Jacobsen, the first person that was born and raised in the Antarctica, could inherit her natural right of property, as this right for Rothbard is natural, not positive, so it does not depend on the political, legal and historical background we have explored before.

4 Conclusion

The Antarctica is a rich continent, which could be very important for the 21st century, but the current situation keeps it in frozen legal terms, because of the state-centric International Law. We have overviewed the continent's recent history, related with the

discovery of the continent, the first expeditions, and, finally, the current legal system. After finding out the possible resources of the continent, and what does the Antarctic Treaty System establish about the reclamations from States, we have exposed the systematic theory of self-ownership contained in *The Ethics of Liberty*, by the anarcho-capitalist thinker Murray Rothbard, among the rest of his career.

This theory is an example of how a non-state-centric view of the international relations may solve some questions that the current hegemonic system cannot. According to Rothbard, each individual is a unique and sovereign proprietor, from which the concept of self-ownership grows. Therefore, as the individual has jurisdiction over his own body, another rights are deduced, like the property over land, seas, or natural resources which that individual do occupy and control, when this constitutes no theft.

Furthermore, we have appointed that the individuals who occupy the Antarctica's territory in the name of a State cannot be natural owners, as they are not doing it for themselves, while the State, as not being an individual, cannot be a natural owner either. Regardless, there are people who have occupied the territory without any contract sign with a State, which are the born in the continent. This could be a way to conduct the research.

Finally, the Marye Byrd land has not been reclaimed by any State, while the other claims are not executed. An occupation of this land by individuals in their own name could not collide with the Treaty, as an individual is not part of it.

In any case, we invite the reader to think new ways of how property rights could be established in the Antarctica, and, overall, think outside the state-centric point of view of law, property, and Liberty.

References

- Albiac, A. (2013) '¿De quién es la Antártida?' *El Orden Mundial* [online], <https://elordenmundial.com/2013/08/18/de-quien-es-la-antartida/> (Accessed 28 April, 2020).
- Antarctic Treaty* (1961) *Antarctic Treaty*, 1st December, 1959, Entered in force on June 23rd.
- Bishop, C. (2018) 'A look into the international research stations of Antarctica', *Oceanwide-Expeditions* [online], <https://oceanwide-expeditions.com/blog/a-look-into-the-international-research-stations-of-antarctica> (Accessed 28 April, 2020).
- Cacho, J. (2011) *Admundsen-Scott: Duelo en la Antártida*, Fórcola, Madrid.
- Capella, F. (2014) 'Anarcocapitalismo, minarquismo y evolucionismo' *Instituto Juan de Mariana Actualidad* [online]. <https://juandemariana.org/ijm-actualidad/analisis-diario/anarcocapitalismo-minarquismo-y-evolucionismo> (Accessed 1 September 2020).
- CIA (2018) 'Field listing: Natural resources' *The CIA World Factbook* [online] https://cia.gov/library/publications/the-world-factbook/fields/print_2111.html (Accessed 28 April, 2020).
- Convention for the Conservation of Antarctic Seals* (1972) Entered in force on 11th March, 1978.
- Convention on the Conservation of Antarctic Marine Living Resources* (1980) 1st August, 1980, Entered in force on 7th April 1982.
- Díez de Velasco, M. (2013) *Instituciones de Derecho Internacional Público*, 18ª ed., Tecnos, Madrid.
- Maps of World (2013) [online] <http://2.bp.blogspot.com/-uwyADGBevWo/Uk2RRwXUf8I/AAAAAAAAAD0A/0ePk4ZBYTbc/s1600/antarctica-map.gif> (Accessed 1 September, 2020).
- Marqués, E.G. (2010) 'La condición jurídica del Ártico y la Antártica: un asunto pendiente en la agenda jurídico-política de las relaciones internacionales contemporáneas', *Revista de Relaciones Internacionales de la UNAM*, No. 107, pp.39–65.

- Orrego-Vicuña, F. (1988) *Antarctic Mineral Exploitation: The Emerging Legal Framework (Studies in Polar Research)*, Cambridge University Press, Cambridge.
- Peña-Ramos, J.A. and De la Garza-Montemayor D.J. (2018) 'Politics, high technology and the arctic ocean as a scenario for the assignment of property rights following the Rothbardian approach', *Advanced Science, Engineering and Medicine*, Vol. 10, pp.145–154.
- Petit, J.R., Jouzel, J., Raynaud, D., Barkov, N.I., Barnola, J-M., Basile, I., Bender, M., Chappellaz, J., Davis, M., Delaygue, G., Delmotte, M., Kotlyakov, V.M., Legrand, M., Lipenkov, V.Y., Lorius, C., Pépin, L., Ritz, C., Saltzman, E. and Stievenard, M. (1999) 'Climate and atmospheric history of the past 420,000 years from the Vostok ice core, Antarctica', *Nature*, Vol. 399, No. 6735, pp.429–436.
- Protocol on Environmental Protection to the Antarctic Treaty* (1998) October 4th, 1991. Entered in force on 14th January, 1998.
- Rodríguez, J.C. (2005) 'Murray N. Rothbard'. *La Ilustración liberal. Revista Española y Americana*, 25 [online] <https://www.clublibertaddigital.com/ilustracion-liberal/25/murray-n-rothbard-jose-carlos-rodriguez.html> (Accessed 28 April 2020).
- Rothbard, M. (1982) *The ethics of Liberty*, Humanities Press, Atlantic Highlands, NJ.
- Rothbard, M. (1998) *The Ethics of Liberty*, New York University Press, New York.
- Steve (2011) 'Born freezing: meet Antarctica's First Citizen' *Momastic. Web ecoist* [online] <http://www.momtastic.com/webecoist/2011/02/15/born-freezing-meet-antarcticas-first-citizen/> (Accessed 28 April, 2020).
- Suter, K. (1991) *Antarctica: Private Property or Public Heritage?*, Pluto Press-Zed Books, London.
- Teller, M. (2014) 'Why do so many nations want a piece of Antarctica?', *BBC* [online] <http://bbc.com/news/magazine-27910375> (Accessed 28 April, 2020).
- Triggs, G. (Ed.) (1987) *The Antarctic Treaty Regime: Law, Environment and Resources (Studies in Polar Research)*, Cambridge University Press, Cambridge.
- Vázquez de Acuña, I. (1993) 'Don Gabriel de Castilla primer avistador de la Antártica', *Revista de Marina*, No. 2.

Notes

¹Literally means "nobody's land", this concept refers to a territory that hasn't been occupied by any State.

²Literally means "as you possess", valid for an historical justification of property by a State.

³The original work was published in 1982 (Atlantic Highlands, N.J., Humanities Press Inc., 1982). We have used the 1998 (New York University Press) edition for this paper.

⁴Even if his presence in the continent currently is due to he signed a contract with Argentina, his natural right of property precedes it as he occupied the territory before any State permission.