

Commentary

The Arctic Council Produces a New Arctic Science Cooperation Agreement

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After more than three years of work, on July 8, 2016 in Ottawa, a Task Force under the Arctic Council reached ad referendum agreement on a new legally-binding agreement among the eight Arctic States that will help reduce obstacles to scientific cooperation in the Arctic. This is an important milestone for the Council, in part because fostering science is one of the most important practical objectives of the Council and this agreement is a major step forward for the Arctic States in that respect. But it is also quite significant because it is the third legally-binding agreement achieved under Arctic Council auspices. The signing of the agreement by each of the foreign ministers of the Arctic States will be one of the key events associated with the next Arctic Council Ministerial meeting.

The Arctic Council is a high level forum established among Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States in 1996 to focus on environmental protection and sustainable development. As the importance of the Arctic in international policy and diplomacy has grown over the past twenty years, the Council has taken on new challenges. The prior legally-binding instruments negotiated under the Council were the Agreement on Cooperation on

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Marine Oil Pollution Preparedness and Response in the Arctic (2011) and the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2009). The latest one, related to science cooperation, will take the Council another step in the direction of being more than a body that facilitates discussion and towards involvement in establishment of legal norms and activities of a regulatory character.

The ad referendum Agreement on Enhancing International Arctic Scientific Cooperation was reached based on discussions and negotiations at nine meetings of the Task Force on Scientific Cooperation (SCTF) involving the participation of the eight Arctic States and the indigenous groups known in the Council as Permanent Participants, as well as a number of States and organizations that are permanent observers to the Council.

The Arctic Council Ministers established the Task Force on Scientific Cooperation (SCTF) at the Kiruna Ministerial in 2013. They asked the Task Force to “work towards an arrangement on improved scientific research cooperation among the eight Arctic States.” The Ministers in 2015 in Iqaluit decided to extend the Task Force mandate, including to work towards a legally-binding agreement. The Task Force was co-chaired at the end by the United States and the Russian Federation, and earlier on Sweden was a co-chair as well. The first meeting was held in Stockholm, which was followed by meetings in Helsinki, Reykjavik, Tromsø, Oslo, Copenhagen, Reykjavik again, Arlington, Virginia, and finally Ottawa.

The aim of the agreement is to enhance cooperation in scientific activities in order to increase effectiveness and efficiency in the development of scientific knowledge about the Arctic. It will facilitate access by scientists of the eight States to Arctic areas that each State has identified for purposes of the agreement, including entry and exit of persons, equipment and materials; access to research infrastructure and facilities; and access to research areas. It covers terrestrial, coastal, atmospheric and marine areas, as well as Arctic Ocean areas beyond national jurisdiction. It calls specifically for facilitation of processing of marine scientific research applications under the Law of the Sea Convention, as well as scientific activities that require airborne scientific data collection and that are subject to implementing agreements pertaining to those activities.

The agreement calls for the Parties to promote education, career development and training opportunities for early career scientists to foster future generations of Arctic researchers. The agreement contains provisions regarding the use of traditional and local knowledge that were sought by indigenous groups that are Permanent Participants in the Arctic Council. The agreement supports enhancing and facilitating cooperation on Arctic science with non-Parties and assists the scientists of non-Parties (including Arctic Council Observer States) by providing benefits under the agreement when they work as partners with Arctic State scientists. The agreement also addresses intellectual property rights.

The agreement calls for designation of competent authorities within each Party to act as points of contact. The Depositary Government will be the Kingdom of Denmark.

At this time, the agreement is undergoing final domestic review within the eight Arctic States, with the goal of signature and entry into force at the U.S.-hosted Arctic Council Ministerial Meeting in May, 2017 in Fairbanks, Alaska.