



ARCTIC COUNCIL

OBSERVER MANUAL FOR SUBSIDIARY BODIES



Observer delegates at the SAO Yellowknife meeting in March 2014.

ARCTIC COUNCIL OBSERVER MANUAL FOR SUBSIDIARY BODIES

As adopted by the Arctic Council at the

EIGHTH ARCTIC COUNCIL MINISTERIAL MEETING

Kiruna, Sweden

May 15, 2013

Cover photos: Tommy Larsen - Bleik, Andøy
Other photos: Linnea Nordström, Arctic Council Secretariat

1. BACKGROUND

At its Seventh Ministerial meeting in Nuuk, Greenland, the Arctic Council decided that it would publish an observer manual to guide the Council's subsidiary bodies in relation to meeting logistics and the role played by observers¹.

2. INTRODUCTION

The work of the Arctic Council is to promote cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous peoples and communities of the Arctic region, on common Arctic issues, in particular issues of sustainable development and environmental protection. This work is carried out by the Council's subsidiary bodies under the guidance and direction of Senior Arctic Officials.

Since the establishment of the Arctic Council, participation by observers has been a valuable feature through their provision of scientific and other expertise, information and financial resources. The involvement of observers should enhance and complement the work conducted in the Arctic Council, including the unique and critical role of Permanent Participants. In addition, observers are encouraged to support the work of the Permanent Participants in the Arctic Council.

¹ Relevant background documents for this manual are the Ottawa Declaration, Arctic Council Rules of Procedure, Senior Arctic Officials Report to Ministers, Nuuk, Greenland 12 May 2011, page 50-51.

3. PURPOSE AND SCOPE

This manual reflects the provisions on observers in the Arctic Council’s founding documents, including notably the Ottawa Declaration. It complements the Rules of Procedure and guides the participation of observers at meetings of subsidiary bodies of the Arctic Council.

The purpose of the manual is to strengthen the work carried out by the subsidiary bodies. In particular, this manual will help to guide chairs of subsidiary bodies to run meetings effectively and efficiently to ensure the exchange of information on items under discussion.

The manual is applicable to all meetings of subsidiary bodies where observers are invited. Observers are encouraged to participate with their expertise, competence and resources primarily in working group meetings and projects.

In addition, this manual provides guidance for observers’ working relations with the Arctic Council Secretariat. For information purposes a copy of the Rules of Procedure is appended as Appendix 1 to this manual.²

4. DEFINITIONS

4.1 MEMBERSHIP

Membership in the Arctic Council is limited exclusively to the Arctic States: Canada, Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America (the Arctic States).

4.2 PERMANENT PARTICIPANTS

The Aleut International Association, the Arctic Athabaskan Council, the Gwich’in Council International, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North, and the Saami Council are Permanent Participants in the Arctic Council.

² This applies only to the electronic version of the Observer Manual.

The category of Permanent Participants has been created to provide for active participation and full consultation with the Arctic indigenous representatives within the Arctic Council. This principle applies to all meetings and activities of the Arctic



Flags of the eight Arctic States, the six Permanent Participants, and the Arctic Council.

4.3 OBSERVERS

Observer status in the Arctic Council is open to:

- (a) non-Arctic States;
- (b) inter-governmental and inter-parliamentary organizations, global and regional;
- (c) non-governmental organizations

that the Council determines can contribute to its work.

The observers are accredited to the Arctic Council proper. Subsidiary bodies are not authorized to accredit observers.

Observer status continues for such time as consensus exists among Ministers. Any observer that engages in activities which are at odds with the Ottawa Declaration or with the Rules of Procedure will have its status as an observer suspended.

An updated list of observers is available on the Arctic Council website.



Some observers at the Haparanda SAO meeting in 2012.

4.4 SUBSIDIARY BODIES

The subsidiary bodies of the Arctic Council are:

- 1) working groups;
- 2) task forces;
- 3) expert groups; and
- 4) such other subsidiary bodies the Arctic Council may create.

4.5. INVITED GUESTS AND OTHER EXPERTS

Where the Arctic States participating in a subsidiary body agree, the chair of the body may invite any person or organization that can contribute expertise and is able to contribute to the work of that body to participate in specific meetings. These persons or organizations do not have observer status, and subsidiary bodies should thus decide on the necessity of a given expert on a meeting-by-meeting basis.

5. DECISION-MAKING IN THE ARCTIC COUNCIL

Decisions at all levels in the Arctic Council are the exclusive right and responsibility of the eight Arctic States with the involvement of the Permanent Participants. All decisions are taken by consensus of the Arctic States.

6. THE ROLE OF OBSERVERS

The primary role of observers is to observe the work of the Arctic Council. Furthermore, observers are encouraged to continue to make relevant contributions through their engagement primarily at the level of working groups.

7. GUIDELINES FOR SUBSIDIARY BODY MEETINGS

The different roles of Arctic States, Permanent Participants and observers in the Arctic Council subsidiary bodies should be reflected in the practical arrangements at all meetings.

The Chair is responsible for explaining the rules of order at meetings of a subsidiary body. A copy of this manual should be made available to all delegations.

Subsidiary bodies may establish operating guidelines consistent with the Arctic Council Rules of Procedure, this manual, and other relevant Council procedures.

7.1 INVITATION AND REGISTRATION

Observers may attend meetings and other activities of the Arctic Council, unless Senior Arctic Officials have decided otherwise. The Heads of Delegation of the Arctic States may also at any time meet privately at their discretion.

The Chair of the subsidiary body in question should invite observers to the meeting no later than 30 days in advance. The Chair may determine the maximum number of observers in respective delegations.

Registration to attend meetings should be done in accordance with the procedure outlined by the subsidiary body as appropriate. The Chair will keep records of participation and convey these to the Arctic Council Secretariat.

7.2 DOCUMENTS

The Chair should send a final agenda to observers no later than 30 days before the specific meeting.

Observers admitted to a meeting will have access to the documents available to Arctic States and Permanent Participant delegations, with the exception of documents designated as "restricted to Arctic States and Permanent Participants".

The official report provided by the Chair or the relevant Secretariat should be made available to observers after the meeting.

7.3 SEATING ARRANGEMENTS

At meetings of subsidiary bodies Arctic States and Permanent Participant delegations, as a rule, are seated at the main table. The Chair should ensure that there is adequate seating for observers adjacent to the main table.

Participants from sub-units of the same observer delegation should sit together as one delegation and will be recognised as such.

Observers may not assign or designate another entity or organization to represent them at a meeting.

7.4 DISCUSSION, STATEMENTS AND SPEAKING ORDER

The chair should make every effort to ensure that discussions on agenda items proceed in a methodical and regular manner that encourages the exchange of information.

Observers may, at the discretion of the Chair, make statements, present written statements, submit relevant documents and provide views on the issues under discussion.

On any agenda item under discussion, the Chair should ensure that speakers from Arctic State and Permanent Participant delegations have first had an opportunity to intervene and discuss the agenda item, before considering opening the discussion to further interventions from all delegations to the meeting, including speakers from observer delegations.

During the discussion of any matter, a representative of an Arctic State or Permanent Participant may rise to a point of order and the point of order shall be decided immediately by the Chair.

7.5 PROJECTS

Observers may propose projects through an Arctic State or a Permanent Participant but the total financial contributions from all observers to any given project may not exceed the financing from Arctic States, unless otherwise decided by the Senior Arctic Officials.

7.6 COSTS

Observers are responsible for all costs associated with their attendance at a meeting of a subsidiary body.

7.7 COMMUNICATIONS

While Arctic Council bodies are in session participants may not comment publicly on agenda items under discussion.

7.8 OTHER

If an observer delegation does not respect the guidelines outlined in this manual, the Chair, after consulting with the Heads of Delegations for the Arctic States and Permanent Participants, may ask the delegation to leave the meeting. The Chair will inform the Chair of Senior Arctic Officials accordingly.

8. ARCTIC COUNCIL SECRETARIAT

The priority of the Arctic Council Secretariat is to provide services to Arctic States and Permanent Participants. It may also assist observers in their participation by communicating information about meetings and other activities, distributing documents, as appropriate, and other assistance the Director decides to provide, in accordance with its Terms of Reference.

9. AMENDMENT OF THIS MANUAL

This manual may be amended by a decision of Senior Arctic Officials.



Observer and Ad-hoc Observer meeting took place in Stockholm, Sweden in November 2012.



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ARCTIC COUNCIL RULES OF PROCEDURE



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as adopted by the Arctic Council at the

FIRST ARCTIC COUNCIL MINISTERIAL MEETING

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September 17-18, 1998

Revised by the Arctic Council at the

EIGHTH ARCTIC COUNCIL MINISTERIAL MEETING

Kiruna, Sweden

May 15, 2013

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Other photos: Linnea Nordström, Arctic Council Secretariat

ARCTIC COUNCIL RULES OF PROCEDURE

In accordance with Article 6 of the Declaration on the Establishment of the Arctic Council of September 19, 1996 (the “Declaration”), the Arctic Council adopts the following Rules of Procedure for its meetings and those of its subsidiary bodies.

PART I: INTRODUCTION

DEFINITIONS

1. In these Rules of Procedure, hereinafter the “Rules”:

“Arctic States” means the Members of the Arctic Council, namely Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America;

“Permanent Participants” means the organizations referred to in Article 2 of the Declaration as well as any other organization granted Permanent Participant status in accordance with these Rules;

“Observer” means an entity described in Article 3 of the Declaration which has been granted observer status in accordance with these Rules;

“Chairmanship” means the Arctic State which chairs the Arctic Council during the particular period in question;

“Secretariat” means the Arctic Council Secretariat, located in Tromsø, Norway.

APPLICATION

2. Subject to the Declaration, meetings and other activities under the Arctic Council shall be governed by these Rules.

PART II: ARCTIC COUNCIL MEETINGS

GENERAL PROVISIONS

3. Six of the Arctic States shall constitute a quorum for purposes of holding a Ministerial or Senior Arctic Official (SAO) meeting.
4. Arctic States and Permanent Participants may participate in all meetings and activities of the Arctic Council, and may be represented by a head of delegation and such other representatives as each Arctic State and Permanent Participant deems necessary.
5. In accordance with the Declaration, the category of Permanent Participation is created to provide for active participation and full consultation with the Arctic indigenous representatives within the Arctic Council. This principle applies to all meetings and activities of the Arctic Council.
6. The Heads of Delegation of the Arctic States may meet privately at their discretion.
7. In accordance with the Declaration, all decisions of the Arctic Council and its subsidiary bodies, including with respect to decisions to be taken by SAOs, shall be by a consensus of all eight Arctic States. In the event that a Ministerial or SAO meeting is held without the attendance of all eight Arctic States, consistent with Rule 3, decisions may be taken by a consensus of all Arctic States present, subject to confirmation in writing by the absent Arctic States within 45 days after receiving notice of the decision.
8. Decisions of working groups, task forces or other subsidiary bodies may be adopted by a consensus of all Arctic States present, subject to any objection in writing by an absent Arctic State within 30 days after receiving a report containing the decision.
9. At meetings, unless decided otherwise, discussions or decisions shall not occur on any matter which has not been included as an item in an agenda adopted in accordance with these Rules.
10. The Chairmanship shall act as chair of the Arctic Council from the conclusion of a biennial Ministerial meeting to the conclusion of the next biennial Ministerial meeting, and shall coordinate arrangements for Ministerial meetings. The Chairmanship

shall be responsible for facilitating preparations for Ministerial and SAO meetings, in coordination with the Secretariat, and carrying out such other tasks as the Arctic Council may require or direct.

11. The Chairmanship, an Arctic State, or other subsidiary bodies may undertake communications on Arctic Council matters with other international fora as may be agreed to in advance by the Arctic States.

12. During the discussion of any matter, a representative of an Arctic State or Permanent Participant may rise to a point of order and the point of order shall be decided immediately by the chairperson in accordance with these Rules.

13. After consultation with Arctic States and Permanent Participants, the Chairmanship may place reasonable limits on the size of all delegations for a meeting and shall notify all delegations accordingly.

14. Decisions other than those which must be taken at a Ministerial meeting may be taken by written communications, including electronic communications.

MINISTERIAL MEETINGS

15. Ministerial meetings shall be held biennially, or at such other times and locations as may be agreed upon by the Arctic States in consultation with the Permanent Participants.

16. Subject to the concurrence of the Arctic States, the Chairmanship shall be entitled to designate the chairperson for Ministerial meetings. At the initial session of the Ministerial meeting, the Arctic States may also designate one or more vice-chairpersons of the meeting who shall preside in the absence of the chairperson.

17. In accordance with Article 5 of the Declaration, the chair of the Arctic Council shall rotate among the Arctic States. Prior to the conclusion of each Ministerial meeting, the Arctic States shall confirm the host of the next meeting.

18. The Chairmanship shall propose a date and the location for a biennial Ministerial meeting at least 6 months in advance of the proposed date.

19. After consultation with Arctic States and Permanent Participants, the Chairmanship shall circulate a draft agenda at least 90 days prior to the date of a Ministerial meeting. Arctic States and Permanent Participants may propose supplementary agenda items by notifying the Chairmanship 60 days prior to the Ministerial meeting. No later than 30 days prior to a Ministerial meeting, the Chairmanship shall circulate the revised draft agenda to Arctic States and Permanent Participants along with any explanatory or other documents. A final agenda shall be adopted by a decision of the Arctic States at the opening session of each Ministerial meeting.

20. At least 7 days prior to a Ministerial meeting, Arctic States, Permanent Participants and Observers should provide in writing to the Chairmanship the names of individuals in their respective delegations.

MEETINGS OF SENIOR ARCTIC OFFICIALS

21. Each Arctic State shall designate a SAO, and each Permanent Participant shall designate a representative, to act as focal point for Arctic Council activities, and shall inform the other Arctic States and Permanent Participants of the designation through the Secretariat.

22. The Chairmanship shall provide the chairperson for the SAO meetings, subject to the concurrence of the Arctic States represented at the SAO meetings.

23. The SAOs shall receive and discuss reports from working groups, task forces and other subsidiary bodies and shall coordinate, guide and monitor Arctic Council activities in accordance with the decisions and instructions of the Arctic Council.

24. SAOs shall review and make recommendations to the Arctic Council on proposals by Arctic States and Permanent Participants to be submitted to a Ministerial meeting with respect to proposed cooperative activities.

25. Meetings of Senior Arctic Officials should take place at least twice yearly at the call of the Chairmanship, after consultation with the representatives of the Permanent Participants. The date, location and agenda of SAO meetings shall be decided by the SAOs. A draft agenda shall be circulated no less than 30 days in advance of such as a meeting, and shall be approved at the initial session of the meeting.

PART III: PROGRAMS AND PROJECTS

26. An Arctic State or Permanent Participant may make proposals for cooperative activities. All proposed programs and projects for which there is no existing Ministerial mandate shall be subject to a decision of the Council at an Arctic Council meeting. Proposals on programs and projects should address the elements outlined in ANNEX 1. For proposals to be submitted to the Council, it must be placed on the agenda in accordance with these Rules.

27. Proposals for cooperative activities should be received 90 days prior to any SAO meeting or meeting of a subsidiary body at which they are to be considered.

PART IV: IMPLEMENTATION OF COOPERATIVE ACTIVITIES

WORKING GROUPS, TASK FORCES AND OTHER SUBSIDIARY BODIES

28. The Arctic Council may establish working groups, task forces or other subsidiary bodies to prepare and carry out programs and projects under the guidance and direction of SAOs. The composition and mandates of such bodies shall be agreed to by the Arctic States in a Ministerial meeting. The activities of these bodies shall be subject to these Rules.

29. In consultation with SAOs, a working group, task force or other subsidiary body shall select a chairperson and a vice chairperson. An Arctic State may volunteer to provide secretariat support functions for working groups, task forces or other subsidiary bodies. The period for which a chairperson or vice-chairperson may serve shall be specified.

30. The date, location, and agenda for meetings of working groups, task forces and other subsidiary bodies shall be decided by a consensus of the participating Arctic States.

31. Working groups, task forces and other subsidiary bodies may establish operating guidelines which are consistent with these Rules. Such operating guidelines shall be submitted to SAOs for approval.

SECRETARIAT SUPPORT FUNCTIONS

32. The Secretariat shall perform the functions as set out in the Terms of Reference for the Secretariat.

INDIGENOUS PEOPLES' SECRETARIAT

33. In accordance with Article 8 of the Declaration, the Indigenous Peoples' Secretariat established under the AEPS shall continue under the framework of the Arctic Council.

PART V: OTHER MATTERS

ADDITIONAL PERMANENT PARTICIPANTS

34. Arctic organizations meeting the criteria set out in Article 2 of the Declaration are eligible to be considered by the Arctic States for Permanent Participant status.

35. An application by a potential Permanent Participant shall be circulated to Arctic States and Permanent Participants by the Chairmanship at least 90 days prior to the Ministerial meeting at which the matter is to be decided. Unless any Arctic State objects at least 30 days prior to the Ministerial meeting, the agenda for that meeting shall include an item to decide whether the organization should be granted Permanent Participant status.

OBSERVERS

36. Observer status in the Arctic Council is open to:

- (a) non-Arctic States;
- (b) inter-governmental and inter-parliamentary organizations, global and regional;
- (c) non-governmental organizations

that the Council determines can contribute to its work.

The accreditation and review of Observers shall be in accordance with the provisions set out in Annex 2.

37. Once observer status has been granted, Observers shall be invited to the meetings and other activities of the Arctic Council unless SAOs decide otherwise. Observer status shall continue for such time as consensus exists among Ministers. Any Observer that engages in activities which are at odds with the Council's Declaration or these Rules of Procedure shall have its status as an Observer suspended.

38. The primary role of Observers is to observe the work of the Arctic Council. Observers contribute through their engagement in the Arctic Council primarily at the level of working groups. In meetings of the Arctic Council's subsidiary bodies to which Observers have been invited to participate, Observers may, at the discretion of the Chair, make statements after Arctic States and Permanent Participants, present written statements, submit relevant documents and provide views on the issues under discussion. Observers may also submit written statements at Ministerial meetings.

Observers may propose projects through an Arctic State or a Permanent Participant but the total financial contributions from all Observers to any given project may not exceed the financing from Arctic States, unless otherwise decided by the SAOs.

EXPERTS

39. Where the Arctic Council, or the Arctic States participating on a working group, task force or other subsidiary body agree, the chair of the body may invite any person or organization that can contribute expertise and is able to contribute to the work of that body to participate in specific meetings. These persons or organizations do not have Observer status unless so decided in accordance with these Rules of Procedure.

40. Costs associated with the attendance of experts at meetings shall not be borne by the Arctic Council or its subsidiary bodies unless authorized in advance by a decision of the Arctic States.

LANGUAGES

41. English shall be the working language of the Arctic Council.

42. The Chairmanship shall make reasonable efforts to provide for Russian interpretation at Ministerial and SAO meetings.

43. Any individual may speak in a language other than English and in such cases that individual shall arrange for interpretation into English.

44. An Arctic State or Permanent Participant may volunteer to provide interpretation into languages other than English and vice versa.

PUBLIC COMMUNICATIONS AND DOCUMENTS OF MEETINGS

45. The Chairmanship may release minutes, if any, communications and documents of the meeting after obtaining approval from the relevant officials of each Arctic State. The Chairmanship is responsible for preparing a report of the meeting which will be formally released after it has been approved by the relevant officials of each Arctic State.

COMMUNICATIONS WITH THE ARCTIC COUNCIL

46. The Chairmanship shall designate a point of contact for communications and shall inform all Arctic States, Permanent Participants and Observers accordingly. All communications with the Arctic Council or Chairmanship required by these Rules shall be directed to the designated point of contact.

ANNEXES

47. The annexes form an integral part of these Rules, and a reference to the Rules or any part hereof includes a reference to the annexes related thereto.

AMENDMENT

48. These Rules may be amended by a decision of all the Arctic States.

ANNEX 1 TO ARCTIC COUNCIL RULES OF PROCEDURE

GUIDELINES FOR ARCTIC COUNCIL PROPOSALS FOR PROJECTS AND PROGRAMS

As a guide to preparation of such proposals for projects and programs, the following elements should be included, as appropriate:

- a.** the issues or matters to be addressed;
- b.** the reasons that the Arctic States should consider and approve the proposal;
- c.** any relevant recommendations in relation to the proposal, including recommendations as to an appropriate body or bodies for carrying out, coordinating, or facilitating an activity;
- d.** information in relation to costs and methods of financing an activity;
- e.** a work plan, including initiation and completion dates;
- f.** relationships to other Arctic Council programs or activities and to activities in other relevant regional or international fora;
- g.** an environmental impact assessment; and
- h.** any other information relevant to the proposal.

ANNEX 2 TO ARCTIC COUNCIL RULES OF PROCEDURE

ACCREDITATION AND REVIEW OF OBSERVERS

1. Not later than 120 days before a Ministerial meeting, the Chairmanship shall circulate, to all Arctic States and Permanent Participants, a list of entities that have applied for Observer status.

2. Applications for observer status shall be directed to the Chairmanship and shall be accompanied by a memorandum setting out relevant information including:

a. a written description of the proposed Observer's ability to contribute to the work of the Arctic Council and conformity with the criteria listed at paragraph 6 of this Annex; and,

b. in the case of organizations:

(i) the purpose of the organization, including a copy of its annual report;

And

(ii) a description of the organization's activities and information on the organization's governance and the total number of members.

3. The Secretariat shall maintain a list of accredited Observers, including the date of accreditation.

4. Observers are requested to submit to the Chairmanship not later than 120 days before a Ministerial meeting, up to date information about relevant activities and their contributions to the work of the Arctic Council should they wish to continue as an observer to the Council.

5. Every four years, from the date of being granted Observer status, Observers should state affirmatively their continued interest in Observer status. Not later than 120 days before a Ministerial meeting where Observers will be reviewed, the Chairmanship shall circulate to the Arctic States and Permanent Participants a list of all accredited Observers and up-to-date information on their activities relevant to the work of the Arctic Council.

CRITERIA FOR ADMITTING OBSERVERS

6. In the determination of the general suitability of an applicant for Observer status the Arctic Council will, inter alia, take into account the extent to which the applicant:

a. accepts and supports the objectives of the Arctic Council defined in the Ottawa declaration;

b. recognizes Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic;

c. recognizes that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean;

d. respects the values, interests, culture and traditions of Arctic indigenous peoples and other Arctic inhabitants;

e. has demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic indigenous peoples;

f. has demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council;

and

g. has demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision-making bodies.



Flags of the eight Arctic States, the six Permanent Participants, and the Arctic Council.

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