

## D. Annexes

### 1. REVISED ARCTIC COUNCIL RULES OF PROCEDURE

ARCTIC COUNCIL RULES OF PROCEDURE

as adopted by the Arctic Council at the

FIRST ARCTIC COUNCIL MINISTERIAL MEETING

Iqaluit, Canada

September 17-18, 1998

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EIGHTH ARCTIC COUNCIL MINISTERIAL MEETING

Kiruna, Sweden

May 15, 2013

## 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 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.