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Arctic Council Member States and Permanent Participants

Memorandum of Understanding Discussion Points

DRAFT

The Changing Context

The Arctic Council operates now in a political environment rather different from that when it was established in 1996. It is in light of these changes, in part, that the Permanent Participants seek a Memorandum of Understanding (MoU) with the eight Arctic Council members dealing in particular with the Indigenous Peoples Secretariat (IPS). It is worthwhile stressing that the Permanent Participants are independent legal and political organizations and that under our collective direction IPS performs helpful administrative and coordinative support functions for us all.

Interest in the circumpolar Arctic and the Arctic Council by non-Arctic states, transnational corporations and non-governmental organizations (NGOs) has grown considerably in the last few years, largely as the result of the actual and projected impacts and effects in the region of climate change. This widespread interest is well exemplified by resolution SS.X/2, Sustainable Development of the Arctic Region, adopted by UNEP’s Governing Council in February 2008, and the European Commission’s November 2008 Arctic Communication. That additional non-Arctic states and NGOs seek observer status to the Arctic Council is further evidence of this trend.

It seems clear that the Arctic Council is becoming increasingly important as a “high level forum” in which Arctic and non-Arctic interests engage. While the six Permanent Participants are firmly committed to avoiding any dilution of their status in the Arctic Council, they welcome the opportunity to use the council to deepen and broaden engagement with non-Arctic interests. After all, many key problems in the Arctic require international and sometimes global solutions.

There is no question that the involvement of Arctic Indigenous Peoples in the Arctic Council assists markedly in the council’s agenda setting and technical work, but our participation is also politically important for it adds credence and legitimacy to the council, and this has a bearing on the council’s relations with existing and potential non-Arctic observers. The Permanent Participants are also heavily involved in communicating internationally the results of assessments and reports generated by Arctic Council Working Groups. Good examples of this are AMAP’s 1997 and 1998 reports on contaminants which were used by the Permanent Participants to promote negotiation of the 1998 POPs Protocol to the UN/ECE Convention on Long Range Transboundary Air Pollution, and the 2001 global POPs Convention. The Permanent
Participants continue to use the 2004 Arctic Climate Impact Assessment and Arctic Human Development Report to promote effective action to implement the UN Framework Convention Climate Change and the Convention on Biological Diversity.

**Committing to the Indigenous Peoples Secretariat**

**An Evolving Mandate**

As the Arctic attracts more and more interest internationally and as the Arctic Council’s activities expand, expectations are rising that the Permanent Participants should and will “up their game” and do so in a co-ordinated fashion. We believe that a vibrant, efficient, and well-financed IPS is instrumental in enabling us to do so. All six Permanent Participants can attest to the difficulties of and need for co-ordination in the circumpolar world. At present, IPS provides only limited support to the Permanent Participants, and some Permanent Participants benefit more than others from this support. It is our intent that MoU will help to realign and reform IPS to increase its efficiency and effectiveness. This will allow each Permanent Participant to be more successful in engaging and intervening in the Arctic Council, particularly in the Working Groups. Indeed, IPS is increasingly important in facilitating our effective and co-ordinated involvement in the Working Groups, and as a result contributes to the public persona of the Arctic Council. The time has come to further solidify IPS as part of the council’s institutional architecture and to update the IPS mandate and governance system. The MoU signals the full support of the Member States for these changes and effectively renews the commitment to IPS in the Ottawa Declaration.

Changes to the IPS Terms of Reference and Procedural Guidelines elaborate, update and expand, but do not fundamentally change, the mandate of IPS which remains to facilitate the involvement of the Permanent Participants in the Council. These changes reflect the fact that six Permanent Participants now attend the Council not three as referenced in the Ottawa Declaration, and that all seek to deepen and broaden their involvement in the Council, including taking on analytic and writing tasks. This is why changes to the IPS Terms of Reference feature IPS involvement in the development of project proposals and in scoping and facilitating co-ordinated action among the Permanent Participants. Of singular importance, IPS is now to take on a greater role with the PPs in communicating to the public at large what’s going on in the Council.

As well as ensuring the support of the member states for the reformed mandate and role of IPS, the proposed MoU enables Member States to endorse changes to the governance structure of IPS that have been discussed many times by the IPS Board of Directors and upon which there is a broad and firm consensus. While these governance changes confirm that IPS is run by and reports to the Permanent Participants, representatives of three Member States are ex officio
members of the IPS Board of Directors. The MoU could be signed by Ministers in Tromso as a “stand alone” document, or signed by Senior Arctic Officials and incorporated by reference in the Tromso Declaration.

Operative Clauses

The proposed MoU contains three operative clauses:

1. The State Participants in the Arctic Council reaffirm their continued support of the Secretariat and its role as outlined in the revisions to the IPS Terms of Reference and Procedural Guidelines quoted above;

2. The State Participants in the Arctic Council confirm that the affairs and direction of the budget of the Arctic Council Indigenous Peoples Secretariat are to be the sole responsibility of the IPS Board as outlined in the revised IPS Terms of Reference and Procedural Guidelines; and

3. The State Participants in the Arctic Council commit to further exploration of ways and means by which the Permanent Participants of the Arctic Council may be able to participate to the fullest in the activities of the council, its Working Groups and projects.

The first clause commits the Member States to endorse changes to the mandate and role of IPS discussed above which reflect the evolution of the relationship between the Member States and Permanent Participants. The second clause reflects the principles of independence and responsibility of the IPS Board of Directors in establishing funding priorities and in authorizing the spending of funds and in the “affairs” of IPS. The purpose of this clause is to separate two issues: raising money and spending money. The clause does not speak to the first issue, that is, the size of the overall budget or individual contributions by member state(s). It does, however, pinpoint the Board of Directors as the sole authority to authorize spending of IPS funds. This clause is not an attempt to bypass or downgrade accountability for funds spent, nor is it an attempt to weaken the development of annual budgets as determinants of actual spending. IPS is committed to full reporting to funding agencies, to comprehensive and annual audits conducted by professional accountants, and to an “open file” policy. We welcome transparency. This clause protects Member States and Permanent Participants from potential allegations that Member States seek to control the activities of IPS.

The third clause is particularly important in the longer term scheme of things and in light of the heightened international importance of the Arctic and growing activities of the Council. It commits Member States to talk with the Permanent Participants about how better we can be involved in the Council’s activities. This clause is not limited to IPS although we assume that the
discussion will include the activities of IPS. We are of the view that this discussion is overdue. That Permanent Participants are now capable of leading Arctic Council projects, as occurred in last year’s language symposium, is evidence in itself that a discussion is needed. Our intent is that the MoU “kick start” that discussion.

Finally, we ask the Member States to see the proposed MoU for what it is: an attempt to solidify and improve the engagement of the Permanent Participants in the Arctic Council. We look forward to your considered response.