



IPHC CIRCULAR 2016-001

Dear Commissioners,

SUBJECT: REVIEW AND REVISION OF THE IPHC RULES OF PROCEDURE (2014)

In accordance with Rule 15, paragraph 2 of the IPHC Rules of Procedure (2014), which states:

“2. These Rules of Procedure should be reviewed for their consistency and appropriateness at least biennially.”;

please review the attached document and indicate which sections you would like updated, either by yourselves as Commissioners, or through the IPHC Staff.

Direct edits to the attached word version are also welcome with the intention that these will be consolidated for broader consideration during the upcoming 92nd Session of the IPHC Interim Meeting (29-30 November 2016).

Please submit your comments/edits no later than 10 November 2016, thereby allowing the IPHC Staff to consolidate all edits and publish the proposal for amendment no later than 15 days prior to the commencement of the Session.

Yours sincerely

Dr. David T. Wilson

Executive Director, IPHC

Attachments:

- Attachment I: IPHC Rules of Procedure (2014)

INTERNATIONAL PACIFIC HALIBUT COMMISSION
RULES OF PROCEDURE

Rule 1 – Authority and Purpose

1. **Authority.** These Rules of Procedure consist of rules and regulations adopted by the International Pacific Halibut Commission, hereinafter referred to as “the Commission,” pursuant to the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, hereinafter referred to as “the Convention,” signed first in 1923 and revised several times since, most recently in 1953, as amended by the Protocol signed by both countries, hereinafter referred to as “the Contracting Parties,” in 1979.
2. **Purpose.** The purpose of this document is to provide the rules of procedure for the internal organization and operation of the Commission, and to establish the procedure by which a network of advisory bodies and committees shall operate.

Rule 2 – Representation

1. The Commission shall be composed of not more than six Commissioners, three from each of the Contracting Parties, pursuant to Article III, Paragraph 1 of the Convention. Commissioners shall be appointed through the national process of the Contracting Party they represent, and they shall serve as long a term and be reappointed as many times as the Contracting Party decides.
2. The Contracting Parties shall provide documentation of Commissioner appointments, which the Executive Director shall keep on file.

Rule 3 – Advisors to the Commission

1. Each Contracting Party may appoint Scientific and Financial Advisors and/or other experts to assist its Commissioners in their areas of expertise. Except at such meetings as the Commission shall decide otherwise, Commissioners may be accompanied by one or more of these advisors and experts.

Rule 4 – Seat of the Commission

1. Unless otherwise agreed by the Contracting Parties, the seat of the Commission shall be at Seattle, Washington. The legislation implementing the Convention in the United States, the Northern Pacific Halibut Act of 1982, stipulates that the U.S. will provide facilities for the Commission on or near the campus of the University of Washington, without regard to the cost-sharing provisions in the Convention.
2. The Executive Director and the Staff of the Secretariat, hereinafter referred to as the “Staff,” shall be based at the seat of the Commission.

Rule 5 – Meetings of the Commission

1. The Commission may alternate its regular Annual meeting and its Interim Meeting between Canada and the United States, and may hold other meetings as it may determine necessary. Agenda items at the Annual Meeting shall include, but are not limited to, the final decisions on catch limits.
2. The Commission may hold public hearings as may be determined by the Commission.
3. Meetings of the Commission shall be public and available via electronic communication means approved by the Commission, unless the Commission otherwise decides.
4. Meetings with representatives of the halibut fishery industry may be held annually at the seat of the Commission or at any other place that the Commission shall determine, and arrangements for such meetings shall be determined by the Chair in consultation with the Executive Director.

Rule 6 – Selection of Chair and Vice-Chair

The Commission shall elect from its members a Chair and Vice-Chair, each of whom shall be elected for a term of one year and shall serve until the day following the election of their successors. The Chair and Vice-Chair must be from different Contracting Parties. Each year these offices shall rotate between the Contracting Parties.

Rule 7 – Functions of Chair and Vice-Chair

1. The powers and duties of the Chair shall be:
 - (a) To preside at all meetings of the Commission;

- (b) To decide all questions of order raised at the meetings of the Commission, subject to the right of any Commissioner to request that any ruling of the Chair shall be submitted to the Commission for decision by vote;
- (c) To call for votes and announce the results of the vote to the Commission;
- (d) To sign on behalf of the Commission a report of the proceedings of each annual or other meeting of the Commission for transmission to the Contracting Parties, Commissioners, and others approved by the Commission, including the general public via the Commission's website or other electronic communication means approved by the Commission, as an authoritative record of what transpired;
- (e) Generally, to make such decisions and give directions to the Executive Director, especially in the interval between the meetings of the Commission, to carry out the business of the Commission efficiently and in accordance with its decisions;
- (f) To take such other actions on behalf of the Commission as may be assigned by decision of the Commission.

2. The Vice-Chair shall act as Chair if the office of the Chair becomes vacant, or the Chair is unable to act, or the Chair requests the Vice-Chair temporarily to perform the duties of the Chair, until such time as the Chair is able to resume carrying out its functions or a new chair is elected. Temporarily performing the duties of Chair by the Vice-Chair shall not affect the rotation of offices in the succeeding year.

Rule 8 – Voting

1. Each member of the Commission shall be entitled to one vote, and in accordance with Article III, Paragraph 1 of the Convention, all decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party. At meetings, a public vote shall be taken by show of hands or roll call of the Commissioners, whether in person or via electronic communication, on each issue.
2. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be called by the Chair and taken by mail, telephone, or electronic communication. Such decisions shall be duly recorded in the Commission's records by the Executive Director. Copies of such decisions shall be forwarded promptly to the Contracting Parties and to the Commissioners by the Executive Director and a record of the vote will be accessible to the public.

Rule 9 – Functions of Executive Director and Assistant Director

1. The Commission shall appoint an Executive Director who shall be the ex-officio Secretary of the Commission, and whose tenure and rate of remuneration shall be determined by the Commission, in general agreement with U.S. Civil Service guidelines. The duties of the Executive Director shall be:

- (a) To sign on behalf of the Commission all official communications to the Contracting Parties, unless signed by the Chair or otherwise directed by the Commission;
- (b) To receive and transmit to the Commissioners communications from the Contracting Parties as required;
- (c) To keep the records of meetings and to prepare reports thereof for transmission to the Contracting Parties, Commissioners, and others concerned, including the general public via the Commission's website or other electronic communication means approved by the Commission, after approval by the Chair;
- (d) To maintain the official files of the Commission, including documentation of Commissioner appointments and records of voting actions taken;
- (e) To perform such other duties and functions as are set forth in these Rules or as may be assigned to the Executive Director by the decision of the Commission or the Chair;
- (f) To appoint members of the Staff to the positions established by the Commission, grant promotions and in-grade increases, manage the Staff's activities, and enforce Staff regulations;
- (g) To fix the rate of remuneration of the Staff in general agreement with U.S. Civil Service guidelines;
- (h) To be responsible to the Commission for the management of its office and for the budgeting, receipt, and disbursement of all monies received by the Commission, pursuant to the Financial Regulations established by the Commission;
- (i) To make all necessary arrangements and prepare agendas for Commission meetings;
- (j) To direct the scientific investigation program approved by the Commission;
- (k) As requested by the Commission, to recommend structure and/or membership for the advisory bodies established by the Commission;
- (l) To facilitate communication between the Commission and the advisory bodies as well as communication among the advisory bodies themselves.

2. The Commission shall appoint an Assistant Director, and if the position of Executive Director becomes vacant or the Executive Director is unable to act or is absent, then the duties and responsibilities of the Executive Director shall be performed by the Assistant Director.

3. In fulfilling their functions, the Executive Director and the Staff shall not act in any manner that could be incompatible with the objectives and provisions of the Convention or these Rules, nor shall they use their position to benefit financially from Commission activities. They shall also maintain as confidential, while they are employed by the Commission and thereafter, any confidential information they obtain or to which they have access during their employment.

Rule 10 – Advisory Bodies

1. The Commission may establish or dissolve advisory bodies to assist its work, as it deems necessary. At the Commission's request, the Executive Director may make recommendations concerning advisory body structure and/or membership.

2. Each advisory body shall develop rules of procedure, or other organizational or governing documentation, as necessary for the conduct of its meetings and for the exercise of its functions and duties, in accordance with the Commission's Rules of Procedure and subject to the Commission's approval.

3. Meetings of the Commission's advisory bodies shall be public and/or made available to the public via electronic means approved by the Commission, unless the Commission decides otherwise.

4. Completed reports and/or other documents prepared and discussed at meetings of these bodies will be presented to the Commission and made available to the general public via the Commission's website or other electronic communication means approved by the Commission.

5. There are currently the following advisory bodies, and others may be added through amendment of these Rules:

(a) A Conference Board, on which individuals representing Canadian and U.S. commercial, sport, subsistence, Tribal/First Nations halibut harvesters, and other interested parties may be represented. The Board shall advise the Commission on matters relating to conservation measures and halibut management. The Conference Board shall also review Staff reports and recommendations, regulatory and catch limit proposals received by the Commission, and provide its advice concerning these items to the Commission at its Annual Meeting, or on other occasions as requested. The Conference Board Co-Chairs shall communicate with the Commission and the other IPHC advisory bodies on the Board's behalf. The Commission's Executive Director may facilitate this communication.

(b) A Processor Advisory Group, representing the U.S. and Canadian halibut processing industry and other interested parties. The Group shall advise the Commission on matters relating to conservation measures and halibut management. The Processor Advisory Group shall also review Staff reports and recommendations, regulatory and catch limit proposals received by the Commission, and provide its advice concerning these items to the Commission at its Annual Meeting, or on other occasions as requested. The PAG Chair shall communicate with the Commission and the other IPHC advisory bodies on the Group's behalf. The Commission's Executive Director may facilitate this communication.

(c) A Research Advisory Board, composed of members of the halibut community that shall suggest research ideas, review IPHC research, and provide the Staff with direct input and advice from industry during the development of research plans. The Board may also make recommendations to the Scientific Review Board concerning research plans and priorities. The Executive Director shall facilitate the Board's meetings, as well as communication with the Commission and the other IPHC advisory bodies on the Board's behalf.

(d) A Management Strategy Advisory Board, on which individuals representing harvesters (commercial, sport, and subsistence), fisheries managers, processors, Staff, science advisors, Commissioners, and other experts as required may be represented. The primary role of the MSAB is to oversee and advise the Staff on the Management Strategy Evaluation (MSE) process, which shall propose fishery objectives, articulate and evaluate management procedures, and propose performance measures in order to recommend fishery management strategies for Commission consideration.

(e) A Scientific Review Board, with the main objective of providing an independent scientific review of Commission science products and programs, and to support and strengthen the stock assessment process. The Scientific Review Board shall review modeling and evaluation used by the Management Strategy Advisory Board, and review research proposals from the Research Advisory Board and Staff. The Scientific Review Board will prepare reports to the Commission summarizing findings, recommendations, and documentation of any divergent views for all of its reviews.

(f) A Scholarship Committee, on which a U.S. and a Canadian representative from each of the Conference Board and the Processor Advisory Group, plus a Commissioner may serve. The Committee shall select a successful scholarship candidate annually, with the objective to assist the further education of Canadian and U.S. students connected to the halibut fishery and its industry. Meetings of the Scholarship Committee will be facilitated by the Executive Director as a non-voting member.

6. Individuals may serve on more than one advisory body.

7. The Commission may defray the travel and living expenses of advisory body members at such meetings as it deems necessary, and may provide honoraria on occasion. The amount of such

expenses and the number of representatives whose expenses may be defrayed shall be the decision of the Commission, upon recommendation of the Executive Director.

Rule 11 – Reports and Records

1. Minutes of all meetings of the Commission shall be kept by the Executive Director and shall be recorded in accordance with instructions of the Commission.
2. Summary minutes of the proceedings of advisory body meetings shall be kept by the Executive Director.
3. Copies of minutes and summaries of proceedings prescribed in Rules 11.1 and 11.2 shall be forwarded by the Executive Director to the Contracting Parties and to the Commissioners after approval by the Chair.
4. The Commission shall publish, following its regular Annual Meeting, a report of its activities during the preceding year, and shall publish such additional reports from time to time as it may deem desirable. All reports published by the Commission shall be available at the Commission's website or by other electronic communication means approved by the Commission.

Rule 12 – Privileges and Immunities

The legal personality, privileges and immunities which the Commission and its Staff shall enjoy in the territory of a Contracting Party shall be determined by that Contracting Party.

Rule 13 – Grievances

1. The Commission shall sit as a body to hear grievances from Staff members regarding personnel actions instituted by the Executive Director, where other levels of internal review prescribed by the IPHC Employee Manual have not led to resolution. The Commission shall render its decision on a grievance hearing within 90 days, which shall constitute a final decision on the grievance. The Commission's decision is not subject to appeal.
2. The Commission may instruct the Executive Director to undertake other personnel actions where the Commission deems that a grievance hearing is not appropriate.

Rule 14 – Dissolution of the Commission

Upon dissolution of the Commission, all assets of the Commission will be divided according to the assigned equity proportions determined by the most recent financial audit approved by the Commission and returned to the international fisheries divisions of the U.S. State Department and the Canadian Department of Fisheries and Oceans, to be used in the interest of the general public for the management of the international fisheries resources of the two countries.

Rule 15 – General Provisions

1. These Rules of Procedure were adopted September 17, 2014 and replace those adopted by the Commission January 19, 1954, as amended through January 2011. Copies of previous Rules of Procedure shall be archived by the Executive Director for reference.
2. These Rules of Procedure should be reviewed for their consistency and appropriateness at least biennially.
3. These Rules of Procedure may be amended from time to time by vote of the Commission in accordance with the voting procedure noted in Rule 8, provided such amendment is not inconsistent with the provisions of the Convention.