



IPHC Rules of Procedure – Draft amendments

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PURPOSE

To provide the Commission with proposed amendments to the current IPHC Rules of Procedure (2022).

BACKGROUND AND DISCUSSION

In accordance with Rule 19, paragraph 1 of the IPHC Rules of Procedure (2022), which states:

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

Rule 6 – Sessions of the Commission

Sessions of the Commission are currently defined as a Regular Session or a Special Session, both of which have specific operating rules and an order of business as defined in Rule 8, unless specified otherwise.

Over the past years, the IPHC Secretariat has also held a number of informal ‘Information Sessions’ for the Commission. An informational session for the Commission or subsidiary bodies may be useful at certain times, such as the annual Stock Assessment information session held in November of each year prior to the formal Interim Meeting; or the informal Management Strategy Evaluation (MSE) information session held on 19 May 2022 to help MSAB members prepare for MSAB017 given that they had not met as a subsidiary body since early 2020.

At present, there are no specific rules or agreed processes for information sessions. Thus, at the request of the Chairperson of the Commission, we propose to include a definition for Informational Session in Rule 6 of the IPHC Rules of Procedure, and associated deadline for announcements, papers and presentations, as follows:

Informational Session

11bis. The Chairperson and Vice-Chairperson of the Commission may call for an informational session at any time.

12bis. An Informational Session will not be announced via the IPHC website, but will be announced electronically to specific invitees.

12bis. A report is not required from an Informational Session, unless agreed by the Chairperson and Vice-Chairperson at the time the Session was requested.

13bis. Invitations to an Informational Session shall be issued not less than 15 days in advance of the date fixed for the opening of the Information Session, unless otherwise agreed by the Chairperson and Vice-Chairperson, and may be exclusive to specific subsidiary bodies or invitees.

14bis. Any documents to be discussed and presentations to be given at an Informational Session of the Commission should aim to be provided to invitees **10 days** before the date fixed for the opening of the Special Session, unless otherwise decided by the Chairperson and Vice-Commission in consultation with the Secretariat.

15bis. The procedure of an Informational Session established in accordance with paragraph Rule 6, para 11 shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

Challenges: The Commission should be aware that there may be challenges meeting deadlines for some information sessions, such as the Stock Assessment information session in late November each year. The above wording should be carefully considered before adoption.

Rule 8 – Order of Business

For the last two (2) years, the IPHC Secretariat has been publishing all presentations for the Commission and its subsidiary bodies no later than 10 days prior to the commencement of the relevant meeting. This was at the request of Commissioners during the 2019 Work Meeting. This has worked well for both the Secretariat, Commission, and interested stakeholders. We propose to formalise this current voluntary deadline into Rule 8 – Order of Business as follows:

Working documents/papers

4. Any documents to be discussed at a Session of the Commission shall be submitted to the Executive Director no less than **30 days** before the date fixed for the opening of the Session, unless otherwise decided by the Commission. Documents received later than 30 days in advance of the Session shall be deemed as Information Papers only.

4bis. Any presentations to be given at a Session of the Commission shall be submitted to the Executive Director no less than **10 days** before the date fixed for the opening of the Session, unless otherwise decided by the Commission.

Rule 14 – Subsidiary Bodies

On 19 May 2022 the IPHC Secretariat held an informal Management Strategy Evaluation (MSE) information session (from 1-4 pm PST) for the MSAB and other interested stakeholders. The purpose of this information session was to present an update on progress of the MSE work and provide information to MSAB members that may help them prepare for MSAB017, a Regular Session of the MSAB, in October 2022.

Therefore, the presentation was finalised the day before to reflect the work that was done immediately up to that meeting. As there were no outcomes being sought from the information session, more weight was placed on ensuring the presentation was up-to-date with all activities. Thus, the powerpoint was provided the morning of for members to follow and have for future reference.

The only document of relevance, was that published for the Scientific Review Board (SRB) on 13 May 2022, which was provided to the MSAB on the same day it was published for the SRB. A useful document and associated ppt was provided at that time via a link to the MSE paper for the SRB, which was available on the SRB020 meeting website (IPHC-2022-SRB020-06).

<https://www.iphc.int/venues/details/20th-session-of-the-iphc-scientific-review-board-srb020> which was published on 12 May 2022, 7 days before the informal MSE information session.

Subsequent to the information Session, the Chair of the Commission requested we draft an addition to IPHC Rules of Procedure to add a document and presentation deadline for informal information sessions. To accommodate this request, the following text could be added:

Rule 14 – Subsidiary Bodies

2bis. All informal informational sessions for subsidiary bodies shall operate under the Rules of Procedure for Informational Sessions of the Commission (Rule 6, paras. 11bis-15bis) *mutatis mutandis*, and Rule 8, para 4bis.

Appendix V - Management Strategy Advisory Board (MSAB) – Terms of Reference and Rules of Procedure

Subsequent to the 98th Session of the IPHC Annual Meeting (AM098), the Commission met intersessionally to consider both the MSE Program of Work, as well as the Commission’s annual budget which includes the activities of the MSAB. In doing so, the Commission decided via intersessional decision IPHC-2022-ID001 ([IPHC-2022-CR-007](#)) as follows:

“IPHC-2022-ID001: The Commission:

d) AGREED that it would like at least one in-person/hybrid MSAB meeting in 2023. This could occur in mid-2023 or in the standard October time slot (October 2023). In doing so, the MSAB membership may need to be reviewed and travel expenses for non-government members capped.”

As part of the intersessional decision process the Commission also advised of its intention to revisit the MSAB membership/representation as specified in the IPHC Rules of Procedure, and that the two Contracting Parties would be discussing internally with their delegations ways to ‘rationalise’ the membership and representation. The Commission’s stated goal is to reduce meeting costs (travel) for non-government members, noting that government employees are required to pay for their own meeting attendance. The Commission will provide feedback on the internal discussions described above and provide direction to the Secretariat on how it would like to proceed.

At present, the cost of an in-person MSAB meeting is budgeted at **~US\$40,000**. However, the precise cost for the 1st in-person MSAB meeting post-COVID-19 is likely to be higher due to airline costs. The costs are estimated as follows for 29 Board members for a 4-day MSAB meeting:

- Travel (flights, car) for non-Government members: \$15,000
- Catering (lunches and function): US\$2,500
- Per diem: Lodging (US\$232/day) for non-Government members x 20: \$18,560
- Per diem: Meals and Incidentals: (US\$79/day – lunches and 1 x dinner provided) for non-Government members x 20: \$4,000

The Commission has also directed the IPHC Secretariat to ‘*provide the Commission with potential governance reforms for the MSAB, via a working paper for the WM2022 which details the current membership, Terms of Reference and Rules of Procedure for the MSAB.*’

Provided at [Appendix I](#) are the current Terms of Reference and Rules of Procedure for the MSAB. Potential governance reforms are suggested in tracked-changes.

The MSAB017 considered potential updates to the Rules of Procedure and provided the following advice for the Commission's consideration. Where feasible, suitable edits have been accommodated in Appendix I.

*(para. 11) The MSAB **NOTED** the Commission, as part of its intersessional decision process, had agreed to revisit the MSAB membership/representation as specified in the IPHC Rules of Procedure, and that the two Contracting Parties would be discussing internally with their delegations, ways to 'rationalise' the membership and representation. The Commission's stated goal is to reduce meeting costs (travel) for non-government members, noting that government employees are required to pay for their own meeting attendance. The Commission will provide feedback on the internal discussions described above and provide direction to the Secretariat on how it would like to proceed.*

*(para. 12) **NOTING** the proposed amendments to the MSAB Terms of Reference and Rules of Procedure, the MSAB **REQUESTED** the Commission note the following comments:*

- a. Membership continuity through various aspects of the Program of Work is desirable;*
- b. Term limits should be staggered, wherever feasible, to facilitate continuity within the Board;*
- c. Continuity would be well served by first term limits remaining at four (4) years, with subsequent terms at two (2) years, and without a limit on the number of terms that could be served by an individual board member. Some members expressed that term renewal limits were not supported as they would likely undercut consistency, member expertise, and contributions to the MSE process;*
- d. Should the Commission decide to limit the number of terms a member may serve, it should consider more than two (2) terms as a limit;*
- e. Should the number of term limits be implemented, the Commission is requested to clarify how current members would be impacted, noting some have been on the board for greater than 10-13 years.*

*(para. 13) The MSAB **NOTED** the removal of "environmental conditions" in para. 2c) and **AGREED** that retention of that phrase would be within the mandate of the MSAB.*

*(para. 14) The MSAB **NOTED** the proposed rationalisation of MSAB member numbers/seats that have been vacant for a number of years, and that some MSAB members preferred not to reduce total membership numbers/seats. Others felt that some reduction could be possible, at the Commission's discretion. The current equity in membership seats between Contracting Parties and representation across a range of interests, as well as the importance of maintaining those, was seen as important.*

*(para. 15) **NOTING** well defined opportunities for observers and the general public to participate in meetings of the Commission and subsidiary bodies (Rule 12, [IPHC Rules of Procedure 2022](#)), the MSAB **AGREED** that a possible method to support continuity is to allow for alternate members.*

*(para. 16) The MSAB **AGREED** that if necessary, a limit could be placed on the number of in-person attendees at each meeting that are paid for by the Commission. This could be*

supported by a hybrid meeting format whereby a portion of the membership attends in-person and another portion via electronic means.

*(para. 17) The MSAB **REQUESTED** the following minor amendments to the MSAB Rules of Procedure be incorporated in the current update:*

- a) Review terminology throughout and ensure consistency, e.g.: Fisheries vs fishery; Session vs meeting;*
- b) Para. 3: Change 'employees' to 'board members' at the end of para. 3;*
- c) Para. 7: Co-Chairpersons: no limit to the number of co-chairperson terms.*

Membership (as of 25 Oct 2022): There are currently 29 seats on the Board, including 8 government seats.

| Membership category | Member | Canada | U.S.A. | Current Term commencement | Current Term expiration |
|--|-----------------|----------------------|-----------------------------|---------------------------|-------------------------|
| Commercial harvesters (6-8) | | | | | |
| 1 | Sporer, Chris | CDN Commercial | | 9-May-17 | 31-Dec-22 |
| 2 | Hauknes, Robert | CDN Commercial | | 9-May-17 | 31-Dec-22 |
| 3 | Grout, Angus | CDN Commercial | | 3-Dec-19 | 31-Dec-22 |
| 4 | Vacant | CDN Commercial | | | Vacant |
| 5 | Odegaard, Per | | USA Commercial | 9-May-17 | 31-Dec-22 |
| 6 | Falvey, Dan | | USA Commercial | 9-May-17 | 31-Dec-22 |
| 7 | Johnson, James | | USA Commercial | 17-Apr-19 | 16-Apr-23 |
| 8 | Vacant | | USA Commercial | | Vacant |
| Recreational/ Sport fisheries (2-4) | | | | | |
| 1 | Ashcroft, Chuck | CDN Sportfishing | | 17-Apr-19 | 16-Apr-23 |
| 2 | Vacant | CDN Sportfishing | | | Vacant |
| 3 | Marking, Tom | | USA Sportfishing (CA) | 9-May-19 | 8-May-23 |
| 4 | Braden, Forrest | | USA sportfishing (AK) | 17-Apr-19 | 16-Apr-23 |
| Processors (2-4) | | | | | |
| 1 | Parker, Peggy | US/CDN Processing | US/CDN Processing | 9-May-19 | 8-May-23 |
| 2 | Mirau, Brad | CDN Processing | | 9-May-19 | 8-May-23 |
| 3 | Vacant | CDN Processing | | | Vacant |

| Membership category | Member | Canada | U.S.A. | Current Term commencement | Current Term expiration |
|---|------------------|---------------------|---------------------|---------------------------|-------------------------|
| 4 | Vacant | | USA Processing | | Vacant |
| 5 | Drobnica, Angel | | USA Processing | 17-Apr-19 | 16-Apr-23 |
| First Nations / Tribal / Agency appointments | | | | | |
| First Nations/ Tribal fisheries (2-4) | | | | | |
| 1 | Lane, Jim | CDN First Nations | | 9-May-17 | 31-Dec-22 |
| 2 | Vacant | CDN First Nations | | | Vacant |
| 3 | Mazzone, Scott | | USA Treaty Tribes | 9-May-19 | 8-May-23 |
| 4 | Peterson, Joseph | | USA Treaty Tribes | 7-May-20 | 31-Dec-22 |
| Government Agencies (4-8) | | | | | |
| 1 | Keizer, Adam | DFO | | 9-May-19 | 8-May-23 |
| 2 | Huang, Ann-Marie | CDN Science Advisor | | 10-May-18 | 31-Dec-22 |
| 3 | Vacant | DFO | | | Vacant |
| 4 | Iverson, Kurt | | NOAA-Fisheries | 13-Oct-22 | 12-Oct-26 |
| 5 | Hulson, Pete | | USA Science Advisor | 13-Jul-22 | 12-Jul-26 |
| 6 | Hall, Heather | | PFMC | 17-Oct-22 | 16-Oct-26 |
| 7 | Bush, Karla | | NPFMC | 25-Oct-21 | 24-Oct-23 |
| 8 | Webster, Sarah | | ADFG | 24-Sep-19 | 31-Dec-22 |

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2022-IM098-15 which proposed amendments to the current IPHC Rules of Procedure (2022) and suggest any further improvements.

APPENDICES

[Appendix I](#): Management Strategy Advisory Board (MSAB) – Terms of Reference and Rules of Procedure (2022): Draft revisions as requested by the Commission.

Appendix I

Management Strategy Advisory Board (MSAB) – Terms of Reference and Rules of Procedure

(The MSAB shall operate under the Rules of Procedure of the Commission *mutatis mutandis*, except where specific provisions are laid down in the Convention or in these Rules of Procedure.)

I. Terms of reference

1. The Management Strategy Advisory Board (MSAB), on which individuals representing harvesters (commercial, sport, and subsistence), fisheries managers, processors, IPHC Secretariat, science advisors and other experts as required may be represented. The primary role of the MSAB is to advise the Commission on objectives, performance metrics, management procedures, and results arising from the Management Strategy Evaluation (MSE) process.
2. The MSAB will:
 - a) recommend clear measurable objectives and performance metrics for the fisheries;
 - b) propose candidate management strategies, which include aspects of the fisheries that can be managed (e.g. regulatory requirements);
 - c) advise the IPHC Secretariat about plausible fisheries-related scenarios for investigation, which include aspects of the fisheries that cannot be managed by the IPHC (e.g. environmental conditions and removals under the management authority of a domestic management agency or changes in fisheries dynamics);
 - d) encourage and allow members to propose tentative or exploratory ideas without prejudice to future discussions;
 - e) assist with interpreting results and identifying important trade-offs between management procedures;
 - f) represent information, views, and outcomes of the MSAB discussions to constituents accurately and appropriately;
 - g) gather and clearly articulate the interests and concerns of constituents and incorporate them into the MSAB's discussions;
 - h)

II. Representation

3. The MSAB will include the following interests (in alphabetical order): harvesters (commercial, sport, and subsistence), fisheries managers, processors, science advisors and other experts as required may be represented, and be facilitated by the IPHC Secretariat. Upon request, the IPHC shall cover the travel costs, in accordance with IPHC travel policies, for non-State and non-Federal board members, to attend one (1) MSAB session each year.
 - a) Harvesters: Commercial fisheries (6-8, max 4 from each Contracting Party)
 - b) First Nations/Tribal fisheries (2-4, max 2 from each Contracting Party)
 - c) Government agencies (incl. domestic management representatives and science advisors to each Contracting Party) (4-8; max of 4 from each Contracting Party)
 - d) Processors (2-4; max of 2 from each Contracting Party)
 - e) Recreational/Sport fisheries (2-4; max of 2 from each Contracting Party)

Representation may not be distributed throughout IPHC Regulatory Areas, but may be a consideration when determining membership.

4. The term of MSAB members will be four (4) years, and members may serve [two (2)] additional terms of two (2) years, at the discretion of the IPHC.

III. Officers

5. The MSAB will be co-chaired, one from Canada and one from the United States of America. Co-Chairpersons will be appointed by the MSAB from its membership described in para. 3.
6. The Co-Chairpersons will:
 - a) convene and adjourn meetings and preside over them, ensuring that meetings are conducted in an orderly, efficient, transparent, and respectful manner;
 - b) assist in drafting the report during the meeting;
 - c) present the MSAB's decisions, recommendations, and advice to the Commission;

- d) promote interactive dialogue, and enable all perspectives to be heard within the constraints of the time available;
 - e) support bringing issues to closure by ensuring that there is clarity on the topics being discussed, a summation of the collective advice of MSAB, and acknowledgement of any outstanding issues or concerns; and
 - f) identify areas where there are conflicts and support processes through which those conflicts can be addressed.
7. The term of the Co-Chairpersons will be two (2) years, and they may serv additional terms at the discretion of the MSAB.

IV. Sessions of the MSAB

8. **Time and Place:** The MSAB meets at least once each year The MSAB may also meet at other times and places, or via electronic means, facilitated by the IPHC Secretariat to consider specific issues, to produce specific documents or other products, or for an update on progress from the IPHC Secretariat (e.g. an informational session).
9. **Agenda:** As per the Commission’s Rules of Procedure.

V. Intersessional process and ad-hoc working groups

10. The MSAB may set up ad-hoc working groups to consider particular issues and report back to the MSAB.

VI. Reports and Records

11. A report shall be adopted at each Session of the MSAB.
12. The report shall embody the MSAB’s recommendations, including, when requested, a statement of minority views.
13. A copy of the final report from each MSAB session shall be forwarded by the IPHC Executive Director to the Contracting Parties and to the Commissioners no later than **15 days** after the close of the Session.
14. All reports shall be available on the Commission’s website.

