



Amendment of the IPHC Rules of Procedure (2014)

PREPARED BY: IPHC SECRETARIAT (D. WILSON, 4 JANUARY 2017)

PURPOSE

To provide the Commission with an opportunity to consider proposed amendments to the IPHC Rules of Procedure (2014).

BACKGROUND

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.”,

on 20 October 2016, the IPHC Secretariat indicated the need to revisit the IPHC Rules of Procedure (2014) at the Interim Meeting of the Commission in 2016 (via IPHC Circular 2016-001).

At the 92nd Session of the IPHC Interim Meeting (29-30 November 2016), the Commission reviewed the draft revisions to the IPHC Rules of Procedure (2014), and made the following comments/requests:

IPHC Rules of Procedure (2014)

IM092, Para 96: *The Commission **NOTED** paper IPHC-2016-IM092-20 which provided the Commission with an initial opportunity to consider proposed amendments to the IPHC Rules of Procedure (2014).*

IM092, Para 97: *The Commission **NOTED** that 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.”, on 20 October 2016, the IPHC Secretariat indicated the need to revisit the IPHC Rules of Procedure (2014) at the Interim Meeting and Annual Meeting of the Commission in 2016 and 2017, respectively (via IPHC Circular 2016-001).*

IM092, Para 98: *The Commission **AGREED** that there was a need to further modernise the IPHC Rules of Procedure, and to ensure that the Terms of Reference and Rules of Procedure of its subsidiary bodies are largely aligned with those of the Commission.*

IM092, Para 99: *The Commission **AGREED** that a revised version shall be considered at the 93rd Session of the IPHC Annual Meeting in January 2017.*

DISCUSSION

Provided at **Appendix I** are proposed revisions to the IPHC Rules of Procedure (2014), which incorporate administrative amendments intended to further modernize the IPHC's governance procedures. The Terms of Reference and Rules of Procedure of all subsidiary bodies of the Commission have also been standardised and incorporated into the revised version.

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2017-AM093-16 which proposed revisions to the IPHC Rules of Procedure.
- 2) **ADOPT** the revised IPHC Rules of Procedure (2017) by consensus or by vote in accordance with the IPHC's voting procedure, and in accordance with the provisions of the Convention.

APPENDICES

Appendix I: DRAFT: International Pacific Halibut Commission Rules of Procedure (2017)



Late updated: 4 January 2017

INTERNATIONAL PACIFIC HALIBUT COMMISSION

RULES OF PROCEDURE (2017)

[Cover page & Table of contents to be inserted – Once ROP adopted]

Rule 1 – Definitions

For the purpose of these Rules of Procedure, the following definitions apply:

Convention: the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, Canada on 2 March 1953, as amended by the Protocol Amending the Convention, signed at Washington 29 March 1979, and includes the regulations promulgated thereunder.

Commission: the International Pacific Halibut Commission provided for by Article III, paragraph 1 of the Convention.

Contracting Parties: Consisting of the two Members, Canada and the United States of America (3 Commissioners from each Party).

Delegation: the delegates and his/her alternates, experts and/or advisers from each Contracting Party.

Executive Director: the Director of the Commission.

Members: the representatives of a Contracting Party as specified in Article III of the Convention.

Observer: the representative of an Observer Nation, Observer Intergovernmental Organisation or Observer Non-Governmental Organisation.

Pacific halibut: fish of the species *Hippoglossus stenolepis*.

Session: Any meeting of the Commission or its subsidiary bodies

Commented [IPHC1]: NE
W addition to ROP so as to
improve interpretation/
readability.



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Rule 2 – Authority, ~~and~~ Purpose and Scope

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 subsidiary bodies ~~and committees~~ shall operate.
3. **Scope:** All subsidiary bodies 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.

Commented [IPHC2]: Changed throughout.

Rule 3 – 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 4 – 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/or experts.



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Rule 5 – Seat of the Commission

1. Unless otherwise agreed by the Contracting Parties, the seat of the Commission shall be at Seattle, Washington, U.S.A. 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 “Secretariat staff,” shall be based at the seat of the Commission.

Commented [IPHC3]: Changed throughout.

Rule 6 – ~~Meetings~~ Sessions of the Commission

1. The Commission may alternate its regular Sessions of the Annual Meeting and its Interim Meeting between Canada and the United States of America, 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. Meetings of the Commission shall be open to Observers and the general ~~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 Pacific halibut ~~fishery-fishing~~ 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 Chairperson in consultation with the Executive Director.
5. Invitations to meetings of the Commission shall be prepared by the Executive Director and issued no later than 90 days in advance of the date fixed for the opening of the Session.

Rule 7 – Credentials

1. At each Session of the Commissions Annual Meeting and Interim Meeting, the Executive Director shall receive a *Letter of Credentials* of each delegation issued by, or on behalf of, the competent authority, indicating clearly the Commissioners, as well as the list of advisors and experts who will be part of the delegation. Such *Letter of Credentials* shall conform to the standard

Commented [IPHC4]: NEW Rule 7 addition to the ROP that will formalize the current working in the IPHC Convention between Canada and the USA.



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set out in [Appendix I](#). The Executive Director shall report to the Commission the *Letter of Credentials* received.

Rule 8 – Order of Business

Commented [IPHC5]: NEW Rule 8 to formalize the process and timings for an IPHC meeting. Consistent with International best practices.

2. A provisional agenda for each Session of the Commission, shall be prepared by the Executive Director in consultation with the Chairperson and Vice-Chairperson. It shall be transmitted by the Executive Director with the invitation sent in accordance with [Rule 6.5](#) and with an indication of the relevant documents to all Official Contacts referred to in [Rule 3](#) and [Rule 4](#), and to Observers referred to in [Rule 12](#).
3. Any Contracting Party of the Commission, the Chairperson, or the Executive Director may, at least **45 days** before the date fixed for the opening of the meeting, request the inclusion of supplementary items in the provisional agenda. A request for a supplementary item on the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item.
4. At the beginning of a Session, the Commission shall adopt its agenda on the basis of the provisional agenda and any supplementary items. At that time, any Contracting Party or the Executive Director may request placement of additional items of an urgent nature on the agenda. Such items shall be included on the agenda subject to the approval of the Commission. If any Contracting Party of the Commission indicates to the Chairperson that they are not in a position to take a decision on such supplementary items of an urgent nature at that meeting, the Chairperson shall direct that the decision may be taken intersessionally, or deferred until the next Session of the Commission.

Working documents/papers

5. 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.

Regulatory Proposals

6. New regulatory proposals or amendments to existing regulations (including catch limit proposals) shall be submitted to the Executive Director no less than **30 days** before the date fixed for the opening of the Session at which they are to be considered. The Executive Director shall make the



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proposals available on the public access area of the IPHC website no later than one (1) business day after receipt.

7. The Executive Director shall not accept any new Regulatory Proposals or amendments to existing Regulations if received after the deadline stated in [Rule 8.6](#). Regulatory Proposals received later than **30 days** in advance of the Session shall be deemed as Information Papers only.

Rule 9 – Selection of Chairperson and Vice-Chairperson

Commented [IPHC6]: Changed throughout.

1. The Commission shall elect from its ~~members~~ Commissioners, a Chairperson and Vice-Chairperson, 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 Chairperson and Vice-Chairperson ~~must~~ shall be from different Contracting Parties. Each year these offices shall rotate between the Contracting Parties.

Rule 10 – Functions of Chairperson and Vice-Chairperson

1. The powers and duties of the Chairperson shall be:
 - a) To preside at all ~~meetings~~ Sessions of the Commission;
 - b) To ~~decide~~ rule on all ~~questions~~ points of order raised at the meetings of the Commission, subject to the right of any Commissioner to request that any ruling of the Chairperson 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~~ approve on behalf of the Commission the publication of a report of the proceedings of each annual or other ~~meeting~~ Session 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.



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

Rule 11 – ~~Decision making~~Voting

Decision-making at Sessions of the Commission

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of these rules, “consensus” means the absence of any formal objection made at the time the decision was taken.
2. If it appears to the Chairperson that all efforts to reach a decision by consensus have been exhausted, the Chairperson shall fix a time during that Session of the Commission for taking the decision by a vote. At the request of any Commissioner, the Commission may, by a majority of those present and voting, defer the taking of a decision until such time during the same Session as the Commission may decide. At that time, the Commission shall take a vote on the deferred question. This rule may be applied only once to any question.
3. Each ~~member-Commissioner 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.
4. Between ~~meetings~~-Sessions of the Commission or in the case of emergency, a vote of the Commissioners may be called by the Chairperson 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.

Commented [IPHC7]: NE
W first two (2) paragraphs
added to clarify the IPHC
Decision Making process (not
simply voting).



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Intersessional decision-making

5. In case of the need for adoption of an emergency measure between Sessions, or where a decision needs to be taken intersessionally, the Chairperson may propose that a decision be taken by electronic means.
6. When a decision is to be taken by electronic means, the Executive Director shall transmit the proposed decision to the Official Contacts of each Contracting Party.
7. Commissioners shall promptly acknowledge receipt of any proposed decision by electronic means. If no acknowledgement is received from any particular Commissioner within one week of the date of transmittal, the Executive Director will retransmit the proposed decision, and will use all reasonable means to ensure that it has been received.
8. Members shall have **30 days** to respond, unless a longer period is specified by the Executive Director in the transmittal.
9. If no reply from a Commissioner reaches the Executive Director within the period established under [Rule 11.8](#), that Commissioner would be recorded as not having participated in the decision.
10. The Executive Director shall promptly ascertain and transmit the decision to all Commissioners. The date of that transmittal shall be the 'date of notification'.

Commented [IPHC8]: NE W 'Intersessional decision-making' process added to formalize the process which already exists informally.

Rule 12 – Observers and the general public

1. In accordance with [Rule 6.2](#), all sessions of the Commission and its subsidiary bodies shall be open to Observers and the general public, and/or made available to the public via electronic means approved by the Commission, unless the Commission decides otherwise. Release of information shall be subject to any rules relating to the confidentiality of certain data and other commercially sensitive information that the Commission may decide.
2. The Commission may, upon their request, invite the following Observers in their official capacity:
 - a) Any State or any other entity that has jurisdiction over waters adjacent to the Convention Area;
 - b) Other States with an interest in the work of the Commission that are not Contracting Parties of the Commission, invited by the Commission;
 - c) Other regional fisheries management organisations and other relevant governmental or intergovernmental organisations, invited by the Commission;

Commented [IPHC9]: NE W Rule 12 added so that a formalized process for admitting Observers and the general public, noting that the 1st IPHC Performance Review highlighted the opaque observer participation in meetings of the Commission and its subsidiary bodies.



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- d) Non-governmental organisations having special competence in the field of activity of the Commission, to attend such of its meetings as the Commission may specify.
 3. Any Observer to a meeting of the Commission, or of the general public, may submit memoranda as either Regulatory Proposals, Position Statements or Information Papers, no later than **30 days** prior to the commencement of the session.
 4. Observers and the general public may participate in the deliberations of the Commission and its subsidiary bodies during the Observer and public testimony periods, but shall not be entitled to participate in the taking of decisions.
 5. The Commission may enter into agreements with other inter-governmental organisations and institutions, especially those active in the fisheries sector, which might contribute to the work and further the objectives of the Commission. Such agreements may provide that these organisations or institutions may be represented as Observers in the Sessions of the Commission.

Rule 13 – 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 Chairperson 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 Observers and the general public via the Commission's website or other electronic communication means approved by the Commission, after approval by the Chairperson;
 - 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 Chairperson;



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- f) To be responsible for the development and periodic review of the IPHC Employee Manual and associated Staff Regulations contained within, in line with international best practice;
 - g) 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;
 - h) To fix the rate of remuneration of the Staff in general agreement with U.S. Civil Service guidelines;
 - i) 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 IPHC Financial Regulations established by the Commission;
 - j) To make all necessary arrangements and prepare agendas for Commission meetings;
 - k) To direct the scientific investigation program approved by the Commission;
 - l) As requested by the Commission, to recommend structure and/or membership for the subsidiary bodies established by the Commission;
 - m) To facilitate communication between the Commission and its subsidiary bodies as well as communication among the subsidiary 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, or the Staff Regulations contained within the Employee Manual, 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.

Commented [IPHC10]: N
EW sub-para added. Missing
task already being
undertaken.

Rule 14 – ~~Advisory~~ Subsidiary Bodies

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



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2. All subsidiary bodies 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.
3. Each advisory body ~~shall may propose modifications of develop their R~~ rules of ~~P~~ 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.
4. Pursuant to [Rule 14.1](#), the Commission establishes the following Committees which will act as advisory bodies to the Commission:
 - a) Finance and Administration Committee (FAC)
 - b) Scholarship Committee (SC)
5. Pursuant to [Rule 14.2](#), the terms of reference, and Rules of Procedure outlined in the following Appendices shall govern the procedures to be applied to the Committees:
 - a) [Appendix II](#) - Finance and Administration Committee (FAC)
 - b) [Appendix III](#) - Scholarship Committee (SC)
6. Pursuant to [Rule 14.1](#), the Commission establishes the following Boards which will act as advisory bodies to the Commission:
 - a) Conference Board (CB)
 - b) Management Strategy Advisory Board (MSAB)
 - c) Processor Advisory Board (PAB)
 - d) Research Advisory Board (RAB)
 - e) Scientific Review Board (SRB)
7. Pursuant to [Rule 14.2](#), the terms of reference, and Rules of Procedure outlined in the following Appendices shall govern the procedures to be applied to the Boards:
 - a) [Appendix IV](#) - Conference Board (CB)
 - b) [Appendix V](#) - Management Strategy Advisory Board (MSAB)
 - c) [Appendix VI](#) - Processor Advisory Board (PAB)

Commented [IPHC11]: N EW paragraphs 4-7 added to reference all IPHC Subsidiary bodies, Terms of Reference and body specific Rules of Procedure which diverge from those described here for the Commission itself.



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- d) [Appendix VII](#) - Research Advisory Board (RAB)
- e) [Appendix VIII](#) - Scientific Review Board (SRB)

~~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.~~

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

~~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.~~
- e) ~~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.~~

Commented [IPHC12]: Redundant. Deleted as this is already specified in Rule 6 para 2.



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~~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.~~

- 9. Individuals may serve on more than one subsidiary body.
- 10. The Commission may defray the travel and living expenses of subsidiary 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.

Commented [IPHC13]: Redundant as now incorporated into the Appendices of this ROP for each IPHC Subsidiary body.

Rule 15 – Reports and Records

- 1. ~~A report shall be adopted at the end of each Session of the Commission, 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.



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2. The report shall embody the Commissions decisions and recommendations, including, when requested, a statement of minority views.

~~Summary minutes of the proceedings of advisory body meetings shall be kept by the Executive Director.~~

3. Copies of ~~final minutes and summaries of proceedings reports~~ prescribed in [Rule 15.1](#) and [Rule 15.2](#) shall be forwarded by the Executive Director to the Contracting Parties and to the Commissioners ~~after approval by the Chair~~ **no later than 15 days after the close of the Session.**
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.
5. All reports published by the Commission shall be available at the Commission's website or by other electronic communication means approved by the Commission.

Commented [IPHC14]: Redundant now that a formalized meeting Report and meeting audio is made publicly available.

Rule 16 – Privileges and Immunities

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

Rule 17 – 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 18 – Dissolution of the Commission

1. 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



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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~~Contracting Parties.

Rule 19 – General Provisions

~~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.~~

1. These Rules of Procedure should be reviewed for their consistency and appropriateness at least biennially.
2. 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 11](#), provided such amendment is not inconsistent with the provisions of the Convention.
3. Copies of superseded Rules of Procedure shall be archived by the Executive Director.
4. These Rules of Procedure were adopted by consensus on DD MMM YYYY, and supersede those previously adopted by the Commission on 17 September 2014. 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.



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Appendix I
Letter of Credentials

Commented [IPHC15]: N
EW

Dear IPHC Executive Director,

Upon instructions of [...relevant authority...] I wish to inform you that [... name of the IPHC Contracting Party...] will participate in the 93rd Session of the International Pacific Halibut Commission (IPHC) Annual Meeting (AM093) and will be represented by the following delegation:

Commissioners

[..Title and Name...] – Lead Commissioner

[..Title and Name...] – Commissioner

[..Title and Name...] – Commissioner

Advisors

[..Title and Name...] – Scientific Advisor

[..Title and Name...] – Financial Advisor

[..Title and Name...] – Legal Advisor

[..Title and Name...] –Other.... Advisor

[Title and Name], Lead Commissioner or, in his/her absence, either of the two other Commissioners, is authorized to fully take part in the proceedings of the Session and take, on behalf of the [... name of the IPHC Contracting Party...], any action or any decision required in relation with this Session.

.....Signature.....

[on behalf of]



Appendix II

Finance and Administration Committee (FAC) – Terms of Reference and Rules of Procedure

Commented [IPHC16]: N
EW addition.

I. Terms of reference

1. The Finance and Administration Committee (FAC) shall advise the Commission on such matters of an administrative and financial character as are remitted to it by the Commission and shall annually:
 - a) examine the operating budget for the current year;
 - b) examine the draft budget for the ensuing and following year.
2. The FAC may draw to the attention of the Commission any matter of an administrative or financial character.
3. The FAC may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Director, to matters before it.
4. The FAC shall prepare a report of each meeting of the Committee for transmission to the Commission.

II. Rules of Procedure

5. The procedures of the FAC shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.



Appendix III

Scholarship Committee (SC) – Terms of Reference and Rules of Procedure

Commented [IPHC17]: N
EW addition to the ROP.

I. Terms of reference

1. The International Pacific Halibut Commission funds Merit Scholarships to support university, technical college, and other post-secondary education. The scholarship fund has been established to assist the further education of students from the Contracting Parties, connected to the Pacific halibut fishery and its industry. Generally, a single new scholarship valued at \$4,000 (US) per year is awarded every two years. The scholarships are renewable annually for the normal four-year period of undergraduate education, subject to maintenance of satisfactory academic performance.
2. The Scholarship Committee (SC) shall be composed of industry and Commission representatives and shall review applications received, and determine recipients based on academic qualifications, career goals, and relationship to the Pacific halibut industry.
3. The SC may draw to the attention of the Commission any matter relating to the IPHC Scholarship fund.
4. The SC may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Director, to matters before it.
5. The SC shall prepare a report of each meeting of the Committee for transmission to the Commission.

II. Rules of Procedure

6. The procedures of the SC shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.



Appendix IV Conference Board (CB) – Terms of Reference and Rules of Procedure

~~**Promulgation.** The International Pacific Halibut Commission (IPHC) approves and promulgates Rules of Procedure for its Conference Board as of January 29, 2015.~~

~~**Applicability.** These rules of procedure apply to all operations of the Conference Board. In these Rules, “IPHC” or “Commission” refers to the International Pacific Halibut Commission, “Board” refers to the Conference Board, and “Secretariat” or “Staff” refers to the permanent Commission staff.~~

Commented [IPHC18]: No longer necessary given the CB ROP have been incorporated into the Commissions ROP as an Appendix.

I. Terms of reference

1. ~~The Conference Board (CB), is an advisory body to the Commission on which individuals representing Canadian and American commercial, sport, subsistence, Tribal/First Nations Pacific halibut harvesters, and other interested parties may be represented. The Board shall advise the Commission on matters relating to conservation measures and Pacific halibut management. The CB 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 CB Chairperson and Vice-Chairperson 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.~~

Commented [IPHC19]: Moved from the Commissions ROP text, to this specific subsidiary body.

~~**Purpose of the Conference Board.** The Conference Board is an IPHC advisory panel representing Canadian and United States halibut harvesters. The Board was created by the Commission in 1931 to obtain advice and recommendations from halibut harvesters on conservation measures and halibut management. The Board also reviews staff reports and recommendations and provides its advice concerning these items to the Commission at its Annual Meeting, or on other occasions as requested.~~

Commented [IPHC20]: Redundant.



Late updated: 4 January 2017

I.II. Membership Representation

Nomination and accreditation

2. Conference Board (CB) members are Pacific halibut harvester organizations and associations from each ~~nation~~ Contracting Party and include commercial, guided sport, unguided sport/recreational, subsistence, and First Nations/Tribal interests. Members are responsible for designating their individual delegate(s) and no delegate may vote on behalf of more than one Conference Board member.
3. The Conference Board regulates its membership by accrediting members at the beginning of each IPHC Annual Meeting. Accreditation is documented using the Accreditation Questionnaire provided at Annex 1 attached to these Rules. The Conference Board members ~~from each country~~ shall compose nationals from Canada ~~and~~ and the United States ~~of America~~ national sections.
4. Conference Board members may be re-accredited for successive meetings. Conference Board members seeking re-accreditation are encouraged to notify the IPHC at least two weeks before the beginning of the annual Conference Board meeting. Potential Conference Board members seeking accreditation for the first time are encouraged to notify the IPHC at least two weeks before the beginning of the Annual Meeting of the Conference Board.

Length of membership

~~There is no limit to the number of meetings a member organization or their individual delegate(s) may serve in.~~

Compensation:

5. Organizations and delegates serve without compensation from the Commission.

H.III. Officers

Co-Chairperson/s and Vice-Chairperson/s

Commented [IPHC21]: NOTE: Headings have been changed to mirror the Commissions ROP for ease of interpretation.

Commented [IPHC22]: changed from 'Board' to 'Conference Board' throughout now that the CP ROP have been incorporated into the Commission's will all of the other 'Boards'.

Commented [IPHC23]: Redundant

Commented [IPHC24]: Added throughout.



Late updated: 4 January 2017

6. The Conference Board is Co-Chaired by two members, one from each of the two ~~national sections~~Contracting Parties. The Co-Chairpersons convene and adjourn meetings and preside over them, ensuring that meetings are conducted in an orderly and businesslike manner.
7. The Co-Chairpersons present the Conference Board's decisions, recommendations, and advice to the Commission.
8. The Co-Chairpersons may appoint a Secretary, or one of the Co-Chairpersons may fulfill secretarial duties, including accepting the services of the IPHC Secretariat.
9. The Co-Chairpersons may be supported by up to two Vice-Chairpersons, as the Conference Board may desire.

Commented [IPHC25]: N
EW paragraph to provide the
CB with greater flexibility and
support if needed at any time.

Terms of office and election

10. Co-Chairpersons are elected for terms of one (1) year, with no limit to the number of terms that individuals may serve.
11. Conference Board members of each ~~national section~~Contracting Party elect the Co-Chairperson from their country at the beginning of each annual meeting of the Conference Board. The newly elected Co-Chairpersons will then serve until the beginning of the next Annual Session of the Conference Board.
12. If a Co-Chairperson becomes unable to serve during the annual Conference Board meeting, his/her ~~national section~~Contracting Party shall elect another member as Co-Chairperson. If a Co-Chairperson becomes unable to serve sometime after the completion of the Session Annual Meeting, the office will remain vacant until the ~~national section~~Contracting Party members elects a replacement at the beginning of the next Annual Meeting Session.

III.IV. Meetings Sessions of the Conference Board

13. **Time and place:** The Conference Board typically meets once each year, in conjunction with the IPHC Annual Meeting.



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14. ~~The Secretariat shall make the necessary arrangements for the Conference Board meeting.~~
15. **Agenda:** The agenda for the Conference Board will be proposed by the Co-Chairpersons and approved by the membership at the beginning of the ~~meeting~~Session. ~~Members may suggest additional agenda items.~~ Following the initial public session(s) of the IPHC Annual Meeting, the Conference Board typically meets separately from the Commission to discuss the issues and proposals under consideration. The Conference Board may call on the IPHC Secretariat or other organizations to clarify or provide more information during its deliberations. The Conference Board's recommendations and advice are presented to the Commission at a later session of the Annual Meeting of the Commission.
16. **Conduct of meetings:** Parliamentary procedure according to Roberts Rules of Order will be used as a guideline in the conduct of Conference Board meetings, unless otherwise specified in the Commission's Rules of Procedure. The Conference Board may set up its own subgroups or committees to consider specific issues or to produce specific documents or other products.
17. **Decision-making processes:** Each accredited Conference Board member shall have one vote.
- a) Following a vote on any issue the Co-Chairpersons shall announce the result by national section, which shall be recorded in the record of the meeting. When it is clear that the vote reflects differences of opinion within a national section the Co-Chairpersons shall ensure that minority viewpoints are summarized and reported to the Commission.
 - b) Decisions regarding the Board's recommendations for catch limits and regulations must be made by a recorded vote of members present.
 - c) Other decisions may be made by voice vote of Conference Board members present, unless the Co-Chairpersons decide that a recorded vote is necessary.

Commented [IPHC26]: Redundant based on the IPHC Secretariat's role and responsibilities already include this element.



Late updated: 4 January 2017

IV.V. Intersessional process and ad-hoc working groups

Commented [IPHC27]: Relocated from below and modified to align with best practice.

18. During the Conference Board Annual Meeting, ad-hoc working groups may be created to work on issues or projects, or to represent the Conference Board's interests, between Sessions.
19. The work of such ad-hoc working groups may not exceed the mandate approved for them by the Conference Board at its Annual Meeting.
20. Completed documents and other work materials from the Conference Board's ad-hoc working groups should be posted for public access on the Commission web site.
21. Decisions requiring a vote, regarding or resulting from work between Annual Meetings, may only be made at the Annual Meeting.

V.VI. Reports and Records, minutes, and other meeting materials

22. The Conference Board typically documents its proceedings with a Report delivered by the Co-Chairpersons to the Commission during the Annual Meeting Thursday morning session.
23. The Conference Board Report will include the ~~Board's~~ decisions, recommendations, and advice adopted at the meeting, and will describe both areas of consensus and difference.
 - a) If requested, divergent views within a ~~national-section~~ Contracting Party will be documented in minority reports by accredited organizations of the minority.
 - b) Participants requesting the inclusion of a minority report must provide the Co-Chairpersons with a clear and concise serviceable draft in an electronic version "word document" within one hour of the conclusion of the IPHC Annual Meeting Conference Board session.
 - c) Draft minority reports are limited only to information and material discussed during the Conference Board session.



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- d) The Co-Chairpersons reserve the right to edit draft minority reports for accuracy and brevity. All attendant documents shall be considered part of the Report.
24. Decisions or actions taken by the Conference Board which are not included in the ~~customary~~ Conference Board Report ~~will~~ may be documented in minutes ~~or other documents approved by the Board.~~
25. Completed Reports or other documents prepared and discussed at Conference Board meetings will be presented to the Commission and made available to the public via the IPHC website.

~~Secretariat support is available for the Board, as approved by the Commission.~~

Commented [IPHC28]: Redundant.

~~Observers~~

~~Meetings of the Conference Board are open to the public.~~

~~At the discretion of the Co-Chairs, observers may be permitted to comment on items relative to the agenda. Written statements also may be submitted prior to the meeting. Observers may be asked to leave the meeting at the Co-Chairs' discretion if their conduct is impeding the orderly progress of the meeting.~~

Commented [IPHC29]: Redundant.

~~Conducting business between meetings~~

~~During the Annual Meeting, the Board may create subgroups or committees to work on issues or projects, or to represent the Board's interests, between Annual Meetings.~~

~~The work of such subgroups or committees may not exceed the limits approved for them by the Board at the Annual Meeting.~~

~~Completed documents and other work materials from the Board's subgroups or committees should be posted for public access on the Commission web site.~~

~~Decisions requiring a vote, regarding or resulting from work between Annual Meetings, may only be made at the Annual Meeting.~~

Commented [IPHC30]: Redundant.



Communications with the Commission

~~The Co Chairs will communicate with the Commission and the other IPHC advisory bodies on the Board's behalf.~~

~~The Commission's Executive Director may facilitate communication between the Board and the Commission or the other IPHC advisory bodies.~~

Documents and documentation

~~As approved by the Commission, Secretariat support may be made available for the Board's documentation needs.~~

~~Reports, minutes, meeting materials, and other documents will be archived for the Board by the Secretariat.~~

~~Reports, minutes, and other documents designated by the Co Chairs will be posted by the Secretariat for public access on the Commission website.~~

~~**Changes.** Any gaps or deficiencies in these Rules will be addressed by the Board to the Commission for resolution, along with any recommendations from the Board. Amendments or changes to these Rules must be approved by the Commission.~~

Commented [IPHC31]: Redundant given above text.

Annex 1

IPHC CONFERENCE BOARD ACCREDITATION QUESTIONNAIRE

1. NAME AND ADDRESS OF ORGANIZATION:

Mailing Address

City State/Province Zip/Postal Code Telephone



INTERNATIONAL PACIFIC
HALIBUT COMMISSION

Late updated: 4 January 2017

FAX

E-mail

2. NAME AND TITLE OF OFFICERS:

3. PRIMARY PURPOSE OF ORGANIZATION (GENERALLY, WHO DO YOU REPRESENT?)

4. DATE ORGANIZATION WAS FORMED:

5. DATE OF LAST MEETING:

6. HOW MANY MEMBERS IN YOUR ORGANIZATION?

8. NAMES OF DELEGATES:

9. HAVE YOUR DELEGATES EVER VOTED ON THE CONFERENCE BOARD? YES _ NO
WHAT YEAR?

9. ENCLOSE ANY OTHER PERTINENT INFORMATION OR RECOMMENDATIONS
REGARDING PARTICIPATION ON THE PACIFIC HALIBUT CONFERENCE BOARD.

Authorized Signature

Date of Application



Appendix V

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

I. Terms of reference

Mandate

1. The Management Strategy Advisory Board (MSAB), on which individuals representing harvesters (commercial, sport, and subsistence), fisheries managers, processors, IPHC Staff, science advisors and other experts as required may be represented. The primary role of the MSAB is to oversee and advise the IPHC Secretariat 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.

Commented [IPHC32]: Moved from the Commissions ROP text, to this specific subsidiary body.

~~The Management Strategy Advisory Board (MSAB) will work with International Pacific Halibut Commission (IPHC) staff to develop a Management Strategy Evaluation (MSE) process for the Pacific halibut fishery. An MSE is a formal process for designing robust management strategies, including harvest policies, through stakeholder consultation and simulation modelling. A robust management strategy strives to meet both biological sustainability goals, and fishery sustainability and stability goals.~~

Commented [IPHC33]: Redundant.

2. The MSAB will:
 - a) define clear measurable objectives and performance measures for the fishery;
 - b) define candidate management strategies, which include aspects of the fishery that can be managed (e.g. regulatory requirements); and
 - c) advise IPHC staff about plausible scenarios for investigation, which include aspects of the fishery that cannot be managed by the IPHC (e.g. environmental conditions and removals under the management authority of a domestic management agency).



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- d) Gather and clearly articulate the interests and concerns of constituents and incorporate them into the MSAB's discussions;
- e) Encourage and allow members to test tentative ideas and exploratory suggestions without prejudice to future discussions;
- f) Represent information, views, and outcomes of the MSAB discussions to external parties accurately and appropriately;
- g) Encourage the understanding and support of their constituencies for the MSAB process and for consensus positions developed by MSAB.

~~The MSAB recognizes Pacific halibut mortalities occur in both the directed halibut fishery and in other fisheries where halibut are incidentally caught. The MSAB is initially focused on developing fishery objectives, harvest policies, and management strategies for the directed halibut fishery. The performance of these strategies will be evaluated against scenarios that account for the actions of other fisheries where halibut are incidentally caught.~~

Organization

I.II. Membership Representation

3. The MSAB will include the following interests (in alphabetical order): harvesters (commercial, sport, and subsistence), fisheries managers, processors, IPHC Staff, science advisors and other experts as required may be represented.
 - a) Harvesters: Commercial fisheries (6-8);
 - b) First Nations/Tribal fisheries (2-4)
 - c) Government agencies (incl. domestic management representatives and science advisors to each Contracting Party) (4-8)
 - d) Processors (2-4)

Commented [IPHC34]: Redundant elements. Remainder not consistent with the IPHC convention of maintaining the stock at optimum levels. Undertaking an MSE process that does not consider all sources of mortality will be ineffective.



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- e) Recreational/Sport fisheries (2-4)
- f) IPHC Secretariat staff working on MSE (2)

~~The MSAB will consist of approximately 15-20 individuals approved by the IPHC.~~

~~Commissioners, government agency representatives, and domestic management representatives are ex officio participants, i.e. participants in the process by virtue of their position as Commissioners and/or in government.~~

~~IPHC staff will provide technical, modelling, and conceptual support for the MSE process.~~

Selection of members

~~The MSAB will be nominated from existing IPHC advisory bodies, partner agencies, as well as through direct application from the public.~~

~~The MSAB membership will consist of:~~

~~6-8 commercial fishery representatives~~

~~2-4 First Nations/Tribal fishery representatives~~

~~2-4 processor representatives~~

~~2-4 Recreational/Sport fishery representatives~~

- 4. Efforts will be made to ensure representation is distributed from throughout IPHC Regulatory Areas.

~~MSAB ex officio participants and participant observers will consist of:~~

~~7-8 government agency staff and domestic management representatives, including science advisors to each national delegation~~

~~2 Commissioners~~

Commented [IPHC35]: Redundant. Incorporated into the above paragraphs.



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Length of Membership

Commented [IPHC36]: Redundant.

5. The term of MSAB members will be four years, and members may serve additional terms at the discretion of the IPHC. Member terms have a staggered expiry such that no more than half of the member terms expire at a given time. Member continuity on the MSAB is key to the success of the MSE process. However, MSAB members serve at the discretion of the IPHC.

Observers

~~MSAB meetings are open to the public and observers may attend. Observers are requested to notify the Commission of their planned attendance no less than two weeks in advance of the meeting date to confirm meeting room availability. Observers will be permitted to comment on agenda items at the sole discretion of the Co-Chairs. If the conduct of any member of the public in attendance is impeding the orderly progress of the meeting, the Co-Chairs may, at their sole discretion, ask the individual to leave. All meetings of the MSAB will be webcast.~~

Commented [IPHC37]: Redundant. Stated in Commission's ROP.

H.III. Officers

Co-chairs

6. The MSAB will be co-chaired ~~by two members~~, one from the United States of America and one from Canada. Co-Chairpersons will be appointed by the MSAB.
7. 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. They may, with concurrence of the MSAB, arrange for facilitation of the meetings by a third party, subject to sufficient financial resources from the IPHC;
 - b) ~~The Co-Chairs will~~ present the MSAB's decisions, recommendations, and advice to the IPHC Commission;

Commented [IPHC38]: Updated throughout.



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- c) Promote interactive dialogue, and enable all perspectives to be heard within the constraints of the time available;
 - d) 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
 - e) Identify areas where there are conflicts and support processes through which those conflicts can be addressed.
8. The term of the Co-Chairpersons will be two years, and they may serve additional terms at the discretion of the MSAB.

Commented [IPHC39]: Relocated here.

~~Steering Committee~~

~~The Steering Committee, consisting of appointed MSAB members and the Co Chairs, will develop draft agendas based on the advice of the MSAB and in alignment with the MSAB's objectives. At the direction of the MSAB, the Steering Committee may also undertake additional technical work in the form of an ad hoc working group.~~

~~Steering Committee members will be appointed by the MSAB.~~

~~The term of Steering Committee membership will be two years, and they may serve additional terms at the discretion of the MSAB.~~

~~Ad Hoc Working Groups~~

~~If the MSAB determines it is necessary, MSAB may convene ad hoc working groups comprised of MSAB members and experts. Ad hoc working groups will report only to the MSAB and serve at the discretion of the MSAB.~~

~~Procedures~~

Commented [IPHC40]: Incorporated into the Interseasonal processes shown below to align with other subsidiary body ROP formats.



IV. Sessions of the MSAB

Meetings

9. **Time and Place:** The MSAB normally meets twice per year, ~~in the spring and in the fall.~~
The MSAB may meet more or less frequently as business requires.

~~Six weeks prior to each MSAB meeting a notice of a meeting shall be forwarded by the Co-Chairs, or a delegate, to all MSAB members. The notice shall announce the date, time, venue, and webcast details for the meeting.~~

10. **Agenda:** ~~Four weeks prior to each MSAB meeting a draft agenda shall be forwarded by the Co-Chairs, or a delegate, to all MSAB members for review and comment. Two weeks prior to each MSAB meeting a final draft agenda shall be forwarded by the Co-Chairs, or a delegate, to all MSAB members, and IPHC Conference Board and Processor Advisory Group Co-Chairs, and posted on the IPHC website. Final draft agendas will be reviewed, revised and adopted by the MSAB at the beginning of each meeting. As per the Commissions Rules of Procedure.~~

Commented [IPHC41]: Redundant. Included in the Commission's ROP.

III.V. Intersessional process and ad-hoc working groups

11. **Steering Committee:** The Steering Committee, consisting of appointed MSAB members and the Co-Chairs, will develop draft agendas based on the advice of the MSAB and in alignment with the Commissions objectives.
- At the direction of the MSAB, the Steering Committee may also undertake additional technical work in the form of an ad-hoc working group.
 - Steering Committee members will be appointed by the MSAB.
 - The term of Steering Committee membership will be two years, and they may serve additional terms at the discretion of the MSAB.

Commented [IPHC42]: Text from above with minor revisions to clarify intersessional processes.



Late updated: 4 January 2017

12. **Ad-Hoc Working Groups:** If the MSAB determines it is necessary, MSAB may convene ad-hoc working groups comprised of MSAB members and experts. Ad hoc working groups will report only to the MSAB and serve at the discretion of the MSAB.

Decision-making Process

~~The MSAB will strive to develop consensus based advice on the issues it discusses. Consensus is a process for making decisions, in this case, decisions on what advice to put forward, without the requirement that formal votes be taken. The main feature of this form of consensus is that the MSAB will not claim to have reached a common position unless all members of the MSAB can support the position or to at least agree not to obstruct the position. Consensus does not require that everyone be in complete agreement, but only that all will be willing to accept consent to a decision. In reaching a decision through a consensus process no one should feel that her/his position on the matter was misunderstood or that it was not given adequate hearing.~~

~~If consensus is not possible, the meeting minutes will reflect the points of views of the members of MSAB, and the MSAB's views will be conveyed in a manner that communicates the points of view expressed by all of its members.~~

Commented [IPHC43]: Redundant. Commission's ROP already incorporate all of these elements.

IV.VI. Reports, Minutes, and Other Meeting Materials and Records

Meeting Minutes

13. The Co-Chairpersons, or a delegate, will ensure that a concise meeting ~~summary Report as well as more detailed meeting minutes~~ listing key points from discussions, decisions, recommendations, and action items are recorded from each MSAB meeting.

~~The process to develop, review, and approve the meeting summary and minutes of meetings will be as follows:~~

- a) ~~Initial draft meeting minutes will be distributed to all MSAB members within two weeks following each meeting.~~



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~~b) All MSAB members will have six weeks from the date of the meeting to provide comments and edits on the initial draft meeting minutes.~~

~~e) Revised, final draft meeting minutes will be redistributed to all members no later than eight weeks from the date of the meeting. Final draft meeting minutes are considered public documents and will be made available on the IPHC website.~~

~~Final edits to, and approval of, meeting minutes will occur at the next meeting of the MSAB.~~

~~Final, approved meeting summary meeting minutes are considered public documents and will be made available on the IPHCs website.~~

Roles and Responsibilities

~~MSAB members will:~~

~~Conduct meetings consistent with its Terms of Reference;~~

~~Gather and clearly articulate the interests and concerns of constituents and incorporate them into the MSAB's discussions;~~

~~Fully explore all matters on its agenda in a manner that seeks to understand, and where possible accommodate, the interests of all concerned; and,~~

~~Encourage and allow members to test tentative ideas and exploratory suggestions without prejudice to future discussions;~~

~~Represent information, views, and outcomes of the MSAB discussions to external parties accurately and appropriately; and~~

~~Encourage the understanding and support of their constituencies for the MSAB process and for consensus positions developed by MSAB.~~

~~The Co-Chairs, with potential assistance from facilitators, will:~~

~~Manage the process consistent with the Terms of Reference and agreed upon agenda;~~

Commented [IPHC44]: Redundant. The Commission's ROP detail the standardized best practice process.



Late updated: 4 January 2017

~~Promote interactive dialogue, and enable all perspectives to be heard within the constraints of the time available;~~

~~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~~

~~Identify areas where there are conflicts and support processes through which those conflicts can be addressed.~~

Commented [IPHC45]: Relocated above, and simplified to comply with the Commission's ROP.

Changes

~~Any gaps or deficiencies in these Terms of Reference will be forwarded by the MSAB to the IPHC for resolution, along with any recommendations from the MSAB. Amendments or changes to these Terms of Reference must be approved by the IPHC.~~

Promulgation

~~The IPHC approves and promulgates these Terms of Reference for the MSAB as of ***.~~

Commented [IPHC46]: Redundant. As part of the Commission's ROP.



Appendix VI

Processor Advisory Board (PAB) – Terms of Reference and Rules of Procedure

I. ~~Purpose~~Terms of reference

1. The Processor Advisory ~~Group Board~~ (PABG) is an advisory ~~panel body~~ of the International Pacific Halibut Commission (IPHC) that represents the commercial Pacific halibut processing industry ~~the from~~ Canadian and the United States of America commercial halibut processing industry. It advises the Commission on issues related to the management of the Pacific halibut resources in the ~~exclusive economic zones of Canada and the United States~~Convention Area.
2. The PABG encourages stability and growth of the North American Pacific halibut industry by fostering a cooperative relationship, better understanding, and a spirit of mutual benefit among seafood processors, fishermen, the Commission, and all other stakeholders.

History

~~Recognizing the expertise the processing industry can provide, the PAG was founded in 1995 through the efforts of the Halibut Association of North America (HANA) and the Commission staff. Since then, the Commission has relied on the PAG for comprehensive industry advice on potential conflicts within a given fishery resource or area, as well as potential resolutions related to current or future issues.~~

Administration

~~HANA continues to serve as the PAG's organizational, administrative, communications, and recruitment facilitator. HANA is also responsible for creating and distributing the PAG's annual report.~~

Commented [IPHC47]: Not applicable for the ROP. Shall be added to the PAG's website page as 'History'.

II. Membership Representation

3. Any company or association, including sole-proprietorships, corporation, or partnerships whose direct business is purchasing, processing and selling Pacific Halibut caught in



Late updated: 4 January 2017

Alaska, British Columbia, Washington, Oregon, or California is eligible for PAG-PAB membership.

4. Potential members shall present authorization from their company to represent that company in PAG-PAB deliberations. Such authorization will be presented to the general membership of the PAG-PAB at its annual meeting. If this authorization is not valid, the member will be removed from the PAG-PAB membership list.
5. PAG-PAB members agree to carefully and objectively consider all aspects of an issue.
6. ~~There are no dues, and~~ PABG members serve without compensation.
7. Membership is renewed each year, upon attending the PAG-PAB annual meeting.
8. HANA shall serve as the PAB's organizational, administrative, communications, and recruitment facilitator. HANA is also responsible for creating and distributing the PAG's annual report.

Commented [IPHC48]: Moved from above with slight rewording.

III. Officers

9. The ~~PAG's-PAB's~~ annual meeting shall be convened by the President of HANA for the purpose of nominating and electing the PAG-PAB Chairperson and Vice-Chairperson. Once nominations are made, the election is confirmed by a simple majority vote of PAG PAB members present.
10. In years when the Commission's Annual Meeting is held in Canada, the PAG-PAB Chairperson shall be a Canada-based member and the Vice-Chairperson shall be a U.S.-based member. In years when the Commission meets in the U.S., the PAG-PAB Chairperson shall be a U.S.-based member and the Vice-Chairperson shall be a Canada-based member.
11. Officers' terms shall be for one year, or until a replacement is elected.

Commented [IPHC49]: changed throughout.



Late updated: 4 January 2017

IV. Regular Meeting Sessions of the PAB

12. **Time and place:** -The PAG-PAB meets once a year over the course of a few days, in conjunction with the IPHC Annual Meeting. A quorum is established each year. ~~IPHC staff shall make necessary arrangements for the PAG meeting.~~
13. **Agenda:** -The PAG's-PAB's draft agenda will be presented by the Chairperson and approved by the membership at the beginning of the meeting. Members may suggest changes to the agenda prior to approval.
14. **Conduct of meetings:** Parliamentary procedure will be used in the conduct of the PABG meeting.

~~Workgroups: The PAG will establish such workgroups as the Chair or the Commission deem necessary. Additional work group members outside of the PAG membership may be added as judged appropriate by the Chair.~~

Commented [IPHC50]: Moved below to align with standardized subsidiary body ROPs. Minor rewording.

15. **Decision-making: Voting:** Only one vote per company member is allowed.
 - a) If a company has more than one representative in attendance, those representatives will choose from among them one individual to cast the company's single vote on any issue.

Proxies:

- b) Proxies are allowed only from members who have attended the last two sequential meetings of the PAGPAB.
- c) Only one Proxy per member is allowed.
- d) Proxies will be submitted to a PAGPAB member or the executive director of HANA prior to the PAGPAB meeting in written or electronic form.
- e) If a Proxy is submitted to a PAGPAB member, that member must submit the Proxy to the executive director of HANA. At the meeting, HANA's executive director will submit all Proxies to the chairman of the PAGPAB.



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- f) A General Proxy will authorize a designated PAGPAB member to vote on any or all topics brought before the PAGPAB, on behalf of a PAGPAB member who cannot attend. A Specific Proxy will authorize a PAGPAB member to vote on specifically named topics (listed on the proxy itself) on behalf of the PAGPAB member who cannot attend.

V. Intersessional process and ad-hoc working groups

16. During the IPHC Annual Meeting, the PAB may establish ad-hoc working groups to address issues or projects, or to represent the PAB's interests, between the IPHC's Annual Meetings. Completed documents and other work materials from the PAB workgroups will be posted for public access on the IPHC website.
17. The PAG-PAB may establish such ad-hoc working groups it deems necessary. Additional work group members outside of the PAG-PAB membership may be added as judged appropriate by the Chairperson.
18. During the IPHC Annual Meeting, the PAG-PAB may establish ad-hoc working groups to address issues or projects, or to represent the PAG's-PAB's interests, between the IPHC's Annual Meetings. Completed documents and other work materials from the PAG-PAB workgroups will be posted for public access on the IPHC website.
19. When determined by the PAG-PAB Chairperson and Vice-Chairperson as necessary, Special Sessions of the PAG-PAB may be called. These meetings shall be for a purpose requiring discussion or other action by a quorum of PAG-PAB members.
20. A quorum is established by a majority of the PAG-PAB members who were present at the most recent PAG-PAB Annual Meeting. Minutes and other reports of the Special Meeting will be distributed to the Commission for posting on the IPHC website in a timely manner by the Executive Director of HANA or her designee.
21. Attendance, discussion, voting, reportage, and all other aspects of the Special Meeting may be done electronically.

Commented [IPHC51]: Move up from below.

Commented [IPHC52]: Paragraphs moved from below into this section to align with the other Subsidiary body ROP format. Minor editing to align with other sections/text.



Late updated: 4 January 2017

VI. Reports and records, minutes, and other meeting materials

22. The Chairperson, Vice-Chairperson, or a designated **PAGPAB** member shall be responsible for reporting the **PAGPAB** advice and recommendations to the Commission. This Report shall focus on the full discussion of the issues, the results of any votes that were taken, and minority reports if there are any.
23. Minutes of the **PAGPAB** meetings ~~will~~ may be taken by the Executive Director of HANA or his/her designee, with assistance as needed from **PAGPAB** members.
24. Completed Reports or other documents prepared and discussed at **PAGPAB** meetings will be presented to the Commission at the annual meeting and made available to the public through the **PAGPAB**'s section on the IPHC website.

~~IPHC staff support is available for the PAG, as approved by the Commission.~~

~~*Observers:* Meetings of the PAG are open to the public. Observers will be permitted to comment on agenda items at the sole discretion of the Chair. Written statements may be submitted prior to and during the meeting. If the conduct of any member of the public in attendance is impeding the orderly progress of the meeting, the Chair may, at his or her sole discretion, ask the individual to leave.~~

Conducting business between meetings

~~During the IPHC Annual Meeting, the PAG may establish workgroups to address issues or projects, or to represent the PAG's interests, between the IPHC's Annual Meetings. Completed documents and other work materials from the PAG workgroups will be posted for public access on the IPHC website.~~

Special Meetings

~~When determined by the PAG Chair and Vice Chair as necessary, Special Meetings may be called. These meetings shall be for a purpose requiring discussion or other action by a quorum of PAG members.~~

Commented [IPHC53]: Redundant. The PAG is subject to the Commission's ROP on Observers and public attendance.



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~~A quorum is established by a majority of the PAG members who were present at the most recent PAG Annual Meeting. Minutes and other reports of the Special Meeting will be distributed to the Commission for posting on the IPHC website in a timely manner by the Executive Director of HANA or her designee.~~

~~Attendance, discussion, voting, reportage, and all other aspects of the Special Meeting may be done electronically.~~

Promulgation

~~The IPHC approves and promulgates this Statement of Purpose and Rules of Procedure for the PAG with the intention of keeping the PAG's policies, operations, and structure relevant and current. It is the Commission's intent to also maintain the PAG's role as a recognized authority and source of credible counsel to the Commission, the IPHC Staff, and others who have an interest in the halibut resources overseen by the Commission.~~

~~SUBMITTED TO THE IPHC ON JANUARY 15, 2014.~~

~~APPROVED BY THE IPHC ON SEPTEMBER 17, 2014.~~

Commented [IPHC54]: Incorporated into the sections/rules above.

Commented [IPHC55]: No longer necessary as incorporated in the Commission's ROP.



Appendix VII

Research Advisory Board (RAB) – Terms of Reference and Rules of Procedure

I. Terms of reference

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

II. Representation

2. RAB members are Pacific halibut industry representatives from each Contracting Party and may include commercial, guided sport, unguided sport/recreational, subsistence, and First Nations/Tribal interests.
3. The RAB shall consist of ten to fifteen members.
4. New RAB members shall be nominated by current members, by other IPHC subsidiary bodies, or by the IPHC Secretariat staff. The nominees are reviewed and approved by the IPHC Secretariat staff. Nominees must be members of the Pacific halibut community with an expressed interest in scientific research. They must be available for meetings and willing to participate in candid discussions about the IPHC research program. It is not necessary to achieve a particular regional or sector balance in the membership of the RAB.
5. The term for RAB membership is two years. There is no limit to how many terms a RAB member may serve.
6. RAB members serve without compensation from the Commission.



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III. **Officers**

7. The IPHC Executive Director shall act as Chairperson of the RAB and the IPHC Biological and Ecosystem Science Program Head shall act as the Vice-Chairperson of the RAB, unless the RAB decides otherwise.

IV. **Sessions of the RAB**

8. **Time and place:** The RAB shall meet once each year at the IPHC offices in Seattle. The RAB may also meet at other times and places, or via electronic means, to consider specific issues or to produce specific documents or other products.
9. **Agenda:** The agenda for the RAB meeting is proposed by the Commission's Executive Director and approved by the membership at the beginning of the meeting, in accordance with the Commission's rules of procedure. The agenda will include time for broad discussion of scientific issues between the RAB and the IPHC Secretariat staff.

V. **Intersessional process and ad-hoc working groups**

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

VI. **Reports and Records**

11. The Executive Director shall present the RAB Report on the its behalf.
12. The RAB Report includes decisions, recommendations, and advice, and describes both areas of consensus and differences.



Appendix VIII

Scientific Review Board (SRB) – Terms of Reference and Rules of Procedure

Commented [IPHC56]: N
EW.

I. Terms of reference

1. The Scientific Review Board's (SRB) main objective is to provide an independent scientific review of Commission science products and programs, and to support and strengthen the stock assessment process. The SRB shall review modeling and evaluation used by the Management Strategy Advisory Board, and review research proposals from the Research Advisory Board and the IPHC Secretariat. The SRB will prepare reports to the Commission summarising findings, recommendations, and documentation of any divergent views for all of its reviews.

II. Representation

2. The SRB shall initially be comprised of 3-5 members of the scientific community. The members may be associated or unassociated with the Contracting Parties.
3. The SRB may be expanded based on the technical review needs of the Commission and its activities.
4. The term for SRB membership is two years. There is no limit to how many terms an SRB member may serve.

III. Officers

5. The SRB shall elect a Chairperson and may be supported by a Vice-Chairperson at the SRB's discretion.

IV. Sessions of the SRB

6. **Time and place:** The SRB shall meet twice each year at the IPHC offices in Seattle. The SRB may also meet at other times and places, or via electronic means, to consider specific issues or to produce specific documents or other products.



Late updated: 4 January 2017

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7. **Agenda:** The agenda for the SRB meeting shall be proposed by the Commission's Executive Director, in accordance with the Commission's rules of procedure.

V. Intersessional process and ad-hoc working groups

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

VI. Reports and Records

9. The SRB Report includes decisions, recommendations, and advice, and describes both areas of consensus and differences.

DRAFT