



DRAFT: IPHC Rules of Procedure (2021)

PREPARED BY: IPHC SECRETARIAT (D. WILSON, 14 DECEMBER 2020)

PURPOSE

To provide the Commission with proposed amendments to the IPHC Rules of Procedure (2020).

BACKGROUND

In accordance with Rule 19, paragraph 1 of the IPHC Rules of Procedure (2020), which states:

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

At the 7th Special Session of the IPHC (SS07; 20 May 2020), the Commission made the following request of the IPHC Secretariat regarding on the IPHC Rules of Procedure:

IPHC-2020-ID009 Intersessional meeting formats

*“The Commission **REQUESTED** that the IPHC Secretariat prepare draft guidelines for intersessional meetings to compliment those already contained with the IPHC Rules of Procedure (2020), given the potential ongoing COVID-19 impacts.”*

DISCUSSION

Provided at [Appendix I](#) are proposed revisions to the IPHC Rules of Procedure (2020), which incorporate process and functional amendments intended to further modernise the IPHC’s governance procedures for public intersessional meetings of the Commission.

Specifically to Rule 6 (Sessions of the Commission) and Rule 11 (Decision making).

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2020-IM096-16 which proposed amendments to the IPHC Rules of Procedure (2020).
- 2) **ADOPT** the amendments to the IPHC Rules of Procedure as provided at [Appendix I](#), and **REQUEST** that the IPHC Secretariat publish the IPHC Rules of Procedure (2021).

APPENDICES

[Appendix I](#): DRAFT: International Pacific Halibut Commission Rules of Procedure (2021), Rules 6 and 11.

APPENDIX I

Rule 6 – Sessions of the Commission

Regular Sessions

1. The Commission may alternate its regular Sessions of the Annual Meeting and its Interim Meeting between Canada and the United States of America, or via electronic means in exceptional circumstances, and may hold other meetings as it may determine necessary.
- ~~1.2.~~ Meetings of the Commission may be open to Observers and the general public.
- ~~2.3.~~ Meetings of the Commission shall be available via electronic communication means approved by the Commission, unless the Commission otherwise decides.
- ~~3.4.~~ Meetings with representatives of the Pacific halibut 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.
- ~~4.5.~~ 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.

Special Sessions

6. The Commission may hold Special Sessions of the Commission as it may determine necessary, if so requested by the Chairperson and Vice-Chairperson.
7. Invitations to Special Sessions shall be issued not less than **15 days** in advance of the date fixed for the opening of the Session.
8. Any documents to be discussed at a Special 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 Special Session, unless otherwise decided by the Commission. Documents received later than 10 days in advance of the Special Session shall be deemed as Information Papers only.
9. Amendments to existing IPHC Fishery Regulations shall be submitted to the Executive Director no less than **15 days** before the date fixed for the opening of the Special Session at which they are to be considered, unless otherwise decided by the Commission. The Executive Director shall make the proposals available on the public access area of the IPHC website no later than one (1) business day after receipt.
10. The procedures of the Special Session established in accordance with paragraph Rule 6, para 6 shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

Rule 11 – Decision making

Decision-making at Sessions of the Commission

1. As a general rule, decision-making in the Commission should 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, decisions will be made in accordance with Article III, paragraph 1 of the Convention.
3. Each Commissioner 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.

Intersessional decision-making

4. 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 mail, telephone, or electronic communication.
5. When a decision is to be taken by electronic means, the Executive Director shall transmit the proposed decision to all Commissioners.
6. 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.
7. Members shall have ~~30~~10 days to respond, unless a longer period is specified by the Executive Director in the transmittal.
8. If no reply from a Commissioner reaches the Executive Director within the period established under [Rule 11.8](#), that decision shall be deferred to the next session of the Commission.
9. All inter-sessional decisions must be made by consensus.
10. The Executive Director shall promptly ascertain and transmit the decision to all Commissioners via an IPHC Circular. The date of that transmittal shall be the ‘date of notification’. Such decisions shall be duly recorded in the Commission's records by the Executive Director. Copies of such decisions shall be published with unique Intersessional Decision (ID) numbering on the IPHC website, via an IPHC Circular.