

RULES OF PROCEDURE

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RULES OF PROCEDURE

Article VIII, Paragraph 1, of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean as signed at Moscow on February 11, 1992 (hereinafter referred to as “the Convention”) provides that the North Pacific Anadromous Fish Commission (hereinafter referred to as “the Commission”) shall be established. Article VIII, Paragraph 7, provides that each Party to the Convention shall be a member of the Commission, and may appoint to the Commission not more than three Representatives. Article VIII, Paragraph 15, provides that the Commission shall adopt its Rules of Procedure. All procedural provisions contained in the Convention are not repeated in these Rules of Procedure.

MEMBERSHIP CHANGES

1. Each Party shall inform the Commission promptly of any changes in its Representatives, including the designation of alternate Representatives. Such alternate Representatives may be designated to serve at meetings of the Commission in the absence of Representatives appointed by the Contracting Parties and while so serving shall have the same status as appointed Representatives.

POINTS OF CONTACT

2. Each Party shall designate an individual who shall have primary responsibility for correspondence on behalf of his/her Party during the periods between meetings. Designation of such points of contact shall not preclude correspondence with Representatives as the need arises. The Commission shall be informed promptly of any changes in designation of a point of contact.

MEETINGS

3. The Commission shall hold its regular annual meeting in accordance with Article VIII, Paragraph 12, of the Convention. Any other meetings of the Commission shall be called by the President upon request of a majority of the Parties at such time and place as the President may determine in consultation with the Parties.

ADVISERS, EXPERTS AND OBSERVERS

4. At any meeting of the Commission each Party shall be entitled to be accompanied by such advisers, experts, and interpreters as it may select, a list of whom shall be submitted to the Commission at or before the commencement of such meeting, provided, always, that no expert or adviser shall attend sessions of the Commission held *in camera* unless invited by the Commission.
5. The Commission may invite any intergovernmental or other organizations, as appropriate, to participate as observers at selected meetings of the Commission. It may also invite additional persons to participate as guests or observers at such meetings and such invitation may be initiated by any Party. Decision shall be taken by consensus among all Parties.
- 5a. Any organization desiring to participate as an observer in a meeting of the Commission on its own initiative, shall notify the Executive Director of its desire to participate at least 90 days in advance of the meeting via an application. The Executive Director shall send such applications to the Parties for their consideration at least 60 days prior to the Annual Meeting. A decision of the Commission on that matter shall be taken by consensus among all Parties at least 30 days prior to the Annual Meeting.

MEETING PROCEDURES

6. No person other than a Representative shall be entitled to address the Commission except upon permission by the President or chairperson and subject to the objection of any Representative.

VOTES

7. Votes as prescribed in Article VIII, Paragraph 10, of the Convention shall be taken by show of hands, by roll call, or by ballot, as in the opinion of the President or committee Chairperson appears to be most suitable. The same procedure shall apply to votes in the committees. Commission vote may be cast by any one Representative or alternate Representative from each Party. A committee vote may be cast by a Representative or by an advisor designated for that purpose.
8. Between meetings of the Commission, votes may be taken by mail or other means of communication. Such votes shall be transmitted to the Commission by the Point of Contact or the head of delegation of each Party.

COMMITTEES

9. There shall be a Committee on Finance and Administration, which shall consist of one Representative and advisers from each Party. Executive Director, Deputy Director and Administrative Officer shall be *ex officio* members, without vote. Its functions shall be to investigate matters of finance, administration and such other matters as may be referred to it by the Commission, and to submit reports and recommendations to the Commission concerning such matters. The committee may establish such subordinate bodies as it may require to fulfil its mandate.
10. There shall be a Committee on Enforcement which shall consist of one Representative and advisers from each Party. Executive Director and Deputy Director shall be *ex officio* members, without vote. Its functions shall be to investigate matters of enforcement and such other matters as may be referred to it by the Commission, and to submit reports and recommendations to the Commission concerning such matters. The committee may establish such subordinate bodies as it may require to fulfil its mandate.
11. There shall be a Committee on Scientific Research and Statistics which shall consist of one Representative and experts and advisers from each Party. The Executive Director and Deputy Director shall be *ex officio* members, without vote. Its functions shall be to investigate matters of scientific research and statistics referred to it by the Commission and such other matters as may be referred to it by the Commission and to submit reports and recommendations to the Commission concerning such matters. The committee may establish such subordinate bodies as it may require to fulfil its mandate.
12. The Commission may from time to time establish such temporary committees as it may require and shall select the chairperson of such committees.
13. Each Party shall select its participants on any committee and may change such selection from time to time. The Commission is to be notified promptly of such changes.

OFFICERS

14. The officers of the Commission shall be selected in accordance with Article VIII, Paragraph 11, of the Convention for a two-year term beginning with the adjournment of the annual meeting and ending at the adjournment of the second subsequent annual meeting, taking into due account the principle of rotation among the Parties.

15. The Commission shall select the Chairpersons of the committees, established in accordance with Rules of Procedure 9, 10 and 11, taking into due account the principle of rotation among the Parties. The Chairpersons shall be appointed for a term of two years.
16. In the event that any position in the Commission or the committees shall become vacant other than by expiration of the term of such office, the vacancy shall be filled for the remainder of such term by a representative to be selected by the same Party as the former occupant of such office, subject to the approval of the Commission.
17. The powers and duties of the President will be:
 - (a) To call annual and other meetings in accordance with the provisions of Rules of Procedure 3;
 - (b) To preside at all meetings of the Commission;
 - (c) To decide all questions of order raised at the meeting of the Commission, subject to the right of any Party to request that any ruling by the President be submitted to the Commission for decision by vote;
 - (d) To call for votes and to announce the result of the vote to the Commission;
 - (e) To determine in consultation with the Executive Director draft agendas as required in Rules of Procedure 23;
 - (f) To sign on behalf of the Commission an Annual Report on the Commission's operations, investigations and findings for transmittal to the Contracting Parties, Representatives and others concerned;
 - (g) To sign on behalf of the Commission official communications to the Contracting Parties;
 - (h) To receive and transmit to the Parties communications from the Contracting Parties as required;
 - (i) Generally to make such decisions and give such directions to the Executive Director, especially in intervals between meetings of the Commission, as may appear to be desirable to carry out the business of the Commission efficiently and in accordance with its decisions; and
 - (j) To take such other actions on behalf of the Commission as may be assigned by decision of the Commission.
18. If the office of the President shall become vacant, or if the President is unable to act, the duties of the President shall be performed by the Vice-President until the President is able to act or until a successor is selected as provided by Rules of Procedure 16.

SECRETARIAT

19. The Executive Director shall have the following powers and duties:

- (a) To appoint staff to positions established by the Commission subject to the guidelines and budgets established by the Commission;
- (b) To be responsible to the Commission for the general management of the Secretariat;
- (c) To make all necessary arrangements for meetings of the Commission and its committees;
- (d) To be responsible for all monies received by the Commission and to receive and disburse the same in compliance with the Financial Rules and decisions of the Commission;
- (e) To perform all duties set forth in the Financial Rules relating to the budget;
- (f) To keep the records of Commission meetings and to prepare the draft of the report required in Rules of Procedure 17 (f);
- (g) To prepare minutes of all Commission meetings and promptly transmit to the Parties copies thereof;
- (h) To act as recording secretary for the committees and any *ad hoc* committees which may be established under Rules of Procedure 12;
- (i) To conduct on behalf of the Commission correspondence on routine and miscellaneous matters involving questions of fact, on questions of policy previously determined by the Commission, and on future programs which have been formally adopted by the Commission;
- (j) To maintain official files of the Commission and records of actions taken;
- (k) Consistent with Article VII, Paragraphs 2 and 3, of the Convention, to oversee preparation and publication of catch information on all harvesting of anadromous fishes in the Convention Area and adjacent waters (including associated freshwater systems) and catch information for the Convention Area and adjacent waters for ecologically related species specified by the Commission, as well as any other information the Commission may require;
- (l) To oversee preparation and publication of any other such publications as may be required by the Commission;
- (m) To assist the officers of the Commission generally in the performance of their duties when requested and shall carry as large a portion of the routine duties of the President as may be delegated;

- (n) To perform such other functions as may be assigned to him/her by the Commission or by the President; and
 - (o) To delegate to Deputy Director and Administrative Officer such of his/her powers as he/she may consider necessary for the effective implementation of his/her responsibilities.
20. The Deputy Director shall assist the Executive Director in the performance of his/her duties and responsibilities as provided in Rules of Procedure 19.
21. If the position of Executive Director shall become vacant or if the Executive Director is unable to act, his/her powers and duties shall be assumed by the Deputy Director until such time as a successor is appointed or the Executive Director is able to act.
22. The Commission may adopt such staff rules as are considered desirable and amend these rules when necessary.

AGENDA

23. Draft agendas for Commission meetings shall be prepared by the Executive Director after consultation with the President and shall be transmitted to the Parties at least 90 days in advance of the meeting for consideration, comment and amendment. After incorporating any comments on, or amendments proposed to, the draft agendas, the Executive Director shall prepare and distribute provisional agendas at least 60 days in advance of the meeting. Such provisional agendas shall be subject to further amendment at the time of adoption, if necessary and within the limitations set forth in Rules of Procedure 24.
24. No subject matter which involves amendments to the Rules of Procedure and Financial Rules or decisions and recommendations under Article IX, Paragraph 11, of the Convention shall result in a decision or recommendation by the Commission unless the subject matter has been included in the provisional agenda distributed 60 days in advance of the meeting at which the subject matter is discussed or is accepted for consideration by unanimous agreement.

PUBLICATIONS

25. The Commission shall publish the Annual Report prepared for the Contracting Parties in accordance with Rules of Procedure 17 (f), statistics concerning anadromous stocks in accordance with Rules

of Procedure 19 (k), and in addition shall publish such other reports from time to time as it may deem desirable.

AMENDMENT OF RULES

26. These Rules of Procedure may be amended from time to time, provided such amendment is not inconsistent with the provisions of the Convention.