



*North Pacific Fisheries Commission*

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## **North Pacific Fisheries Commission Administrative Documents**

- 1. Staff Regulations** (Update Com 09)
- 2. Grievance Procedure** (Prep Con 7)
- 3. Rules of Procedure** (Update Com 03 – Editorials  
by Secretariat)
- 4. Financial Regulations** (Prep Con 7)

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## **EXPLANATORY NOTES**

The intent of this booklet is to bring all the administrative documents governing the Commission into one publication for ease of reference, transparency and to facilitate the work of the Commission. These Commission-approved documents are reproduced by the Secretariat with attention to reproduce the documents in accordance with the wording approved by the Commission, however, we apologize in advance for any grammatical errors, or errors in content.

This publication and these documents shall be updated appropriately as the Commission makes revisions to the content. The current document is current to the date noted on the cover.

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**NORTH PACIFIC FISHERIES COMMISSION  
STAFF REGULATIONS**



## **NORTH PACIFIC FISHERIES COMMISSION**

### **STAFF REGULATIONS**

#### **REGULATION 1**

- 1.1 These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the North Pacific Fisheries Commission (hereinafter called the "Commission"). These regulations do not apply to persons in Regulation 11.2.

#### **REGULATION 2**

##### **DUTIES, OBLIGATIONS AND PRIVILEGES**

- 2.1 The Executive Secretary and staff members of the Secretariat (hereinafter "staff members") are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves in the best interests of the Commission.
- 2.2 For the purposes of these regulations the term "dependent" shall include only:
- (a) the employee's spouse or domestic partner (hereinafter referred to as "spouse");
  - (b) any unsalaried child, who is born of, or adopted by, a staff member, his or her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his or her spouse for main and continuing support;
  - (c) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
  - (d) any child with a disability who is dependent on a staff member or his or her spouse for main and continuing support;
  - (e) any other child who is given a home by and is dependent on a staff member or his or her spouse for main and continuing support;
  - (f) any person related by blood or marriage for whose main and continuing support a staff member or his or her spouse is legally responsible.
- 2.3 Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always exercise the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might potentially be detrimental to the Commission and its aims.
- 2.4 Staff members shall not be the subject of discrimination on the basis of age, race, color, creed, gender, sexual orientation, disability or national origin.
- 2.5 In the performance of their duties, staff members shall neither seek nor accept instructions from any government or authority other than the Executive Secretary. In the case of the Executive

Secretary, he or she shall neither seek nor accept instructions from any government or authority other than the Commission.

- 2.6 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorization for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.
- 2.7 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere or represent a conflict of interest with their duties in the Commission, and that prior authorization by the Executive Secretary has been obtained. The Commission's prior authorization shall be obtained in respect of the Executive Secretary.
- 2.8 No staff member may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest.
- 2.9 Staff members shall enjoy the privileges and immunities to which they are entitled under the AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE NORTH PACIFIC FISHERIES COMMISSION REGARDING PRIVILEGES AND IMMUNITIES OF THE NORTH PACIFIC FISHERIES COMMISSION, and such other privileges and immunities as may be decided.
- 2.10 The Commission shall sit as a body to hear grievances from staff members regarding human resource related matters, where other less formal attempts at resolution have not met with success. For staff members' grievances, the Commission may instruct the Executive Secretary to undertake other actions where the Commission deems that a grievance hearing is not appropriate. The Commission's decision is final and not subject to appeal.

### **REGULATION 3 HOURS OF WORK**

- 3.1 The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week.
- 3.2 The Executive Secretary shall establish the working hours and may, in consultation with staff members, alter them for the benefit of the Commission as circumstances may require.

### **REGULATION 4 CLASSIFICATION OF STAFF**

- 4.1 Staff members shall be classified in either of the two following categories:
  - (a) Professional Category (Positions of high responsibility of a managerial, professional, or scientific nature)

These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited internationally.

- (b) General Services Category (Auxiliary administrative and technical positions. Clerical, secretarial and other office personnel)

Such staff shall be recruited from among citizens of members of the Commission, taking into account potential benefits that may occur from hiring staff locally.

- 4.2 Persons employed under Regulation 11 shall not be classified as staff members.

## **REGULATION 5 SALARIES AND OTHER REMUNERATION**

- 5.1 The scale of salaries for staff members in the professional category shall be established by the Commission, taking into account the scales of salaries which would apply to officials of the United Nations Secretariat employed in Japan as well as the salaries of government officials working in Japan. Such salaries shall be paid in Japanese Yen.
- 5.2 Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in Japan for staff of equivalent qualifications and experience.
- 5.3 Performance reviews shall be completed for all staff members by the Executive Secretary on an annual basis. A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Commission.
- 5.4 The salaries of staff members shall be reviewed annually by the Commission taking into account the cost of living in the host country and the performance of each staff member concerned, based on an annual performance review.
- 5.5 Staff members of the Commission subject to national income tax shall be eligible for reimbursement of the tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country.
- 5.6 Staff members in the professional category are not entitled to overtime pay or compensatory leave.
- 5.7 Staff members in the general services category required by the Executive Secretary to work more than 40 hours during one week will be compensated. The method of compensation will be determined by the Executive Secretary in consultation with the staff member and shall include one of the following options:
  - (a) with compensatory leave equivalent to hours of overtime performed; or
  - (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.14, at the rate of double time.
- 5.8 The Commission shall pay duly justified and authorized representation expenses incurred by the Executive Secretary in the performance of his or her duties within the limits prescribed annually in the Budget.
- 5.9 Professional staff renting an apartment or house are eligible to receive an accommodation allowance. The allowance is based on the actual contracts and set at a maximum of 240,000

JPY per month. The Commission shall reimburse 75% of actual expenses within the cap set above. The accommodation allowance shall be reviewed every three (3) years and adjusted on relative movement in the local rental market.

5.10 A professional staff member is eligible to receive an education allowance, based on actual contracts, for each dependent child, determined by Regulation 2.2, b-e, in full-time attendance at school, university or similar higher educational institution in or outside a country of the staff member's duty station. The education allowance shall include costs of registration, tuition, education, boarding and ancillary fees related to student enrollment. The education allowance entitlement for a staff member is a maximum of 2,000,000 JPY per annum per dependent child. The Commission shall reimburse 75% of actual expenses within the cap set above. The education allowance shall be reviewed every three (3) years.

Each employee's entitlement under the education allowance is defined as the sum of the entitlements up to three of the employee's dependent children. Education allowances are not payable:

- (a) in respect of children of staff members serving in their home country;
- (b) for correspondence courses;
- (c) when schooling does not require regular attendance at an education institution;
- (d) for secondary dependents defined as parents, cousins, brothers or sisters of the staff member or his spouse;
- (e) for attendance at kindergarten or nursery school at the preparatory level;
- (f) for private tuition, except tuition in a language of the home country at duty stations where satisfactory school facilities for learning that language are not available;
- (g) if education allowance is already covered by benefits of staff member's spouse.

## **REGULATION 6 RECRUITMENT AND APPOINTMENT**

6.1 In accordance with Article 5.9 of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (hereinafter called the "Convention"), the Commission shall appoint the Executive Secretary and shall establish his or her remuneration and such other entitlements as it deems appropriate.

6.2 In accordance with Rule 6.2 and 6.4 of the Rules of Procedure of the Commission, the Executive Secretary shall appoint, direct, and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.

6.3 Offers of appointment to the Secretariat may require the persons selected to undergo a medical examination and present a certificate stating that they have no medical condition that might prevent them from performing their duties.

6.4 Upon selection, each prospective staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the staff regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations from time to time;
- (b) the nature of the appointment;
- (c) the date on which the staff member is required to commence duty;
- (d) the period of appointment, the notice required to terminate it and the period of probation;

- (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
- (f) any special terms and conditions which may be applicable.

6.5 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

## **REGULATION 7**

### **LEAVE**

- 7.1 Staff members shall be entitled to annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.
- 7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.
- 7.3 Annual leave may be taken in one or more periods. The total amount of annual leave taken in any calendar year shall not be longer than 45 days under any circumstances.
- 7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave.
- 7.5 Staff members who, upon termination of their appointment, have accumulated annual leave that has not been taken shall receive the cash equivalent estimated on the basis of the last salary received.
- 7.6 Staff members shall be entitled to sick leave at the rate of one and one quarter days for each full month for service. Sick leave is cumulative and may be accrued without limit. Accrued sick leave is not subject to payment upon termination or separation from employment.
- 7.7 Staff members shall not be granted sick leave for a period of more than 3 consecutive days without producing a medical certificate.
- 7.8 Staff members shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months. Staff members can take the leave on a daily or an hourly basis.
- 7.9 Staff members shall be entitled to nursing-care leave not exceeding 93 days per one eligible family members which can be divided up to three times. The leave may be used to care for a staff member's spouse including common-law marriages, child, parent, spouse's parent, grandparent, grandchild or sibling with a serious health condition. Staff members can take the leave on a daily or an hourly basis.

- 7.10 Staff members shall be entitled up to twelve months of family leave per calendar year for (a) the birth of a child and to care for the newborn child within one year of birth; or (b) the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement. During this period, staff members shall receive twelve weeks of salary.
- 7.11 Staff members shall be entitled to bereavement leave of up to five days upon the death of an immediate family member and up to three days for a relative other than an immediate family member. Reasonable travel time to and from destination will not be counted under these limits.
- 7.12 After 18 months of service the Commission shall, in accordance with Regulations 9.3 and 9.4, pay travel expenses to the staff member's home country on annual leave for internationally recruited staff members and their dependents. Following this, home leave shall be granted at two-year intervals provided that:
- (a) dependents who benefit from this Commission grant have resided in Japan for at least 6 months prior to travel;
  - (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.
- 7.13 The possibility of combining travel to home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.
- 7.14 Staff members shall be entitled to the statutory holidays in Japan, as noted in the official website and other holidays that may be designated by the Government of Japan from time to time, such as for national elections and other special circumstances.
- 7.15 If under special circumstances staff members are required to work on one of the aforementioned days the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Commission.

## **REGULATION 8 SOCIAL SECURITY**

- 8.1 It is a condition of employment that each staff member will contribute equitably to a recognized retirement fund (including the Japanese national scheme, other central government scheme, the NPFC pension scheme) and have adequate medical, hospital, and workers accident insurance cover to the satisfaction of the Executive Secretary. Such insurance cover shall include adequate provision for dependents. The Commission shall pay two-thirds of the total contribution to the retirement fund and of the health and medical insurance premiums, up to the maximum percentage applying in the United Nations Secretariat from time to time of the total of the staff member's salary. Such payment shall be by way of reimbursement upon the production of receipts or shall be paid direct together with the employee's contribution. A staff member may take out additional insurance coverage at their own cost.
- 8.2 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary and other corresponding

benefits shall cease on the day on which death occurs, unless the deceased:

- (a) leaves dependents, in which case these shall be entitled to mortality allowances and return travel and removal expenses to country of origin or former residence at the expense of the Commission, and/or
- (b) has a defined termination period in the accommodation contract which extends beyond the date of mortality, whereupon the normal accommodation allowance for the staff member would continue to be paid by the Commission, for the rest of the defined termination period, but no longer than three (3) months at the maximum of 75% of the rent or JPY 240,000 whichever is less.

8.3 Eligibility of the dependents of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death. The Executive Secretary may extend this period in the case of special circumstances: e.g., to allow a dependent child to finish a school term.

8.4 The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of Service	Months of Net Base Pay Salary Following Death
Less than 3 years	3 months
3 years and more, but less than 7 years	4 months
7 years and more, but less than 9 years	5 months
9 years and more	6 months

8.5 The Commission shall pay for shipment of the staff member's remains and personal effects from the place of death to the place designated by the spouse, next of kin, or other individual(s) designated by the staff member.

## **REGULATION 9 TRAVEL**

9.1 All official travel shall be authorized by the Executive Secretary in advance within the limits of the budget, and the itinerary and traveling conditions shall be those best suited for maximum effectiveness in the fulfillment of duties assigned.

9.2 With regard to official travel, a travel allowance, generally consistent with United Nations practice, may be paid in advance for fares and daily living expenses. However, charges for hotel accommodations shall be paid based on charges actually incurred.

9.3 Official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.

9.4 Whenever feasible, economy class travel shall be used for all travel.

9.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

- 9.6 On taking up an appointment in the Professional Category staff members shall be eligible for:
- (a) payment of economy class airfares (or equivalent) and travel allowance for themselves, their spouses and dependents from their place of residence to Japan;
  - (b) an Installation Grant calculated on the basis of the prevailing United Nations rate;
  - (c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Japan, subject to a maximum volume of 30 cubic meters or one international standard shipping container,
  - (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.
- 9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorization of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in Japan. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

## **REGULATION 10 SEPARATION FROM SERVICE**

- 10.1 Staff members may resign at any time upon giving three months' notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.
- 10.2 The Executive Secretary may terminate the appointment of a staff member by giving three (3) months' written notice, when that termination is due to restructuring of the Commission or of any of its constituent bodies, or if the Commission would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in the rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g. suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification of the Chair of the Commission.
- 10.3 In the event of involuntary separation from service with the Secretariat, staff members shall be compensated at a rate of two weeks base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties imposed in Regulation 2.
- 10.4 On separation from service, a staff member shall, subject to Regulation 10.5 below, be entitled to the following:
- (a) payment of economy class airfares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his or her family;
  - (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Japan to the country of origin or former residence, subject to a

maximum volume of 30 cubic meters or one international shipping container; (c) a repatriation allowance generally consistent with United Nations' practice.

- 10.5 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Regulation 10.4 may be canceled or reduced appropriately if:
- (a) the staff member fails to provide the three months advance notice as specified in paragraph 10.1;
  - (b) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
  - (c) the reason for separation from service was termination of employment due to gross dereliction of duty;
  - (d) more than six months have elapsed between the staff member's separation from service and his or her return to his or her country of origin or former residence;
  - (e) less than six months has elapsed since the staff member last visited his or her country of origin or former residence on home leave at the expense of the Commission; or
  - (f) the staff member has applied for or received status as a permanent resident of Japan.
- 10.6 In the case of serious misconduct by a staff member that threatens the Commission's operations or the reputation of the Commission or its members (for example, a criminal offense such as theft, intentional breach of confidentiality etc.), appointment of the staff member may be terminated without prior warning.

## **REGULATION 11 TEMPORARY PERSONNEL UNDER CONTRACT**

- 11.1 The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.
- 11.2 Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in Japan shall be utilized in such cases.

## **REGULATION 12 APPLICATION AND AMENDMENT OF REGULATIONS**

- 12.1 Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the members of the Commission.
- 12.2 Situations involving the Executive Secretary shall be resolved by the Chair in consultation with members of the Commission.
- 12.3 Matters not foreseen in these Staff Regulations that materially affect the operation of the Secretariat or the working conditions of the staff shall be brought to the attention of the Commission by the Executive Secretary.
- 12.4 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.



**NORTH PACIFIC FISHERIES COMMISSION  
GRIEVANCE PROCEDURE**



## **NORTH PACIFIC FISHERIES COMMISSION**

### **GRIEVANCE PROCEDURE**

The NPFC Staff Regulations, Regulation 2.10, provides a procedure for grievances. This section defines the procedures regarding the implementation of Regulation 2.10. The rule reads as follows:

#### **REGULATION 2.10**

*The Commission shall sit as a body to hear grievances from staff members regarding human resource related matters, where other less formal attempts at resolution have not met with success. For staff members' grievances, the Commission may instruct the Executive Secretary to undertake other actions where the Commission deems that a grievance hearing is not appropriate. The Commission's decision is final and not subject to appeal.*

#### **PROTECTIONS**

Staff members and the Executive Secretary, hereinafter referred to as “staff members,” have the right to use and/or participate in this procedure free from threats or acts of retaliation, discrimination or reprisal.

#### **POLICY**

The prevailing policy is that employee grievances will be resolved promptly and at the lowest possible level. Observance of this policy will enhance productivity and promote the well-being of the workforce. Staff members will make best efforts to achieve informal settlement of grievances.

#### **GRIEVABLE ISSUES**

The following issues are examples of matters that are eligible for this process. This list is not exhaustive:

- Dismissal or suspension without pay;
- Staffing actions;
- Allegation of discrimination; and/or
- Allegation of harassment.

#### **TIMELINES AND PROCESS**

Prior to invoking Regulation 2.10 of the NPFC Staff Regulations, the staff member must follow the steps below:

1. Specific staffing and human resource-related grievances must be presented within 15 days of the date of that act of occurrence or the date the employee first became aware of it. Grievances related to alleged discrimination and harassment should be brought forward as soon as possible.
2. A staff member must first present a grievance in writing to the Executive Secretary.

3. Any grievances emanating from the Executive Secretary would be provided in writing to the Commission (see steps 6-8 below).
4. The Executive Secretary will give full consideration to the issue(s) and the remedy requested and conduct such inquiry as warranted by the circumstances. The Executive Secretary will make a substantive effort to resolve the problem informally and will provide the staff member a written answer within 15 days of receipt of the grievance.
5. If the grievance is not resolved to the satisfaction of the grievant by the Executive Secretary, the grievant may submit the grievance in writing to the Chair, who in consultation with the Vice Chair, has the authority to resolve it. The Chair will provide a written response to the grievant within 15 days of receipt of the grievance.
6. If the grievance is not resolved to the satisfaction of the grievant by the Chair, the grievant may submit the grievance in writing to the Heads of Delegation, who have the authority to resolve it.
7. For submission to the Heads of Delegation, the grievance will be sent by the Chair and must:
  - (a) be in writing;
  - (b) contain sufficient detail to identify and clarify the basis for the grievance;
  - (c) if appropriate, specify the remedy requested by the grievant;
  - (d) include a copy of the Executive Secretary and Chair's reply; and,
  - (e) be filed, in writing, within 15 days of receipt of the Chair's decision.
8. The Heads of Delegation should decide upon a process to be used to consider the grievance (for additional detail regarding a process to be used, see Annex A). In the case where the grievant, the Executive Secretary or others are asked to participate in the hearing, reasonable notice should be provided. Parties to the grievance may be accompanied by their legal counsel in any hearing.
9. The Commission will render its decision within 90 days after receiving the grievance from the Chair and it will constitute a final decision on the grievance. Actions of the Commission are not subject to appeal. In the event that further actions are deemed necessary to resolve the grievance, the Commission will instruct the Executive Secretary to undertake those actions.
10. In the case of termination of employment, the grievant should present the grievance to the Chair, who in consultation with the Vice Chair will provide a ruling within 30 days. The Chair's decision will be considered final unless the grievant is not satisfied with the ruling, in which case the grievance will be sent to Heads of Delegation, who will have 60 days to render a decision.
11. A grievance will be canceled:
  - o At the employee's written request;
  - o When the grievant's employment terminates unless the remedy sought can be granted after termination of his/her employment;
  - o For failure to follow the grievance procedure and/or requests from the Commission (e.g. to discuss the grievance in person).

When a grievance is canceled, all parties must be notified promptly and in writing and given the reason(s) for the cancellation.

## ANNEX A

### CONSIDERATION OF GRIEVANCES BY THE COMMISSION

#### Collection of Relevant Background Information

The Commission should have access to and read all the relevant background documents including, but not limited to the following:

- Contract of the staff member that specifies terms of employment and review, in particular, clauses relevant to termination;
- Staff regulations with regard to termination and performance management clauses;
- Labor laws of relevance;
- If relevant, legal advice has already provided regarding this grievance;
- Performance Management related documents such as performance reviews, any written warnings or reports of discussions related to performance etc.;
- Formal grievance documents; and
- A clear understanding of the remedy sought and any alternatives to that remedy.

A process should be decided upon and agreed to by the Commission for addressing the grievance. This should be done on a case-by-case basis. Four options are presented for consideration only based on generally accepted practices for management of grievances. There is nothing that would bind the Commission to using one of these options. Options should consider cost effectiveness including use of teleconferences and/or video conferences as practicable.

1. Schedule a grievance hearing with the staff member (with or without his or her legal counsel) followed by a hearing with the Executive Secretary (with or without his or her legal counsel) after which the Heads of Delegation should render a decision;
2. Hire an independent reviewer or mediator to meet with the staff member and Executive Secretary and provide their impartial advice to Heads of Delegation who can render a decision or consider this information in conjunction with information gleaned from interviews of the staff member and the manager;
3. Engage an HR specialist (with experience in labor relations) to review the file, interview the employee and Executive Secretary and provide their impartial advice to Heads of Delegation who can render a decision or consider this information in conjunction with information gleaned from interviews of the staff member and Executive Secretary; and
4. Deliberate on this issue without additional input from the grievant or Executive Secretary or others, relying on written information and submissions.

The Commission should deliberate privately (“in-camera”) to ensure that neither the staff member nor Executive Secretary is present to avoid perceptions of bias and promote discussion of the matter. Consensus is desirable.



**NORTH PACIFIC FISHERIES COMMISSION  
RULES OF PROCEDURE**



## **NORTH PACIFIC FISHERIES COMMISSION**

### **RULES OF PROCEDURE**

#### **RULE 1: REPRESENTATION AND OFFICIAL CONTACTS**

- 1.1 Each member of the Commission shall be represented on the Commission by one Representative, who may be accompanied to Commission meetings by up to three alternative representatives, who shall be authorized to act for the Representative in the Representative's absence, and such other experts and advisors as may be necessary. Each member of the Commission shall notify the Executive Secretary of the names of its designated Representative and Alternate Representatives and, thereafter, any changes to the names of such representatives as soon as possible.
- 1.2 Each member of the Commission shall, through its designated Representative and as soon as possible after the adoption of these rules, notify the Executive Secretary of at least two Official Contacts who shall be the points of contact for the purposes of official communications between the Commission and the member, including all notifications, invitations, and communications made pursuant to these rules.
- 1.3 For each meeting of the Commission, each member of the Commission shall notify the Executive Secretary, in such standard form of designation as the Executive Secretary shall establish, of the names of its Representative, alternate representatives, experts, and advisers attending the meeting, at least one week in advance of the meeting. Following the initial notification, any changes to the list of each member's delegation shall be provided to the Executive Secretary no later than the beginning of the meeting.

#### **RULE 2: DECISION MAKING**

- 2.1 Decisions of the Commission shall be taken in accordance with Article 8 of the Convention.
- 2.2 The quorum shall not include the members currently subject to the provisions of Article 12 subparagraph 5 of the Convention.
- 2.3 Votes shall be taken by show of hands, roll call or, in accordance with Rule 2.5, a confidential vote.
- 2.4 A vote by roll call shall be taken upon request of a member of the Commission. Voting by roll call shall be conducted by calling in English alphabetical order the names of all members of the Commission entitled to vote. The name of the first member to be called shall be designated by lot drawn by the Chairperson. Each member shall reply "yes", "no" or "abstain".
- 2.5 If the election of the Chairperson or the Vice-Chairperson is not decided by consensus, the decision shall be taken by confidential vote unless otherwise decided by the Commission. A decision to conduct a confidential vote for any other matter shall be made in accordance with Article 8 of the Convention.

- 2.6 The appointment of the Executive Secretary shall be approved by consensus of the Contracting Parties in accordance with Article 5.9 of the Convention.

#### Intersessional Decisions

- 2.7 When necessary, to the extent permitted by the Convention a matter may be decided during the period between meetings electronically (e.g. email, secure website) or by other means of communication. Normally, such means of taking decisions shall be applied to matters of procedure. However, in exceptional circumstances, where an urgent decision is necessary, such means of taking a decision may be applied to matters of substance.
- 2.8 When it is necessary to decide any matter during the period between meetings, the Chairperson, on his or her initiative, or at the request of a member that has made a proposal, may move adoption without delay of such proposal by intersessional decision. The Chairperson, in consultation with the Vice-Chairperson, shall decide on the necessity of considering the proposal intersessionally as soon as possible.
- 2.9 In any case in which the Chairperson determines that it is not necessary to consider a proposal by a member intersessionally, the Chairperson shall promptly so inform that member of such determination and the reasons therefore. Within seven (7) days of the date of such notification, the affected member may request an intersessional decision on the Chairperson's determination, to be subject to the majority decision rule for questions of procedure set forth in the Article 8, paragraph 2(a), of the Convention.
- 2.10 In cases in which the Chairperson has concurred on the necessity of considering a proposal moved by a member intersessionally, the Chairperson shall determine whether the proposal requires consensus for adoption as per the Convention or whether it may be adopted by vote and, in case of the latter, whether the proposal raises a matter of procedure or a matter of substance. The Executive Secretary shall promptly transmit to members:
- (a) the proposal, including any explanatory note;
  - (b) the determination made by the Chairperson under this paragraph, and;
  - (c) a request for an intersessional decision.

The Executive Secretary shall request that responses be returned within thirty (30) calendar days.

- 2.11 Members shall promptly acknowledge receipt of any request for an intersessional decision. If no acknowledgment is received within seven (7) calendar days of the date of transmittal, the Executive Secretary shall retransmit the request and shall use all additional means available to ensure that the request has been received. For the purpose of establishing a quorum in conformity with Article 8, paragraph 4, of the Convention, confirmation by the Executive Secretary that the transmittal has been received shall be deemed conclusive regarding the participation of the member in the decision-making process.
- 2.12 Members shall respond within thirty (30) calendar days of the date of original transmittal of a proposal if they do not support adoption of the proposal (in the case of a decision to be made by consensus), or (in the case of a proposal to be decided by voting) indicating whether they cast an affirmative vote, cast a negative vote, or abstain from voting. If a member of the Commission requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one

fifteen (15) day extension shall be permitted. In the event of such an extension, the Executive Secretary shall inform all members of the final date by which responses must be received. If no reply from a member is received within thirty (30) calendar days of original transmittal, or by the extended deadline, that member shall be recorded as having no objection (in the case of a decision to be made by consensus) or abstained (in the case of a proposal to be decided by voting).

- 2.13 The result of a decision taken intersessionally shall be ascertained by the Executive Secretary by the end of the decision period and promptly announced to all members. If any explanations of views are received, these shall also be transmitted to all members. Subject to Article 9, paragraph 1(b), of the Convention, if the proposal is adopted, it shall become effective ninety (90) calendar days after the date of transmittal specified in the Chairperson's notification of the adoption of the decision by the Commission, unless otherwise specified in the decision.
- 2.14 Objection procedures in Article 9 of the Convention shall apply to intersessional decisions.
- 2.15 No proposal transmitted by the Executive Secretary for an intersessional decision shall be subject to amendment during the decision period. Members shall strive to achieve consensus on all proposals submitted for intersessional decisions through timely communication between proponents and any opponents during the 45-day decision period.
- 2.16 A proposal that has been rejected by intersessional decision shall not be reconsidered until the following meeting of the Commission.
- 2.17 Unless otherwise decided by consensus of the Commission, matters to be decided intersessionally under this rule shall not include those in Article 7, paragraph 1 (f), except for the transfer of the allocation of fishing opportunities among members; Article 7 paragraph 1(g); or Article 12, paragraphs 2 and 3.

### **RULE 3: BINDING DECISIONS**

- 3.1 Without prejudice to the provisions of the Convention, decisions of the Commission subject to Article 9 of the Convention shall be those pertaining to:
  - (a) conservation and management of the fisheries resources;
  - (b) protection of the marine ecosystems in which the fisheries resources occur;
  - (c) data collection, compilation and exchange required to achieve the objective of the Convention;
  - (d) monitoring, control, surveillance;
  - (e) compliance and enforcement; and
  - (f) experimental, scientific and exploratory fishing activities.
- 3.2 This rule is without prejudice to the competence of the Commission to adopt non-binding decisions on the above-mentioned matters.

### **RULE 4: OFFICERS**

- 4.1 The Chairperson and the vice-Chairperson of the Commission shall be elected in accordance with Article 5, paragraph 5, of the Convention.

- 4.2 The Chairperson and Vice-Chairperson shall take office at the conclusion of the regular meeting at which they are elected, except that the initial Chairperson and Vice-Chairperson shall take office upon their elections and serve through the conclusion of the respective next biennial meetings.
- 4.3 The powers and duties of the Chairperson shall be to:
- (a) declare the opening and closing of each meeting;
  - (b) preside at meetings;
  - (c) direct discussions in meetings and ensure observance of these rules;
  - (d) accord the right to speak and limit the time allowed to speakers;
  - (e) rule on points of order, subject to the right of any Representative to request that any ruling of the Chairperson be submitted to the meeting for decision;
  - (f) if appropriate, call for and announce the results of votes;
  - (g) determine, after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each meeting;
  - (h) sign a report of the proceedings of each meeting for transmission to the members of the Commission and others concerned, as appropriate;
  - (i) generally, make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the Commission is carried out efficiently and in accordance with its decisions;
  - (j) act in representation of the Commission in accordance with the tasks that the Commission may assign; and
  - (k) perform any other function assigned to him or her by the Commission or the Convention.
- 4.4 Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.
- 4.5 If the office of the Chairperson is vacated, the Vice-Chairperson shall become Chairperson for the balance of the vacated term or until the Commission elects a new Chairperson. If neither the Chairperson nor the vice-Chairperson is able to carry out their functions during any meeting, the member hosting the meeting shall provide a Chairperson and the member that hosted the previous meeting a vice-Chairperson for the duration of the meeting, subject to Article 5 paragraph 5 of the Convention.
- 4.6 If neither the Chairperson nor the vice-Chairperson is able to carry out their respective functions during a period between meetings, the member hosting the next meeting shall provide an interim Chairperson and the member hosting the previous meeting an interim vice-Chairperson, subject to Article 5, paragraph 5 of the Convention. Unless the Commission decides otherwise, the Commission shall elect a new Chairperson and vice-Chairperson as the first order of business at the next meeting.
- 4.7 Notwithstanding rules 4.5 and 4.6 above, in exceptional circumstances where the designated member is not able to provide an interim Chairperson or vice-Chairperson, the member that hosted the previous meeting shall provide a Chairperson and the member that hosted the meeting previous to that shall provide a vice-Chairperson, subject to Article 5 paragraph 5 of the Convention.

- 4.8 A Chairperson, or vice-Chairperson when acting as Chairperson, shall not act as a delegate (i.e., Representative, alternate representative, expert or advisor) of a Contracting Party.
- 4.9 If the Chairperson or vice-Chairperson ceases to be a Representative of a Contracting Party, or if a Contracting Party of which he or she is a Representative, ceases to be a member of the Commission, he or she shall cease to hold office and a new Chairperson or vice-Chairperson shall be determined in accordance with Rules 4.5 and 4.6.

## **RULE 5: AGENDAS AND MEETING CONDUCT**

### 5.1 Agendas

- 5.1.1 The Executive Secretary shall prepare, under the guidance of the Chairperson, a draft provisional agenda for each meeting and dispatch the agenda to all members of the Commission and observers referred to in Rule 9.1 not less than ninety (90) calendar days before the date fixed for the opening of the meeting. At the same time, the Executive Secretary shall post the date and place of the meeting on the Commission's website. The Provisional Agenda shall also be posted on the website as soon as it is available.
- 5.1.2 If members of the Commission propose to change the draft provisional agenda, they shall inform the Executive Secretary to that effect not less than seventy-five (75) calendar days before the date fixed for the opening of the meeting. The Executive Secretary, under the guidance of the Chairperson, shall revise the draft provisional agenda, taking into account any suggestions or comments received from members following distribution of the draft provisional agenda, and distribute a revised agenda to all members of the Commission and observers referred to in Rule 9.1 not less than sixty (60) calendar days before the date fixed for the opening of the meeting. The Executive Secretary may modify the deadlines set forth above if so requested by any member of the Commission or by the Chairperson.
- 5.1.3 The agenda shall be adopted at the beginning of the meeting.

### 5.2 Open and closed meetings

- 5.2.1 The meetings of the Commission shall be open to all registered delegates and observers unless the Commission decides that exceptional circumstances require that meetings be held in closed session.
- 5.2.2 All decisions of the Commission, or conclusions or recommendations of any subsidiary body, decided in a closed session shall be announced at the next open session and prior to adjournment of the meeting of the Commission or subsidiary body at which the closed session was held.

### 5.3 Interventions

No participant may address the Commission without having previously obtained the permission of the Chairperson. The Chairperson shall give priority to members of the Commission and shall call upon speakers in the order in which they signify their desire to speak, except that the Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body or when the Chairperson believes that change of the order

will better facilitate the discussion. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

#### 5.4 Statements by the Executive Secretary and Secretariat Staff

The Executive Secretary, or a member of the Secretariat designated by him or her as his or her representative, may, at any time with the permission of the Chairperson, make either oral or written statements to the Commission. The Executive Secretary or his or her designee shall respond to any question under his or her competence addressed to the Secretariat by members of the Commission.

#### 5.5 Points of order

During the discussion of any matter, a member of the Commission may rise to a point of order, and the point of order shall be immediately decided by the Chairperson in accordance with these rules of procedure and the Convention as well as decisions made by the Commission. A member of the Commission may appeal against the ruling of the Chairperson. In such a case, the appeal shall be immediately put to the vote, and the Chairperson's ruling shall stand unless overruled by a majority of the members of the Commission present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

#### 5.6 Procedural motions

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

#### 5.7 Documents to be considered at meetings

5.7.1 All the documents to be prepared by the Secretariat shall be in principle distributed among the members and observers referred to in Rule 9.1 at least two weeks prior to the meeting.

5.7.2 Proposals and other relevant documents to be considered at a meeting shall be electronically submitted in writing to the Executive Secretary in English at least thirty (30) calendar days before the opening of the meeting. Any proposal submitted after the deadline shall not be considered unless otherwise decided by the Commission. The Executive Secretary shall immediately circulate electronic copies of all proposals to the members and observers referred to in Rule 9.1.

5.7.3 When a document or proposal requires the input of subsidiary bodies, and the meeting of such subsidiary body concluded within forty-five (45) calendar days of the opening of a regular Commission meeting, the Executive Secretary may modify the deadline, but in any case such a document or proposal shall be submitted at least fourteen (14) calendar days before the opening of the meeting. In exceptional circumstances, which may include submission of proposals based on discussions in subsidiary bodies held just prior to the Commission meeting, the Commission may modify or waive these deadlines as necessary to facilitate its work.

5.7.4 Proposals shall be in accordance with the format to be decided by the Commission.

## 5.8 Special meetings

The Commission may hold special meetings in accordance with this rule, provided funds are available to convene such meeting. Any member of the Commission may submit a request to the Executive Secretary to convene a special meeting of the Commission, including in that request the specific reasons for such a session. The Executive Secretary shall immediately inform the other members of the Commission of the request and inquire whether they concur with it. If within thirty (30) calendar days of the date of communication by the Executive Secretary a majority of the members of the Commission concur with the request, a special meeting of the Commission shall be convened by the Chairperson between thirty (30) calendar days and ninety (90) calendar days after the receipt of such concurrence, at such time and place as the Chairperson determines in consultation with the members of the Commission. The Executive Secretary shall notify the members of the Commission, and observers referred to in Rule 9.1, of the date, place, and provisional agenda for a special meeting as early as possible but at least twenty-five (25) calendar days in advance of the special session. The provisional agenda for a special meeting shall focus primarily on those items proposed for consideration in the request for holding the session.

### **RULE 6: EXECUTIVE SECRETARY**

- 6.1 The Commission shall appoint the Executive Secretary to serve the Commission and its subsidiary bodies, according to such procedures and on such terms and conditions to be decided by the Commission. His or her term of office shall be for four years and he/she may be eligible for re-appointment, but shall not serve for more than eight (8) years unless otherwise decided by the Commission. (Covered by Rule 2.6)
- 6.2 The Commission shall designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the terms and conditions of employment for members of the Secretariat.
- 6.3 The Executive Secretary shall carry out the functions and duties specified in the Convention, the Rules of Procedure, Financial Regulations, Staff Regulations, and other duties as assigned by the Commission.
- 6.4 Specific functions and duties of the Executive Secretary shall include the following:
  - (a) provide administrative services to the Commission and its subsidiary bodies;
  - (b) prepare and transmit the draft provisional agenda and provisional agenda in accordance with Rules 5.1.1 and 5.1.2, respectively;
  - (c) receive the lists of authorized delegates and observers at meetings and report thereon to the Commission or subsidiary bodies, as required;
  - (d) be responsible to the Commission for the general operations of the Secretariat;
  - (e) direct and supervise Secretariat staff;
  - (f) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
  - (g) be responsible for all monies received by the Commission and for receiving and disbursing the same in compliance with the Financial Regulations and decisions of the Commission;
  - (h) perform all duties set forth in the Financial Regulations relating to the budget;
  - (i) keep the records of Commission meetings;
  - (j) maintain official files of the Commission and records of actions taken;

- (k) assist the Commission in making suitable arrangements and agreements as needed for consultation, cooperation, and collaboration with other organizations or arrangements as per Article 21 of the Convention;
- (l) delegate to Secretariat staff such of his/her powers as he/she may consider necessary for the effective implementation of his/her responsibilities;
- (m) maintain a list of the official contacts of each member;
- (n) prepare, in consultation with the members of the Commission, an annual report on the Commission's activities; and
- (o) such other functions as the Commission may decide.

#### **RULE 7: LANGUAGE**

English shall be the working language of the Commission and its subsidiary bodies, although, if desired, any other language may be used on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

#### **RULE 8: RECORDS AND REPORTS**

- 8.1 At the end of each meeting, the Commission shall confirm in writing decisions of the Commission and commitments by members.
- 8.2 The Executive Secretary shall prepare a draft meeting report and circulate it to the members of the Commission within fifteen (15) days of the end of the meeting. The members of the Commission shall inform the Executive Secretary within fifteen (15) days of the date of transmittal specified in the Executive Secretary's communication of any changes they wish to have made. The Executive Secretary shall circulate the finalized report within forty-five (45) days of the end of the meeting.
- 8.3 The report shall contain, *inter alia*:
  - (a) a summary record of discussions specifying decisions of the Commission including the adoption of any conservation and management measures (statements by individual members of the Commission shall be included only at the request of that member);
  - (b) final Agenda;
  - (c) a complete list of documents, including background papers, information papers, proposals by delegations and other documents considered by the meeting and available on the Commission's website;
  - (d) participants list;
  - (e) proposals and commitments by members, if any;
  - (f) reports of subsidiary bodies, as available; and
  - (g) other relevant information and documents as determined by the Executive Secretary or requested by any member.

Reports shall not include any information that is subject to such confidentiality rules as the Commission may adopt.

- 8.4 The summary of the decisions of the Commission and the full report of the meeting shall be posted on the Commission's website as soon as possible after being finalized. The reports of

the subsidiary bodies shall be posted on the Commission's website as soon as possible after their adoption by the Commission.

- 8.5 Any member that does not submit the annual report required in Article 16, paragraph 3 of the Convention shall not participate in the relevant fisheries until that data and information have been provided. The deadline for submitting such reports, in a format agreed by the Commission, shall be [the end of February] of the subsequent year and shall be subject to change, taking into account the content and format of the report. The Executive Secretary will notify all members of the Commission of the status of annual reporting no later than [March 14] of the subsequent year.
- 8.6 Upon receipt of any delinquent reports described in Rule 8.5 submitted after the deadline specified above, the Executive Secretary shall notify all members of such receipt and note the relevant member's right to resume participation in any involved fishery.

### **RULE 9: OBSERVERS**

- 9.1 The following may participate as observers in the meetings of the Commission and its subsidiary bodies:
- (a) States and the fishing entity that participated in the Multilateral Meetings on the Management of High Seas Fisheries in the North Pacific Ocean, until their respective ratification, acceptance, approval, accession or expression of firm commitment becomes effective in accordance with Article 25 or the Annex of the Convention;
  - (b) any other State that has jurisdiction over waters adjacent to the Convention Area;
  - (c) other States with an interest in the work of the Commission that are not members of the Commission, and invited by the Commission;
  - (d) the FAO, other specialized agencies of the United Nations, other regional fisheries management organizations or arrangements;
  - (e) other intergovernmental organizations, independent experts and other advisors concerned with matters relevant to the implementation of the Convention and invited by Commission;
  - (f) non-governmental organizations, including environmental organizations and fishing industry organizations, with an interest in the work of the Commission, accredited by the Commission pursuant to Rule 9.3.
- 9.2 A non-governmental organization wishing to participate as an observer shall submit a request to the Executive Secretary at least sixty (60) calendar days in advance of the meeting, together with office locations of the organization, a description of its mission, how its mission and activities are related to the work of the Commission.
- 9.3 The Executive Secretary shall promptly notify the members of the Commission of the request. Any such non-governmental organization that has submitted the required information shall be accredited to participate as an observer unless a simple majority of the members of the Commission objects to the request by notifying the Executive Secretary in writing at least thirty (30) calendar days before the opening of the meeting. Any objecting member shall specify the reason for its objection. Observer status shall remain valid for future meetings until the Commission decides otherwise.

- 9.4 The Executive Secretary may limit the number of participants from each NGO accredited to participate as an observer, taking into account the total number of NGOs wishing to participate and the capacity of the meeting room. The Commission may require NGOs to pay reasonable fees to cover costs attributable to their attendance.
- 9.5 If a meeting of the Commission is held with less than ninety (90) days' notice, the Executive Secretary shall have greater flexibility concerning the time frames established in this Rule.
- 9.6 Any observer admitted to a meeting of the Commission may:
- (a) attend meetings of the Commission and its subsidiary bodies, subject to Rule 5.2, but not vote;
  - (b) make oral statements during the meetings and seek clarification on matters under discussion upon the invitation of the Chairperson after all interventions by members of the Commission;
  - (c) have timely access to documents subject to the terms of the confidentiality rules that the Commission may decide;
  - (d) distribute documents, publications, videos and CDs as information at the meeting, with the approval of the Chairperson. Certain documents may only be considered as Commission documents if so decided by the Commission; and
  - (e) engage in other activities, as appropriate and as approved by the Chairperson.
- 9.7 Any observer admitted to a meeting of the Commission may not:
- (a) use film, video, and audio recording devices, etc. to record meeting proceedings;
  - (b) issue press releases or other information to the media during the meeting in question on agenda items under discussion;
  - (c) disclose any information that they have acquired at meetings before the adjournment of the meeting; or
  - (d) disclose any information subject to confidentiality rules adopted by the Commission.
- 9.8 All observers admitted to a meeting of the Commission shall comply with all rules and procedures applicable to other participants in the meeting. Any observer that does not comply with these requirements shall be excluded from further participation in meetings, unless the Commission decides otherwise.

#### **RULE 10: COOPERATING NON-CONTRACTING PARTIES**

- 10.1 To give effect to Article 20 of the NPFC Convention, the following apply to Cooperating non-Contracting Parties (CNCPs) who have expressed an interest in becoming involved with the NPFC.
- 10.2 Each year, the Executive Secretary shall contact all non-Contracting Parties whose vessels fish in the Convention Area and, if possible, non-Contracting Parties known to have an interest in fishing in the Convention Area, to request them to become a Contracting Party to the Convention or to attain the status of Cooperating non-Contracting Party (CNCP).
- 10.3 A non-Contracting Party of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-Contracting Party (CNCP). Any such request and supporting information shall be in English and shall be received by the Executive Secretary at least 60 days in advance

of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Secretary shall notify all members of the Commission of any such request and circulate the full application to all members.

- 10.4 A non-Contracting Party seeking the status of CNCP shall include with its request:
- (a) its reason for seeking CNCP status,
  - (b) a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
  - (c) an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection;
  - (d) full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
  - (e) any further relevant information as determined by the Commission.
- 10.5 A non-Contracting Party seeking the status of CNCP is encouraged to make a contribution commensurate with what it would be assessed should it become a Contracting Party, pursuant to the scheme of contributions established by the Commission in accordance with Article 12(3) of the Convention, or an amount as determined by the Commission.
- 10.6 The Technical and Compliance Committee (TCC) shall assess applications for CNCP status and provide recommendations and technical advice to the Commission, which shall consider, *inter alia*:
- (a) whether the CNCP application includes all information required under paragraph 10.4;
  - (b) in the case of renewal, the record of compliance of the applicant with the provisions of the Convention and the conservation and management measures adopted by the Commission, and where appropriate, the fisheries laws and regulations of Members of the Commission;
  - (c) its record of responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 17 of the NPFC Convention;
  - (d) as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
  - (e) in the case of applications for renewal of CNCP status, whether the applicant is meeting all paragraph 10.14 requirements for CNCP.
- 10.7 The Executive Secretary shall forward a copy of the relevant TCC recommendations and advice to the non-Contracting Party applicant as soon as practicable, including all relevant CMMs to facilitate their compliance.
- 10.8 The non-Contracting Party applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.
- 10.9 The Commission shall, in determining whether a non-Contracting Party is accorded CNCP status, have regard to the criteria outlined in paragraph 10.6.
- 10.10 The Commission shall also consider information available from other RFMOs relating to non-Contracting Parties seeking CNCP status, as well as data submitted by such non-Contracting

Parties to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNCP status to such non-Contracting Parties.

10.11 The Commission shall accord CNCP status on a bi-annual basis. It may renew the CNCP status subject to a review of the CNCP's compliance with the Convention's objectives and requirements.

10.12 CNCPs seeking to renew their status as a CNCP shall comply with other requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.

10.13 CNCPs are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.

10.14 CNCPs shall:

- (a) comply with all conservation and management measures adopted by the Commission;
- (b) provide all data that members of the Commission are required to submit, in a timely manner, in accordance with the format and standards adopted by the Commission;
- (c) inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;
- (d) respond in a timely manner to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 17 of the Convention;
- (e) accept boarding and inspections in accordance with Commission high seas boarding and inspection procedures.

10.15 Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the fish stocks within areas under national jurisdiction, and following the granting of CNCP status, the Commission shall, where necessary, determine how the participatory rights of CNCPs will be limited by the conservation and management measures adopted by the Commission. In giving effect to this paragraph, the Commission shall take into account *inter alia*:

- (a) the status of the fish stocks under the management mandate of the Commission and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;

10.16 The limits determined for CNCPs under paragraph 10.15 may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.

- 10.17 The Commission shall monitor the activities of nationals and fishing vessels of CNCPs, including their record of compliance with the provisions of the Convention and conservation and management measures adopted by the Commission.
- 10.18 CNCPs that fail to comply with any of the conservation and management measures adopted by the Commission shall be deemed to have undermined the effectiveness of the conservation and management measures adopted by the Commission. The Commission shall take appropriate action, which may include revocation of CNCP status and/or sanctions and penalties against such CNCPs, in accordance with the Convention and adopted conservation and management measures.
- 10.19 The members of the Commission shall, individually or jointly, request non-Contracting Parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of the conservation and management measures adopted by the Commission and urge them to apply for the status of a Contracting Party or Cooperating non-Contracting Party.

### **RULE 11: MEDIA ACCESS**

- 11.1 The Commission wishes to provide clear guidelines for media access and participation to the annual Commission and Subsidiary meetings while extending access and transparency as far as possible for accredited media to record highlights of the meeting and report on such to the general public.

#### **SCOPE:**

- 11.2 This policy shall apply equally to accredited media for the annual Commission and subsidiary meetings.

**Note:** Government media who are part of delegations are expected to be under the rules of the head of delegation and expected to conduct themselves in a similar manner as noted below.

#### **DETAILED ACCESS RULES:**

- 11.3 The guidelines for media participation have been structured to cover two different media scenarios.
- (a) Mainstream media that are interested in covering the event as a current news item for local or international interest; and
  - (b) media participation for a documentary, story or some other requirement whereby they wish to access the meeting during the sessions.

#### **General Conditions applicable to all media participation**

- 11.4 Approval of all media access or participation will rest with the Chair of the meeting in consultation with the Executive Secretary, and where appropriate, the Commission Members.
- 11.5 All requests for media participation to NPFC meetings or for interviews with the NPFC or Secretariat shall be directed to the Executive Secretary of the NPFC Secretariat and include media accreditation documents (press card and letter of authorization from the media company) and purpose of the participation.

- 11.6 Subject to the approval of the Executive Secretary accredited and approved media will be provided media identification that shall be worn at all times while on the meeting facilities, inside and outside the meeting room.
- 11.7 Interviews of members of the Commission, cooperating non-Contracting Members or other participants at the meeting shall not interrupt proceedings, consequently if during the meeting shall they shall be either:
- (a) after sessions or during breaks; or
  - (b) outside the conference meeting facilities.
- 11.8 Members are reminded of the rules of confidentiality with respect to the release of details of the meeting prior to the end of the Commission meeting.
- 11.9 The Commission Chair, and Executive Secretary shall be the only spokespersons for the NPFC and the Secretariat. No other Secretariat Staff shall be permitted to participate in any media events or interviews unless authorized by the Executive Secretary.

**A) Guidelines for general mainstream media access for news recording or interviews:**

- 11.10 Subject to the approval of the Executive Secretary, all approved media are permitted inside the meeting room for the **opening session** subject to the following rules:
- (a) media must wear their Secretariat-issued media identification card at all times;
  - (b) any disruptive behavior during the opening session shall result in the ES requesting the company to immediately leave the meeting venue and the withdrawal of credentials;
  - (c) cameras may only be used on the periphery of the meeting and cannot be disruptive to the opening ceremonies;
  - (d) interviewing of delegates in the meeting room is not permitted;
  - (e) timely departure from the meeting room after the opening session.
- 11.11 Media participation during the **closing ceremonies**, if any, is subject to the approval of the Chair, and will be conducted in accordance with the above rules.
- 11.12 The Chair may decide to conduct a press conference after the meeting which would be open to all media in attendance.

**B) Guidelines for media submitting special requests to film documentaries or special interest programs:**

- 11.13 Requests for media participation for access for the filming of special interest programs or documentaries during the meeting proceedings shall be provided to the Executive Secretary of the NPFC Secretariat at least 60 calendar days in advance of the meeting to permit circulation and feedback from the NPFC Members. This is consistent with access requests for NGO observers under the Rules of Procedure Rule 9.
- 11.14 The request for such access shall include media credentials, official Press card and letter of authorization from the media company with the intent of the access or description of the project. The Executive Secretary shall circulate the request to the NPFC Members. The

Chair or Executive Secretary shall notify the media entity at least ten days prior to the commencement of the meeting of the decision.

- 11.15 Approved media participation and access for these special cases shall be subject to the following conditions to prevent any disruption to the meeting:
- (a) the approval provides clearance as agreed by all Members and is considered as **‘one time’<sup>1</sup> access for that visit;**
  - (b) media must wear their Secretariat issued media identification card at all times while on the meeting premises inside and outside the meeting rooms;
  - (c) any disruptive behavior during meeting discussions or external to the meeting shall result in the Executive Secretary requesting the company to immediately leave the meeting venue and the withdrawal of credentials.
  - (d) the use of cameras is permitted inside the conference room for the official opening and only at set times during the meeting as discussed and agreed by the Chair in advance of the meeting. This agreement can be withdrawn anytime during the meeting when a Member conveys its objection to the Chair;
  - (e) camera close up shots are not permitted during meeting discussions;
  - (f) interviewing delegates during the formal Commission discussions or in the meeting room is not permitted;
  - (g) the use of any disruptive personal communications devices by media during discussions by the Commission is not allowed; and
  - (h) if the Executive Secretary requests media to leave the meeting room this is to be done immediately.

## **RULE 12: SUBSIDIARY BODIES**

- 12.1 These rules of procedure apply, *mutatis mutandis*, to the proceedings of subsidiary bodies established pursuant to Article 6, paragraph 1, of the Convention.
- 12.2 Subject to the provisions of the Convention, each subsidiary body of the Commission may formulate such additional rules as may be necessary for the efficient conduct of its functions and shall submit any such rules to the Commission for approval.

## **RULE 13: AMENDMENTS**

These rules of procedure may be amended by a decision of the Commission, taken by consensus.

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<sup>1</sup> “One time” means the clearance given is only effective for that particular meeting. Should there be another meeting for the same agenda item, the same should also be cleared and agreed by all Members prior to the meeting.



**NORTH PACIFIC FISHERIES COMMISSION**

**FINANCIAL REGULATIONS**



## **NORTH PACIFIC FISHERIES COMMISSION FINANCIAL REGULATIONS**

### **APPLICABILITY**

1. These regulations shall govern the financial administration of the North Pacific Fisheries Commission.

### **THE FINANCIAL YEAR**

2. The financial year shall be the period from 1 April through 31 March, both dates inclusive.

### **THE BUDGET**

3. The Executive Secretary shall prepare draft annual budget estimates for each of the ensuing two financial years (years 1 and 2) and a budget forecast for each of the following two financial years (years 3 and 4) that shall be submitted to the Commission at its regular meetings. The budget estimates and forecasts shall be transmitted to all of the members of the Commission at least sixty (60) days prior to the opening of the Commission meeting where they are to be discussed.
4. The budget estimates and forecasts shall cover income and expenditures for the financial years to which they relate. They shall be presented in the currency of the country where the Secretariat is located.
5. The budget estimates shall be divided into categories. It shall be accompanied by such information, annexes and explanatory statements as may be requested by the Commission, including a statement on the main changes in comparison with the budget of the previous year, and such further annexes or statements as the Executive Secretary may deem necessary and useful. The Commission may establish guidelines as to the format in which the draft budget is to be presented.
6. The budget estimates shall be accompanied by details of the appropriations made for the previous year and the expenditure against those appropriations.
7. The budget estimates shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditures.
8. Should the Commission establish a subsidiary body to consider financial and administrative matters, the budget estimates and budget forecasts shall be referred to that body for examination and recommendation. The Commission, or such subsidiary body if established, shall also consider the effects of recommendations from other subsidiary bodies on the Commission's budget.
9. At the regular meeting, the Commission shall adopt an annual budget for each of the following two financial years, after consideration of the recommendations of any relevant subsidiary bodies. If a regular meeting is held every year, the latter of the two financial years may be subject to review and modification by the Commission.

10. The annual budget forecasts for the following third and fourth financial years shall be considered by the Commission but not adopted until the following regular meeting.
11. After consultation with the Chairperson of the Commission (hereinafter referred to as “the Chairperson”), the Executive Secretary may submit to each member of the Commission supplementary estimates in a form consistent with the budget estimates and forecasts for intersessional approval, when and as such supplementary estimates are deemed necessary. Approval by each member of the Commission constitutes adoption by the Commission. Supplementary estimates shall be for expenses related to unforeseen and extraordinary activities not included in the regularly adopted program and budget.

### **CONTRIBUTIONS**

12. Each member of the Commission shall make annual contributions in accordance with the following formula:
  - (a) 35 percent of the budget shall be divided equally among members of the Commission;
  - (b) 55 percent of the budget shall be divided proportionally among members of the Commission based on the three-year average, ending one year before the year of the annual dues, of the total catches by weight in the Convention Area of the species covered by the Convention; and
  - (c) 10 percent of the budget shall be divided proportionally among members of the Commission based on each member’s Gross Domestic Product (GDP) per capita.
13. As soon as the Commission has approved the annual budgets, the Executive Secretary shall calculate each member’s contribution in accordance with the above formula and send it to each member.
14. In case that a member has not paid its contribution in full for a certain year by the end of the financial year, this shall be regarded as not paying its contribution in full for that year even if that member later makes the remaining contribution. Any future contribution by that member shall be first appropriated for the unpaid contribution.
15. Annual budget contributions shall be paid in not more than two equal installments considered due as of the first day of the financial year to which it relates and as of the first day of the second half of that same financial year.
16. The Executive Secretary shall include in the Annual Report of the Commission and shall submit to each regular meeting of the Commission a report on the status of collection of contributions.

### **AVAILABILITY OF APPROPRIATIONS**

17. Appropriations shall be available for obligation during the financial year to which they relate.
18. Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation of the financial year. The uncommitted balance shall be transferred to the Working Capital Fund, or designated for a specific purpose as determined by the Commission.

## **TRANSFERS**

19. Transfer within the same category of the budget may be made by the Executive Secretary, who shall report thereon to the Commission. No transfer between budget categories amounting to more than ten (10) percent of the budget of the category from which transfer is made may be made without prior authorization of the Chairperson. Any such transfer shall also be reported to the Commission. Transfers from any budget category shall not exceed twenty (20) percent of the funds committed to that category.

## **ACCOUNTING POLICIES AND FUNDS**

20. Accounting policies will include the following:
  - (a) The annual financial statements and budget estimate and forecast shall be prepared in conformity with these financial regulations using the accrual basis of accounting for assets, liabilities, income and expenditures, except that vacation pay shall be expensed in the period it is paid. Capital assets acquired or leased by the Commission are to be recorded as expenditures in the year of acquisition, without capitalization and amortization in the accounts.
  - (b) For the purpose of accounting for the expenditures of the Commission there shall be a General Fund, the source of monies therein being contributions from the members of the Commission for the current financial year, bank interest and other miscellaneous income during that financial year and amounts transferred from the Working Capital Fund as provided in paragraph 24.
21. For purposes to be determined by the Commission from time to time there shall be a Working Capital Fund, the source of monies therein being amounts transferred from the General Fund at the end of a financial year as provided in paragraph 18. The Working Capital Fund may be divided into special reserve funds as determined by the Commission.
22. Transfers to the Working Capital Fund shall be capped at an amount equivalent to the funds required to sustain the Commission's operation for a set number of months. The Executive Secretary shall require, as part of the observations of the external auditors referred to in paragraph 37, that the external auditors provide a specific recommendation regarding the number of months of operation that is consistent with generally accepted accounting practices for similar funds. After consideration of the external auditors' recommendations and taking into account the experiences of other regional fisheries management organizations, the Commission shall determine the number of months to be used to establish the cap.
23. The Executive Secretary is authorized to advance from the Working Capital Fund such sums as may be necessary to finance budgetary appropriations pending receipt of contributions. Sums so advanced shall be reimbursed as soon as contributions are available for the purpose.
24. The Commission may transfer amounts of the Working Capital Fund to the General Fund from time to time as it deems necessary in order to offset expenditures in any financial year or to finance unforeseen and extraordinary expenses.
25. If the Working Capital Fund exceeds the cap established pursuant to paragraph 22, the Commission may refund to the members of the Commission the excess amount accrued in the Working Capital Fund, when such refund is deemed advisable. Refunds shall be provided to

members in shares proportional to each member's contribution in the financial year in question, and shall be applied as a credit to each member's contribution in the subsequent financial year.

26. The Commission may establish a Special Purpose Fund to account for specific non-recurring projects and agreements. This fund shall not be used to fund general operations of the Commission, except for recovery of administrative expenses associated with these projects, and shall be used only for those revenues and expenses not considered to meet the definitions under other funds as described in paragraphs 20-25. The source of the monies in the Fund would be voluntary contributions from members of the Commission and other donors, with the following restrictions:
  - (a) Voluntary contributions above and beyond budget contributions by members of the Commission may be accepted by the Executive Secretary, provided that the purposes for which the contributions are made are consistent with the policies, aims, and activities of the Commission; and
  - (b) Voluntary contributions offered by other than members of the Commission may be accepted, subject to agreement by the members of the Commission that the purposes of the contributions are consistent with the policies, aims, and activities of the Commission.
27. In addition to the Special Purpose Fund cited in paragraph 26, the Commission may establish separate trust funds to cover voluntary contributions from members of the Commission or from other sources. The Executive Secretary may accept voluntary contributions to such trust funds on behalf of the Commission provided that the purposes for which such voluntary contributions have been established are consistent with the policies, aims and activities of the Commission. The Executive Secretary shall report to the Commission on the establishment of any such trust funds and the use of any monies contributed to such funds.
28. The Executive Secretary shall deposit and maintain the funds of the Commission in accounts in appropriate financial institutions in the name of the Commission. When investing funds, the Executive Secretary shall minimize risk to the funds invested while ensuring the liquidity necessary to meet the cash flow requirements of the organization.

#### **AUTHORITY AND RESPONSIBILITY OF THE EXECUTIVE SECRETARY**

29. The Executive Secretary is authorized to incur obligations and make payments up to the amounts appropriated in the Commission's budget as adopted by the Commission.
30. The Executive Secretary shall:
  - (a) Ensure effective financial administration and the exercise of economy;
  - (b) Cause all payments to be made on the basis of supporting vouchers and other documents that ensure that the services or goods have been received, and that payment therefore has not been made previously;
  - (c) Designate any permanent staff members of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission; and
  - (d) Maintain an internal financial control that shall provide for an effective current examination and review of financial transactions in order to ensure the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission; the conformity of obligations and expenditures with the appropriations or other financial

provisions adopted by the Commission; and the economic use of the resources of the Commission.

31. No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Executive Secretary.
32. The Executive Secretary may, after full investigation and in consultation with the Chairperson, authorize the writing-off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditor with the accounts together with the justifications attached thereto. Such losses shall be included in the annual accounts.
33. Purchases of equipment, supplies and other requirements more than the value equivalent to 10,000 US dollars shall normally be by tender, except:
  - (a) Where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;
  - (b) In case of emergency, or where, for any other reason, these regulations would not be in the best financial interests of the Commission and that fact is so certified by the Executive Secretary.
34. The Executive Secretary shall maintain such accounting records as are necessary and shall prepare for the Commission annual statements for the financial year to which the statement relates:
  - (a) The assets and liabilities of the Commission;
  - (b) The income and expenditure;
  - (c) The status of appropriations, including:
    - (i) The original budget appropriations
    - (ii) The appropriations as modified by transfers; and
  - (d) The receipts and disbursements.

The Executive Secretary shall also give such other information as may be appropriate to indicate the current financial position of the Commission.

### **AUDIT**

35. The annual statements and accounting records of the Commission shall be presented in the currency of the country in which the Secretariat is located.
36. Annual financial statements and accounting records of the Commission shall be submitted by the Executive Secretary to external auditors for an annual audit as prescribed in Article 12, paragraph 6 of the Convention not later than thirty (30) days following the end of the financial year.
37. The auditors, in addition to certifying the annual statements and accounting records, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of the administrative practices.

38. The auditors shall submit their report to the Commission not later than three months following the end of the financial year to which the accounts relate. The Executive Secretary shall circulate the auditor's report to all Commission members within fifteen (15) days of receipt.

### **GENERAL PROVISIONS**

39. The Executive Secretary may delegate to other Secretariat staff such duties set out under these Financial Regulations as may be desirable.
40. These Financial Regulations shall be effective as of the date of their approval by the Commission and may be amended by the Commission from time to time provided such amendment is not inconsistent with the provisions of the Convention.