

**CONVENTION FOR THE CONSERVATION OF
ANADROMOUS STOCKS IN THE NORTH PACIFIC OCEAN**

The Parties to this Convention:

Recognizing that anadromous stocks in the North Pacific Ocean originate primarily in the waters of Canada, Japan, the Russian Federation and the United States of America;

Recognizing that these stocks intermingle in certain areas of the North Pacific Ocean;

Recognizing that States in whose waters anadromous stocks originate have primary interest in and responsibility for such stocks;

Recognizing that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured;

Recognizing that States of origin of anadromous stocks make expenditures and forego economic development opportunities to establish favourable conditions to conserve and manage those stocks;

Emphasizing the importance of scientific research for the conservation of anadromous stocks in the North Pacific Ocean;

Desiring to promote the acquisition, analysis and dissemination of scientific information pertaining to anadromous stocks and ecologically related species in the North Pacific Ocean;

Desiring to coordinate efforts to conserve anadromous stocks in the North Pacific Ocean; and

Desiring to establish an effective mechanism of international cooperation to promote the conservation of anadromous stocks in the North Pacific Ocean;

Have agreed as follows:

ARTICLE I

The area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. It is understood that activities under this Convention, for scientific purposes, may extend farther southward in the North Pacific Ocean and its adjacent seas in areas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

ARTICLE II

For the purposes of this Convention:

1. "Anadromous fish" means the fish of anadromous species listed in Part I of the Annex which migrate into the Convention Area, and "anadromous stocks" means the stocks thereof.
2. "Fish" means finfish, mollusks, crustaceans and all other forms of marine animal and plant life other than marine mammals and birds.
3. "Fishing" means:
 - (a) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
 - (b) any operation at sea in preparation for or in direct support of any activity described in sub-paragraph (a) above.
4. "Directed fishing" means fishing targeted at a particular species or stock of fish.
5. "Incidental taking" means catching, taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.
6. "Ecologically related species" means living marine species which are associated with anadromous stocks found in the Convention Area, including but not restricted to both predators and prey of anadromous stocks.
7. "Original Parties" means those States listed in paragraph 1 of Article XVII of this Convention, so long as such States are Parties to this Convention.

ARTICLE III

1. In the Convention Area:
 - (a) directed fishing for anadromous fish shall be prohibited.
 - (b) incidental taking of anadromous fish shall be minimized to the maximum extent practicable in accordance with Part II of the Annex.
 - (c) the retention on board of fishing vessel of anadromous fish taken as an incidental taking in a fishing activity directed at non-anadromous fish shall be prohibited and any such anadromous fish shall be returned immediately to the sea.
2. The provisions of paragraph 1 of this Article shall not apply to fishing for scientific research purposes in accordance with Article VII of this Convention.
3. The Parties shall take appropriate measures, individually and collectively, in accordance with international law and their respective domestic laws, to prevent trafficking in anadromous fish taken in violation of the prohibitions provided for in this Convention, and to penalize persons involved in such trafficking.

ARTICLE IV

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect adversely the conservation of anadromous stocks within the Convention Area.
2. The Parties agree to encourage any State or entity not party to this Convention to adopt laws and regulations consistent with the provisions of this Convention in regard to fishing operations conducted by its nationals, residents or vessels and to cooperate in the attainment of the objectives of this Convention.
3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention.
4. The Parties shall cooperate in taking action, consistent with international law and their respective domestic laws, for the prevention by any State or entity not party to this Convention of any directed fishing for, and the minimization by such State or entity of any incidental taking of, anadromous fish by nationals, residents or vessels of such State or entity in the Convention Area.

ARTICLE V

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention.
2. Any Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:
 - (a) The duly authorized officials of any Party may board vessels of the other Parties which can be reasonably believed to be engaged in directed fishing for or incidental taking of anadromous fish to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention. Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.
 - (b) When any such person or vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Party to which the official belongs shall notify promptly the Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such arrest or seizure within the Convention Area, or within any convenient port which has been previously identified by the notifying Party in a communication to the other Parties to this Convention and to which there has been no objection within sixty (60) days of receipt of the communication, until the authorized officials of the Party to which such person or vessel belongs accept delivery.
 - (c) When the Party which receives such notification accepts delivery, the authorized officials of the Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trial, with respect to the offense. They shall also take, for the remainder

- of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is prevented from conducting further operations in violation of the provisions of this Convention. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Convention Area.
- (d) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Party having jurisdiction to try the offense and shall be taken into account, and utilized as appropriate, by the executive authority of that Party having jurisdiction to try the offense. Penalties provided for in the relevant laws and regulations of the Parties to this Convention shall be commensurate with the serious nature of the infractions, taking into account the proposals made by the Commission pursuant to paragraph 3 of Article IX.
3. The Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections of such vessels carried out in accordance with the provisions of paragraph 2 of this Article by the duly authorized officials of any Party, and cooperate in such enforcement action as may be undertaken.

ARTICLE VI

1. The Parties shall cooperate in the exchange of information on any activities contrary to the provisions of this Convention.
2. The Parties shall cooperate in the exchange of information on enforcement action regarding anadromous fish taken contrary to the provisions of this Convention, and on the disposition of cases.
3. The Parties shall cooperate to exchange information regarding any directed fishing for and any incidental taking of anadromous fish in the Convention Area by nationals, residents and vessels of any State or entity not party to this Convention.

ARTICLE VII

1. The Parties shall cooperate in the conduct of scientific research in the North Pacific Ocean and its adjacent seas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of the conservation of anadromous stocks including, as appropriate, scientific research on other ecologically related species.
2. With respect to fisheries and scientific research in the Convention Area, the Parties shall cooperate, as appropriate, in collecting, reporting and exchanging biostatistical information, fisheries data, including catch and fishing effort statistics, biological samples and other relevant data pertinent to the purpose of this Convention.
3. Notwithstanding the provisions of Article I, the Parties shall provide the Commission, upon its request, catch information, enhancement information, materials such as biological samples and other technical data or information related to anadromous stocks and ecologically related species, pertaining to areas adjacent to the Convention Area from which anadromous stocks migrate into the Convention Area.
4. The Parties shall develop appropriate cooperation programs, including scientific observer programs, to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically related species.
5. The Parties shall endeavour to cooperate in scientific exchanges such as seminars, workshops and, as appropriate, exchanges of scientific personnel necessary to achieve the objectives of this Convention.
6. The Parties shall submit to the Commission scientific research programs to be conducted by their nationals or vessels involving directed fishing for, or incidental takes of significant levels of, anadromous fish in the Convention Area sufficiently in advance of the conduct of such research to allow appropriate scientific review by all Parties. If all Parties that are States of origin, except for the requesting Party, notify the Commission within thirty (30) days of their receipt of the program from the Commission that they regard the fishing involved in such program to be a violation of paragraph 1 (a) or (b) of Article III, the program shall not be implemented pending a decision by the Commission.
7. The Parties agree that the taking of anadromous fish for scientific research purposes must be consistent with the needs of a scientific program and with the provisions of this Convention. The catches

of anadromous fish taken in conjunction with any scientific research in the Convention Area should be reported to the Commission within nine months.

ARTICLE VIII

1. There is hereby established an international organization that shall be known as the North Pacific Anadromous Fish Commission, hereinafter referred to as the "Commission".
2. The objective of the Commission is to promote the conservation of anadromous stocks in the Convention Area.
3. The Commission may consider matters related to the conservation of ecologically related species in the Convention Area.
4. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.
5. The headquarters of the Commission shall be located at Vancouver, Canada, or at such other location as may be decided by the Commission.
6. The official languages of the Commission shall be English, Japanese and Russian.
7. Each Party shall be a member of the Commission and may appoint to the Commission not more than three representatives who may be accompanied at the meetings of the Commission by experts and advisers.
8. The Commission shall establish such subordinate bodies as it deems necessary.
9. The Commission shall establish a Secretariat composed of an Executive Director and appropriate staff.
10. Each Party shall have one vote in the Commission.
 - (a) Decisions of the Commission on all important matters shall be taken by consensus among all parties that are States of origin of anadromous stocks which migrate into the Convention Area.

- (b) Decisions of the Commission on all other matters shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.
 - (c) A matter shall be deemed to be important if any Party that is a State of origin of anadromous stocks which migrate into the Convention Area considers it to be important.
11. The Commission shall elect a President and a Vice-President, each of whom shall serve for a term of two years. They shall be eligible for re-election, provided that they shall not serve for more than four years in succession in each office. The President and the Vice-President shall not be representatives of the same Party.
 12. The President of the Commission shall convene the regular annual meeting of the Commission at the headquarters of the Commission or at such other location as may be decided by the Commission.
 13. The Commission shall meet at least once annually, the time and place to be determined by the Commission.
 14. Any meeting of the Commission other than the regular annual meeting may be called by the President at such time and place as the President may determine, upon the request of a Party with the concurrence of another Party, provided that at least one of these two parties is one of the original Parties.
 15. The Commission shall adopt its rules of procedure.
 16. The Commission shall adopt its financial rules.

ARTICLE IX

The Commission shall have the authority to:

1. recommend to the Parties measures for the conservation of anadromous stocks and ecologically related species in the Convention Area;
2. promote the exchange of information on any activities contrary to the provisions of this Convention, especially with respect to fishing for and trafficking in anadromous fish contrary to the provisions of Article III, as well as on responsive action taken by the Parties and, as appropriate, by any State or entity not party to this Convention;
3. consider and make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the provisions of this Convention;
4. consider possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention and, for that purpose, develop methods to identify

the origin of fish which may be taken in violation of this Convention;

5. review and evaluate enforcement actions taken by the Parties in accordance with Article V, and recommend additional action to be taken by the Parties to ensure effective and diligent enforcement of the provisions of this Convention;
6. promote the exchange of catch and effort information in respect of activities of Parties and, as appropriate, any State or entity not party to this Convention for conducting scientific research and for coordinating the collection, exchange and analysis of scientific data regarding anadromous stocks and ecologically related species, including data to identify the location of origin of anadromous stocks, and provide a forum for cooperation among the Parties with respect to such anadromous stocks and ecologically related species;
7. consider and make proposals to the Parties for the enactment of a program for certificates of origin attesting that products of anadromous fish are from fish which were lawfully harvested;
8. make recommendations to any Party with respect to scientific research activities within the Convention Area related to anadromous stocks and, as appropriate, ecologically related species;
9. cooperate, as appropriate, with relevant international organizations, *inter alia*, to obtain the best available information, including scientific advice, to further the attainment of the objectives of this Convention;
10. where appropriate, invite any State or entity not party to this Convention to consult with the Commission with respect to matters relating to the conservation of anadromous stocks and ecologically related species in the Convention Area;
11. recommend amendments to this Convention and to the Annex to this Convention;
12. recommend measures to avoid or reduce incidental taking of anadromous fish in the Convention Area; and
13. recommend to the Parties any measures needed to further the attainment of the objectives of this Convention.

ARTICLE X

1. The Executive Director shall be appointed by the Commission and shall oversee the work of the Secretariat.
2. The Secretariat shall:
 - (a) provide administrative services to the Commission;
 - (b) compile and disseminate statistics and reports concerning anadromous stocks relevant to this Convention and ecologically related species; and
 - (c) perform such functions as follow from other provisions of this Convention or as the Commission may determine.
3. The conditions of employment of the Executive Director and staff shall be determined by the Commission.
4. The Executive Director shall appoint the Secretariat staff in accordance with staffing requirements approved by the Commission.

ARTICLE XI

1. Each Party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the Parties.
2. The Commission shall adopt an annual budget. The Executive Director shall transmit a draft budget to the Parties together with a schedule of contributions not later than sixty (60) days before the meeting of the Commission at which the budget is to be considered.
3. The budget shall be divided equally among the Parties.
4. The Executive Director shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification, in the currency of the State in which the Commission headquarters are located.
5. A Party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in paragraph 10 of Article VIII until it has fulfilled its obligations.
6. The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

ARTICLE XII

1. Any Party may at any time propose an amendment to this Convention other than the Annex.
2. If one-third of the Parties request a meeting to discuss the proposed amendment referred to in paragraph 1 of this Article, the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

ARTICLE XIII

1. The Annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the Annex.
2. The Annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties that are States of origin of anadromous stocks which migrate into the Convention Area of a proposed amendment to the Annex recommended by the Commission in accordance with paragraph 11 of Article IX.
 - (a) An amendment to the Annex shall enter into force for Parties that are States of origin of anadromous stocks which migrate into the Convention Area on the date upon which the Commission receives notification from all such Parties of their acceptance of the amendment.
 - (b) In the event that a Party that is not a State of origin has accepted an amendment to the Annex by the date referred to in sub-paragraph (a), it shall enter into force for that Party on that date. If a Party that is not a State of origin accepts an amendment to the Annex after the date referred to in sub-paragraph (a), it shall enter into force for that Party on the date upon which the Commission receives notification of its acceptance of the amendment.
3. The Commission shall notify all the Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE XIV

Any Party may withdraw from this Convention twelve (12) months after the date on which it formally notifies the Depositary of its intention to withdraw.

ARTICLE XV

Nothing in this Convention shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party as well as its positions or views with respect to matters relating to the law of the sea.

ARTICLE XVI

The original of this Convention shall be deposited with the Government of the Russian Federation, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other Signatories and acceding states.

ARTICLE XVII

1. This Convention shall be open for signature by Canada, Japan, the Russian Federation and the United States of America, which are the major States of origin of anadromous stocks which migrate into the Convention Area.
2. This Convention is subject to ratification, acceptance or approval by these four States in accordance with their respective internal legal procedures, and will enter into force ninety (90) days after the date of deposit of the fourth instrument of ratification, acceptance or approval.

ARTICLE XVIII

After the entry into force of this Convention, at the invitation of the Original Parties by unanimous agreement, other States may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE AT Moscow on February 11, 1992, in a single original, in the English, French, Japanese and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF CANADA:

Michael Richard Bell

FOR THE GOVERNMENT OF JAPAN:

Hiroshi Shigeta

FOR THE GOVERNMENT OF RUSSIAN FEDERATION:

Fedor V. Shelov-Kovediaev

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA: James Franklin Collins

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The Convention entered into force on February 16, 1993.

The Republic of Korea acceded to the Convention on May 27, 2003.

ANNEX

I. SPECIES

Chum salmon	<i>Oncorhynchus keta</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Pink salmon	<i>Oncorhynchus gorbuscha</i>
Sockeye salmon	<i>Oncorhynchus nerka</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Cherry salmon	<i>Oncorhynchus masou</i>
Steelhead trout	<i>Oncorhynchus mykiss</i>

II. INCIDENTAL TAKING

1. Fisheries for non-anadromous fish shall be conducted in such times, areas and manners as to minimize the incidental taking of anadromous fish to the maximum extent practicable to reduce such incidental taking to insignificant levels.
2. When two or more Parties notify the Commission established under Article VIII that they believe a fishery is being conducted by nationals or vessels of a Party in the Convention Area contrary to this Annex, the Commission shall convene a special meeting to consider the matter as soon as possible. The Parties who have notified the Commission shall be responsible for presenting the information on which they based such notification. The Party whose nationals or vessels are conducting the fishery in question shall be responsible for demonstrating that the fishery is not being conducted contrary to this Annex. If the Commission decides that a satisfactory demonstration has not been made, the fishery shall be suspended until it is demonstrated that the fishery will be conducted consistent with this Annex.

RULES OF PROCEDURE

(Effective February 24, 1993)
Amended January 11, 1994
Amended October 23, 1996
Amended October 27, 2006

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RULES OF PROCEDURE

Rules of Procedure

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

MEMBERSHIP CHANGES

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

POINTS OF CONTACT

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

MEETINGS

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

ADVISERS, EXPERTS AND OBSERVERS

4. At any meeting of the Commission each Party shall be entitled to be accompanied by such advisers, experts, and interpreters as it may select, a list of whom shall be submitted to the Commission at or before the commencement of such meeting, provided, always, that no expert or adviser shall attend sessions of the Commission held *in camera* unless invited by the Commission.
5. The Commission may invite any intergovernmental or other organizations, as appropriate, to participate as observers at selected meetings of the Commission. It may also invite additional persons to participate as guests or observers at such meetings and such invitation may be initiated by any Party. Decision shall be taken by consensus among all Parties.
- 5a. Any organization desiring to participate as an observer in a meeting of the Commission on its own initiative, shall notify the Executive Director of its desire to participate at least 120 days in advance of the meeting via an application. The Executive Director shall send such applications to the Parties for their consideration at least 90 days prior to the Annual Meeting. A decision of the Commission on that matter shall be taken by consensus among all Parties at least 60 days prior to the Annual Meeting.

MEETING PROCEDURES

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

VOTES

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

COMMITTEES

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

OFFICERS

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

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

SECRETARIAT

Rules of Procedure

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

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

AGENDA

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

PUBLICATIONS

25. The Commission shall publish the Annual Report prepared for the Contracting Parties in accordance with Rules of Procedure 17 (f), a Statistical Yearbook in accordance with Rules of Procedure 19 (k), and in addition shall publish such other reports from time to time as it may deem desirable.

Rules of Procedure

AMENDMENT OF RULES

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

FINANCIAL RULES

(Effective February 24, 1993)
Amended January 11, 1994
Amended November 6, 1998
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Amended October 31, 2003

Financial Rules

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FINANCIAL RULES

Financial Rules

Article VIII, Paragraph 1, of the Convention for the Conservation of Anadromous Stocks in North Pacific Ocean as signed at Moscow on February 11, 1992 (hereinafter referred to as “the Convention”) provides that the North Pacific Anadromous fish Commission (hereinafter referred to as “the Commission”) shall be established. Article VIII, Paragraph 16, provides that the Commission shall adopt its Financial Rules.

APPLICABILITY

1. These rules shall govern the financial administration of the North Pacific Anadromous Fish Commission.

THE FINANCIAL YEAR

2. The financial year shall be the period from July 1 to the following June 30, both dates inclusive.

THE BUDGET

3. The Executive Director shall prepare a budget estimate for the ensuing financial year and a budget forecast for the next following financial year which shall be submitted to the Commission at its regular annual meetings. The budget estimate and forecast shall be transmitted to all of the Representatives at least 60 days prior to the opening of the meeting.
4. The annual budget estimate and forecast 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 annual budget estimate and forecast shall be divided into categories corresponding to the organization and program and shall be accompanied by such information as the Commission may specify from time to time and as the Executive Director may deem useful.
6. At the regular annual meeting the budget estimate and budget forecast shall be referred to the Committee on Finance and Administration for examination and recommendation.

7. At the regular annual meeting the Commission shall adopt a budget for the ensuing financial year after consideration of the recommendations of the Committee on Finance and Administration.
8. The budget forecast for the latter of the two financial years shall be considered by the Commission but not adopted until the following annual meeting.
9. After consultation with the President, the Executive Director may submit to each Party for approval supplementary estimates in a form consistent with the annual budget estimate and forecast, when and as such supplementary estimates are deemed necessary. Approval by each Party constitutes adoption by the Commission.

CONTRIBUTIONS

10. Annual Budget contributions shall be paid in not more than two equal instalments 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.
11. The Executive Director shall submit to the regular annual meeting of the Commission a report on the collection of contributions.

AVAILABILITY OF APPROPRIATIONS

12. Appropriations shall be available for obligation during the financial year to which they relate.
13. 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 year. The uncommitted balance shall be transferred to the Working Capital Fund.

TRANSFERS

14. No transfer between categories of the budget amounting to more than \$15,000 may be made without prior authorization by the President.

ACCOUNTING POLICIES AND FUNDS

Financial Rules

15. Accounting policies will include the following:
 - (a) The annual financial statements and budget estimate and forecast shall be prepared in conformity with these financial rules 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 Contracting Parties 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 Financial Rule 18.
16. 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 Financial Rule 13 and amounts deducted from salaries in lieu of Canadian income taxes. All employees of the Commission who are exempt from taxation on the salaries and emoluments paid to them by the Commission shall be assessed amounts estimated to be equal to liability for Canadian income taxes, federal and provincial. The amount which accrues from such assessments shall be retained in the Working Capital Fund. The Working Capital Fund may be divided into special reserve funds such as Contingency, Severance Pay and Moving Expenses.
17. The Executive Director 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.
18. The Commission may transfer the amount 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.

19. The Commission may refund to the Contracting Parties from amounts which may accrue in the Working Capital Fund sums in equal shares as and when such refund is deemed advisable. Refunds shall be applied as deductions from the next annual budget contribution due.
20. For the purpose of supporting joint scientific research projects recommended by the Commission there shall be a Special Fund for Scientific Research, the source of monies therein being voluntary contributions from agencies of Contracting Parties and other donors, with the following restrictions:
 - (a) Voluntary contributions above and beyond budget contributions by Contracting Parties may be accepted by the Executive Director, 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 Contracting Parties may be accepted, subject to agreement by the Contracting Parties that the purposes of the contributions are consistent with the policies, aims, and activities of the Commission.

The Executive Director shall report at each Annual Meeting on the condition of the Special Fund for Scientific Research, including the contributions received and their dispositions.

21. There shall be a Special Purpose Fund to account for specific non-recurring projects and agreements entered into with third parties. 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 the Financial Rules 15 to 20.
22. The Executive Director shall deposit and maintain the funds of the Commission in accounts in appropriate financial institutions in the name of the Commission.

SALARIES

23. The Commission shall review annually and adjust when deemed appropriate salaries of permanent staff members in accordance with the staff rules.

REMOVAL EXPENSES

24. Removal expenses of permanent staff members shall be paid by the Commission in accordance with guidelines established by the Committee on Finance and Administration and approved by the Commission.

Financial Rules

TRAVEL EXPENSES

25. Travel expenses incurred by Secretariat staff while on Commission business shall be paid by the Commission in accordance with guidelines established by the Committee on Finance and Administration and approved by the Commission.

AUTHORITY AND RESPONSIBILITY OF THE EXECUTIVE DIRECTOR

26. The Executive Director is authorized to incur obligations and make payments up to the amounts appropriated in the Commission's budget as adopted by the Commission.
27. The Executive Director 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 which ensure that the services or goods have been received, and that payment therefore has not been made previously;
 - (c) Designate the permanent staff members of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission;
 - (d) Maintain an internal financial control which 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.
28. No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Executive Director.

29. The Executive Director may, after full investigation and with the approval of the President, 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 auditors annually with the accounting records.
30. The Executive Director shall maintain such accounting records as are necessary and shall prepare for the Commission annual statements showing for the financial year to which they relate:
- (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 Director shall also give such other information as may be appropriate to indicate the current financial position of the Commission.

AUDIT

31. The annual statements and accounting records of the Commission shall be presented in the currency of the country in which the Secretariat is located.
32. The annual statements and accounting records of the Commission shall be submitted by the Executive Director to external auditors for an audit as prescribed in Article XI, Paragraph 6 of the Convention not later than 30 days following the end of the financial year.
33. 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.
34. 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 Committee on Finance and Administration shall be requested to forward its comments, if any, on the audit report.

BOND

35. The Executive Director, and such other staff as the Executive Director deems necessary, shall be bonded by a reputable bonding company in such an amount as may be determined by the Commission from time to time. The cost of the premium shall be paid by the Commission.

Financial Rules

GENERAL PROVISIONS

36. The Executive Director may delegate to other Secretariat staff such duties set out under these Financial Rules as may be desirable.
37. These Financial Rules shall be effective as of the date of their approval by the Commission and may be amended by the Commission from time to time.
38. In case of doubt as to the interpretation and application of any of the foregoing rules, the Executive Director is authorized to rule thereon after consultation with the President.
39. The Financial Rules may be amended from time to time, provided such amendment is not inconsistent with the provisions of the Convention.

TERMS OF REFERENCE

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TERMS OF REFERENCE

Committee on Enforcement (ENFO)

The terms of reference for the committee are addressed in Articles III, IV, V, VI and IX of the Convention. Other matters may be referred to it by the Commission.

The committee shall exchange information on:

TOR-ENFO

- (1) enforcement efforts, strategies and plans;
- (2) trade and suspected trafficking in anadromous fish taken in violation of the provisions of the Convention;
- (3) attempts by fishing vessels to avoid compliance with the Convention and actions taken by the flag state to prevent such attempts;
- (4) unauthorized fishing activity conducted by fishing vessels of Parties and non-Parties in the Convention Area;
- (5) flag state enforcement actions taken against vessels violating the provisions of the Convention;
- (6) domestic measures, including penalties, with respect to fishing in the Convention Area; and
- (7) other matters, as appropriate.

Enforcement duties could also include:

- (1) receiving, from the Committee on Scientific Research and Statistics "cruise schedules" for scientific research in the Convention Area when such schedules become available;
- (2) providing to Contracting Parties current times and corresponding locations of research vessels operating in the Convention Area through liaison between enforcement contact persons designated by the Contracting Parties;
- (3) conducting work, as necessary, on a Certificate of Origin program;

- (4) creating any sub-committees as necessary to carry out the functions of the committee;
- (5) developing recommendations for the Commission to make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the Convention;
- (6) considering possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention;
- (7) developing recommendations to the Commission for additional action to be taken by the Parties to ensure effective and diligent enforcement;
- (8) making recommendations to the Commission to invite any State or entity not party to the Convention to consult with respect to enforcement matters relating to the conservation of anadromous stocks and ecologically-related species;
- (9) making recommendations to the Commission to avoid or reduce incidental taking of anadromous fish in the Convention Area; and
- (10) other duties, as appropriate.

TERMS OF REFERENCE

Committee on Scientific Research and Statistics (CSRS) (Interim Terms of Reference)

The terms of reference for the committee are pursuant to Articles VII, VIII and IX of the Convention. Other matters may be referred to it by the Commission. In particular, the committee shall not be limited to, but on an interim basis, shall:

- (Part I)
- (1) review and coordinate the collection and exchange of scientific data and collection of specimens of anadromous species;
 - (2) coordinate and assess scientific studies to ensure the identification of the location of origin of anadromous stocks migrating in the Convention Area and areas adjacent to it;
 - (3) ensure the availability of scientific information and views on ecologically-related species, including the impact of by-catches in related fisheries of species of concern designated by the Commission;
 - (4) develop appropriate observer programs to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically-related species;
 - (5) coordinate scientific exchanges, seminars, workshops, field research, and data analyses;
 - (6) make recommendations to the Commission for the conservation in the Convention Area of anadromous stocks and ecologically-related species of concern designated by the Commission;
 - (7) make recommendations to the Commission to avoid or reduce incidental taking of anadromous fish in the Convention Area;

TOR-CSRS

- (8) review proposed scientific research programs in accordance with Article VII, paragraph 6, of the Convention;
- (9) identify ecologically-related species which may be designated by the Commission as being of concern;
- (10) create sub-committees necessary to carry out the functions of the committee;
- (11) review and approve reports submitted for publication and make recommendations regarding other reports to be published; and
- (12) prepare a report annually for the Commission.

(Part II) The committee shall also:

TOR-CSRS

- (1) make recommendations to the Commission on cooperation, as appropriate, with PICES and other relevant international organizations to obtain the best available information, including scientific advice, to further the attainment of the objectives of the Convention;
- (2) make recommendations to the Commission to invite any State or entity not party to the Convention to consult with respect to scientific matters relating to the conservation of anadromous stocks and ecologically-related species; and
- (3) consider other matters as referred to it by the Commission.

TERMS OF REFERENCE

Committee on Finance and Administration (F&A)

The terms of reference for the committee are addressed in Articles VIII, X and XI, the Financial Rules, the Rules of Procedure and include other related matters which may be referred to it by the Commission.

TOR-F&A

TERMS OF REFERENCE

Use of the NPAFC Special Fund for Scientific Research (SFSR)

1. The NPAFC Special Fund for Scientific Research (Special Fund) consists of contributions provided by Contracting Parties or by other than Contracting Parties to the Commission in accordance with the Financial Rule 20. This shall not include grant and research funds under separate contractual agreements or MOU made between NPAFC and the funding agencies.
2. The use of the Special Fund shall be recommended by the Committee on Scientific Research and Statistics (CSRS), considered by the Committee on Finance and Administration (F&A), and approved by the Commission.
3. The Special Fund shall be used for activities to support the NPAFC Science Plan and other cooperative activities, such as support of field and laboratory research, purchase of research equipment and supplies, travel to participate in cooperative field research, publication of scientific research, organization and co-sponsorship of conferences and workshops, travel support to scientific meetings, and any other approved activities.
4. The application procedure for use of the Special Fund is as follows:
 - (a) Proposals for use of the Special Fund must be submitted to the CSRS Chairperson through the NPAFC Secretariat in a standard required format (application forms can be obtained from the NPAFC Secretariat).
 - (b) The CSRS Chairperson shall facilitate discussion of the proposal and, if the proposal is recommended by the CSRS, the Secretariat shall submit the recommendation further in accordance with the paragraph 2 above.

TOR-SFSR

5. Disbursement of funds and accounting
 - (a) The Secretariat shall pay directly to the named suppliers or persons specified in the proposal, wherever possible.
 - (b) The Secretariat shall advance payment to the authorized funds recipient(s) as expeditiously as possible after the request is received. The request must include appropriate justification for funds. A written contract or MOU may be prepared between the head of the institution of the authorized funds recipient and the NPAFC Executive Director, if necessary; the contract or MOU should include the itemized costs of the authorized disbursement of the funds and list of equipment(s) (to be) acquired with the funds.
 - (c) The authorized recipient(s) of the funds shall submit receipts or invoices to the Secretariat with itemized costs and supporting documentation of the expenditures. Excess funds not used must be returned to the Secretariat as expeditiously as possible following the termination of the project. Expenses in excess of approved budget amounts cannot be paid or reimbursed by the Secretariat without further authorization from the Commission.

TOR-SFSR

TERMS OF REFERENCE

Application and use of External Foundation Grants For Scientific Research (EFG)

1. Terms of Reference shall be applied to grants or funds for scientific research which the North Pacific Anadromous Fish Commission (NPAFC) receives from the funding agencies under separate contractual agreements or MOU made between NPAFC and the funding agencies other than the NPAFC Special Fund for Scientific Research (Special Fund). The purposes for external funds shall be consistent with the policies, aims, and activities of the Commission.
2. The Secretariat may apply to external foundations for grants or funds for scientific research on behalf of the Commission. The applications shall be prepared and recommended by the Committee on Scientific Research and Statistics (CSRS) and approved by the Commission. In order to facilitate timely application for external funds, a final Commission's decision on the application between Annual Meetings shall be made by a mail vote.
3. The grants or funds shall be used according to the agreed contracts or MOU between NPAFC and funding sources. The Secretariat may send a copy of the contract or MOU with funding agencies to the Parties under their request. A written contract or MOU may be prepared between the head of the institution of the authorized funds recipient and the NPAFC Executive Director; the contract or MOU should include the itemized costs of the authorized disbursement of the funds and list of equipment(s) (to be) acquired with the funds.
4. If the funding sources approve grants, the Secretariat may request advance payment in a timely manner. Funds received from the funding sources shall be deposited in the Special Purpose Fund Account in accordance with the Financial Rule 21. If the funding source does not provide an advance payment, the Principal

TOR- EFG

Investigator of the project may request the Secretariat to pay in advance the funds within the limit approved by the original funding source. If such an advance is deemed appropriate by the Executive Director after necessary consultation, the funds will be provided on a temporary basis from the NPAFC Special Fund for Scientific Research. The interim payment from the Special Fund shall be reimbursed upon receiving monies from the funding sources.

5. The Executive Director shall report the status of the Special Purpose Fund to the Commission at the Annual Meetings.

TOR- EFG

**CRITERIA FOR JOINT PROJECTS REQUIRING FINANCING
FROM THE COMMISSION'S WORKING CAPITAL FUND**

1. Projects must fall with the mandate of Commission activities.
2. Project benefits must flow to all Contracting Parties.
3. Project proposals must highlight the expected benefits that will be realized by Contracting Parties if the project is funded.
4. Projects are not to include a subsidy or offset of the budgets for normal program operations of each Contracting Party. New projects must not replace ongoing projects approved by each Contracting Party.
5. Projects must improve our understanding of the biology, or promote the sustainability or the protection of Pacific Salmon.
6. Projects must be completed within specific timeframes and not be funded on an ongoing basis.
7. Projects must not incur ongoing costs that may become a liability to the Commission.
8. Projects require a consensus of all Contracting Parties before they can be approved for funding.

Criteria -WCF

