

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

**INTERNATIONAL REVIEW PANEL**

**39<sup>TH</sup> MEETING**

LANZAROTE (SPAIN)

14 JUNE 2005

**DOCUMENT IRP-39-10c**

**IDENTIFICATION OF FLAGS OF VESSELS CONSIDERED SPECIAL  
CASES**

This issue arose at the 38<sup>th</sup> meeting of the International Review Panel, during the discussion of agenda item 10b, *Review of actions by Parties on possible infractions reported by the IRP: status review of special cases*.

On several occasions, the Panel has expressed frustration with the slow pace associated with addressing these special cases. It was proposed that the flags of vessels identified by the IRP as special cases should be identified, with the aim of encouraging stronger efforts to resolve special cases and more timely responses from governments regarding the status of such cases.

The Panel asked the Secretariat to analyze this proposal, giving due regard to confidentiality requirements, for discussion by the Panel at its next meeting.

The proposal would not be consistent with current [AIDCP Rules of Confidentiality](#) (Appendix A), which state that “the following information associated with the responsibilities and activities of the On-Board Observer Program . . . shall be treated as confidential:

- 1.d. The names and flags of vessels and the names and addresses of individuals associated with receiving a Dolphin Mortality Limit (DML) or any other information that could allow the determination of whether a vessel has a DML.
- 1.e. The name and flag of fishing vessels of Parties to the AIDCP for which possible infractions of the AIDCP have been identified.”

Most of the vessels identified as special cases are vessels that have been assigned a DML.

However, the confidentiality rules also state that “confidential information may be presented at a meeting when the Meeting of the Parties so decides, and in such cases all attendees shall sign a Confidentiality Agreement stating that such information which is identified as confidential will not be revealed to anyone without the consent of the meeting” (Rule 4). The members of the Panel are already required to sign such an agreement (Appendix B) as a matter of course.

Also, it should be noted that the Parties may decide to modify the rules, or to take action that may not be completely consistent with the rules on a particular matter. For example, the rules also state that the names of individuals shall not be released, but the Parties decided in 2004 to name a captain who was the subject of a special case.

The Secretariat considers that there are several options available to the Parties regarding how to proceed on this matter:

- a. keep the status quo and never release the names of the governments with flag vessels involved in special cases.
- b. release the names of the governments and modify the confidentiality rules accordingly.
- c. release the names of governments at IRP meetings only, and require all participants to sign a

confidentiality agreement, as at present.

- d. release the names of the governments only after a period of time had passed (e.g., after three IRP meetings or two years) with no resolution of the special case, and modify the rules accordingly.
- e. release the names of the governments only after a period of time had passed, but do so at IRP meetings only, with a confidentiality agreement.

## **Appendix A.**

### **AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

#### **RULES OF CONFIDENTIALITY**

1. The following information associated with the responsibilities and activities of the On-Board Observer Program, and with the activities of the Secretariat in connection with the *AIDCP Dolphin Safe* Certification procedures, shall be treated as confidential:
  - a. Records of vessel position, catches, type of set, and incidental dolphin mortality of individual vessels and/or companies.
  - b. Information relating to unloadings or trade which is associated with individual vessels and/or companies, including Tuna Tracking Forms (TTFs) for those vessels.
  - c. Any information revealing the fishing areas and strategies used by individual vessels or groups of vessels, and their catches.
  - d. The names and flags of vessels and the names and addresses of individuals associated with receiving a Dolphin Mortality Limit (DML) or any other information that could allow the determination of whether a vessel has a DML.
  - e. The name and flag of fishing vessels of Parties to the AIDCP for which possible infractions of the AIDCP have been identified.
  - f. The names of captains on the List of Qualified Captains, and thus eligible to direct fishing operations on vessels with DMLs.
  - g. Information identified by country on incidental dolphin mortality or captain performance unless the country in question approves the release of such information.
2. All information collected by the On-Board Observer Program, or by the Secretariat in connection with the *AIDCP Dolphin Safe* Certification procedures, shall be made available to the government under whose jurisdiction the vessel operates.
3. These Confidentiality Rules shall apply to all meetings and working documents of the AIDCP and any subsidiary bodies or working groups associated with the AIDCP, including the International Review Panel.
4. Confidential information may be presented at a meeting when the Meeting of the Parties so decides, and in such cases all attendees shall sign a Confidentiality Agreement stating that such information which is identified as confidential will not be revealed to anyone without the consent of the meeting.
5. The minutes of all meetings shall be made public, but shall not include confidential information.
6. All data presented to meetings by flag shall include information for all flags separately regardless of the number of vessels operating under that flag.
7. These rules do not apply to information about non-Parties.

**Appendix B.**

**PROGRAMA INTERNACIONAL PARA LA CONSERVACION DE LOS DELFINES  
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**PANEL INTERNACIONAL DE REVISION  
INTERNATIONAL REVIEW PANEL**

The undersigned, being a participant in a meeting of the International Review Panel (IRP), established by the Agreement on the International Dolphin Conservation Program, or in a meeting of a subsidiary group of the IRP, and understanding that any and all information provided to me which is identified as confidential by the IRP shall not be disclosed, do hereby declare that I will not reveal such information to any person or persons, organization, institution or government, nor to any other source or entity, without the consent of the IRP.

El suscrito, participante en una reunión del Panel Internacional de Revisión, establecido por el Acuerdo sobre el Programa Internacional para la Conservación de los Delfines, o en una reunión de un grupo subsidiario del Panel, teniendo entendido que toda información identificada de confidencial por el Panel que me sea suministrada no debe ser divulgada, por la presente me comprometo a no divulgar esta información a ninguna persona, organización, institución, o gobierno, ni a ninguna otra fuente o entidad, sin el consentimiento del Panel.

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Signature – Firma

Date - Fecha

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Name (block capitals) - Nombre (en letra de molde)

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Title (block capitals) - Cargo (letra de molde)

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Address (block capitals) – Domicilio (letra de molde)