

INTER-AMERICAN TROPICAL TUNA COMMISSION**93RD MEETING**

**San Diego, California (USA)
24, 27 – 30 August 2018**

PROPOSAL IATTC-93 G-3**SUBMITTED BY COLOMBIA, MEXICO, AND NICARAGUA****PROPOSAL FOR A RESOLUTION ON CONFIDENTIALITY IN THE
USE OF INFORMATION ON COMPLIANCE**

The Inter-American Tropical Tuna Commission (IATTC) gathered in the city of San Diego, California, on the occasion of its 93rd Meeting:

Recalling that information related to compliance with the resolutions or recommendations of the Commission by a CPC, that is collected or compiled by the IATTC, or provided by any CPC, has the purpose of evaluating and improving the level of performance and effectiveness of the joint work of the Commission;

Recalling that the “Antigua Convention”, in its Article XXII establishes that the Commission shall determine rules of confidentiality for access, use and disclosure of information pursuant to the Convention;

Recognizing that information related to compliance with the resolutions and recommendations of the Commission by a CPC is of a strictly confidential character, limited exclusively to the purposes described in the corresponding resolution or recommendation;

Taking into consideration that Article XVIII of the “Antigua Convention” on implementation, compliance and enforcement by Parties provides that each Party shall authorize the use and release, subject to any applicable rules of confidentiality, of pertinent information recorded by on-board observers of the Commission or a national program.

Recognizing that reports derived from this information do not prejudice the responsibility of CPCs, its fleets or operators and in any case do not replace the decision mechanisms which in the framework of international law might ensue under the guarantee of due process;

The Commission agrees:

1. The use of information related to compliance with the resolutions or recommendations of the Commission by a CPC, that is collected or compiled by the IATTC, or provided by any CPC, for purposes other than those established in the respective resolution or recommendation, shall require the express authorization by the respective CPC for that information;
2. CPCs, observers or any attendee at the meetings of the Commission or its Working Groups shall abstain from using information described in the first paragraph in unilateral processes for identifying or certifying sanctions that are not expressly authorized by the Commission;
3. Excluded from this obligation is the use that a CPC may make of that information, as evidence in accordance with its domestic laws, or for judging alleged infractions that occur in its Exclusive Economic Zone or regarding its flag vessels;
4. No provision of this resolution may be interpreted in a way that limits the duty of States to administer their fisheries effectively, imposing the appropriate and relevant sanctions that will dissuade non-compliance with the resolutions and recommendations of the Commission.