

No. 5124

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**UNITED STATES OF AMERICA  
and  
CUBA**

**Convention for the conservation of shrimp. Signed at  
Habana, on 15 August 1958**

*Official texts: English and Spanish.*

*Registered by the United States of America on 6 May 1960.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CUBA**

**Convention sur la conservation de la crevette. Signée à La  
Havane, le 15 août 1958**

*Textes officiels anglais et espagnol.*

*Enregistrée par les États-Unis d'Amérique le 6 mai 1960.*

No. 5124. CONVENTION<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND CUBA FOR THE CONSERVATION OF SHRIMP. SIGNED AT HABANA, ON 15 AUGUST 1958

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The Government of the United States of America and the Government of Cuba, considering their common interest in maintaining the maximum sustainable productivity of stocks of shrimp of common concern in waters of the Gulf of Mexico off the coast of Cuba and the Florida coast of the United States, and in promoting the scientific studies necessary to ascertain the conservation measures required for this purpose, and desiring to establish procedures for coordinating such studies and for placing in effect such conservation measures as may be necessary, agree as follows :

*Article I*

The area to which this Convention applies, hereinafter referred to as “ the Convention area ”, shall be the waters of the Gulf of Mexico off the coast of Cuba and the Florida coast of the United States, including territorial waters, in which are found stocks of shrimp of common concern.

*Article II*

1. The Contracting Parties agree to establish and operate a commission, to be known as the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, hereinafter referred to as “ the Commission ”, which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section consisting of three members appointed by the Government of the United States, and a Cuban section consisting of three members appointed by the Government of Cuba.

2. Each national section shall have one vote. Decisions of the Commission shall be made only by approval of both sections.

3. The Commission may decide upon and amend, as occasion may require, rules for the conduct of its meetings and for the performance of its functions and duties.

4. The Commission shall meet at least once each year and at such other times as may be agreed by both national sections. The date and place of the first meeting shall be determined by agreement between the Governments.

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<sup>1</sup> Came into force on 4 September 1959, the date of exchange of the instruments of ratification at Habana, in accordance with article VIII.

5. The Commission shall decide on the most convenient place for the establishment of its headquarters.

6. At its first meeting the Commission shall select a chairman from the members of one national section and a vice chairman from the members of the other national section. The chairman and vice chairman shall hold office for a period of two years. In each succeeding term, the office of chairman and vice chairman shall alternate between the respective national sections.

7. Each section of the Commission may appoint its own advisers who shall be invited by the Commission to attend all nonexecutive sessions of the Commission.

8. Each section of the Commission may hold public hearings within the territory of its own country.

9. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. The minutes, official documents and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written in either language.

10. The expenses incurred by each national section shall be borne by its Government. The share of each country in the joint expenses incurred by the Commission shall be related to the proportion of the total catch from the shrimp stocks of common concern in the Convention area taken by vessels which belong to that country.

11. The budget of joint expenses and the share of each Government shall be determined by the Commission and submitted to the Governments for approval.

12. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ necessary personnel for the performance of its functions and duties.

13. The Commission shall designate a technically competent Director who shall serve at the pleasure of the Commission. Subject to such rules and procedures as may be determined by the Commission, the Director shall have full power and authority over the staff of the Commission.

### *Article III*

1. The Commission shall have responsibility for :

(a) Obtaining scientific information regarding the abundance, life history, and ecology of stocks of shrimp of common concern in the Convention area in order to determine the measures necessary for their conservation.

(b) Publishing or otherwise disseminating reports relative to the results of its findings and such other scientific reports and statistical data as fall within the scope of this Convention.

(c) Adopting, with respect to the Convention area, such regulations, based on scientific findings, as are necessary to achieve the objectives of this Convention.

2. Each of the regulations adopted pursuant to paragraph 1 (c) above shall become effective with respect to the Contracting Parties sixty days following notification of the regulation by the Commission to each of the Contracting Parties, except that either of the Contracting Parties may prevent entry into force of a regulation by lodging objection thereto with the Commission before the expiration of such sixty day period.

3. The Commission shall notify the other Contracting Party immediately upon receipt of objection to a regulation.

4. In discharging its responsibilities the Commission may establish working relations with any international, public or private institution or organization or any individual.

5. The Commission shall submit annually to the respective Parties a report on its work, together with any recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

#### *Article IV*

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

#### *Article V*

The Contracting Parties agree to cooperate with each other in taking appropriate and effective action to enforce any regulations which enter into force pursuant to Article III of this Convention. Accordingly, the Contracting Parties agree as follows :

1. Any national or vessel of a Contracting Party which engages in operations on the high seas in violation of regulations which enter into force pursuant to Article III of this Convention may be seized by duly authorized officers of the other Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person or vessel belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon.

2. The authorities of the country to which such person or vessel belongs alone shall have jurisdiction to conduct prosecutions for violation of the regulations which enter into force pursuant to Article III of this Convention and to

impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the seizing Country, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

3. Each contracting party shall be responsible for the proper observance of this convention and of any regulations adopted under the provisions thereof in the portions of its waters covered thereby.

#### *Article VI*

The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the provisions of this Convention and, if desirable, to consider means by which they may more effectively be carried out.

#### *Article VII*

Nothing in this Convention shall be construed as preventing either of the Contracting Parties or in the case of the United States, any of the States, from making or enforcing laws or regulations which in the absence of this Convention would be valid relative to any fisheries of the Convention area so far as such laws or regulations do not preclude the discharge of the Commission's responsibilities.

#### *Article VIII*

1. This Convention shall be ratified and the instruments of ratification exchanged at Habana as soon as practicable.

2. This Convention shall enter into force on the date of exchange of instruments of ratification and shall remain in force for a period of ten years and thereafter until one year from the date on which either Contracting Party shall have given written notice to the other of its desire to terminate the Convention.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE in duplicate, in the English and Spanish languages, each of which shall be of equal authenticity, at Habana this 15th day of August, 1958.

For the Government of the United States of America :  
Earl E. T. SMITH

For the Government of the Republic of Cuba :  
G. GUELL

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