

No. 12961

BRAZIL
and
TRINIDAD AND TOBAGO

**Exchange of notes constituting an agreement concerning
shrimp. Rio de Janeiro, 19 May 1972**

Authentic texts: English and Portuguese.

Registered by Brazil on 14 January 1974.

BRÉSIL
et
TRINITÉ-ET-TOBAGO

**Échange de notes constituant un accord relatif à la pêche de la
crevette. Rio de Janeiro, 19 mai 1972**

Textes authentiques : anglais et portugais.

Enregistré par le Brésil le 14 janvier 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF TRINIDAD AND TOBAGO CONCERNING SHRIMP

I

EMBASSY OF TRINIDAD AND TOBAGO
RIO DE JANEIRO.

19th May 1972

1/29

Excellency,

I have the honour to refer to recent conversations in which representatives of the Government of Trinidad and Tobago and the Government of the Federative Republic of Brazil having considered, in a spirit of mutual understanding, the situation relating to shrimping in the waters adjacent to the coast of Brazil, and motivated by the friendly relations existing between the two Governments and peoples have agreed to the following:

1) Nothing contained in this Agreement, the text of which appears hereunder, would necessarily constitute a precedent.

2) This Agreement shall govern the operation of shrimp catch by Trinidad and Tobago flag vessels in the waters adjacent to the coast of Brazil during the period from May 1st, 1972, to November 30, 1973.

3) Nothing in this Agreement shall be deemed to prejudice, in any way, the legal position of either Government in regard to the limits of territorial seas and fisheries jurisdiction.

4) The species to be fished are the following: *Penaeus (M.) duorarum notialis*, *Penaeus brasiliensis* and *Penaeus (M.) aztecus subtilis*. The simultaneous and inevitable catch of other marine species in quantities and conditions which characterize them as incident fauna of the shrimp species authorized under the Agreement shall not be considered as a violation of the Agreement. The shrimping activities shall be conducted exclusively within a zone having the isobath of thirty (30) meters as the southwest limit and the latitude 1° north as the southern limit and 47°30' west longitude as the eastern limit. Shrimp fishing, however, in the part of the above-mentioned zone which lies southeast of a bearing of 240° drawn from the Ponta do Ceu radio-beacon shall be limited to the period March 1st to July 1st.

5) Twenty shrimp trawlers flying the Trinidad and Tobago flag shall be admitted to catch shrimp in the zone described in article 4 of this Agreement. These trawlers shall not exceed eighty-five feet in length, except for two trawlers that shall not exceed ninety feet, and shall not employ electric equipment for fishing purposes.

6) The season during which the shrimping activities referred to in this Agreement are to be conducted shall be between March 1st and November 30th of each year.

7) The Government of Trinidad and Tobago will furnish the Government of the Federative Republic of Brazil, through the diplomatic channel, with a list of the vessels to be covered by this Agreement as well as with the basic data relating to these vessels. Such

¹ Came into force on 19 May 1972, the date of the note in reply, in accordance with the provisions of the said notes.

data shall include the name, length, radio-frequency, maximum speed, gross and net tonnage of each vessel, a description of its navigation and fishing gear and its communication equipment and the identification sign to be used. In addition, the port of registry, the name of the vessel's captain, the name and legal address of its registered office in Trinidad and Tobago shall also be provided.

8) To complete the registration procedure, the Government of the Federative Republic of Brazil will inform the Government of Trinidad and Tobago of the vessels authorized to fish under the terms of this Agreement.

9) Before the beginning of the shrimping activities of the authorized vessels, the Government of Trinidad and Tobago shall:

- a) produce to the Brazilian Embassy in Port of Spain the documents of the vessel (registry certification, crew list, up-to-date seaworthiness certificates, insurance certificate);
- b) hand in photographs of the vessel and an indication of its methods and gear;
- c) pay for each vessel a fee of US\$ 100.00 (one hundred dollars) for each month of operation in the 1972 season, this fee being calculated from a date one month following the date of authorization of the vessel to November 30th, 1972, and pay a fee of US\$ 900.00 (nine hundred dollars) for the 1973 season.

10) Each of the authorized vessels shall display an identification sign, agreed between the Parties, and shall carry the appropriate documents of identification, to be produced, on demand, to the Brazilian authorities.

11) While conducting fishing activities according to the provisions of this Agreement, the captains of the trawlers shall:

- a) proceed directly to the authorized fishing zone defined in article 4;
- b) fill out fishing logs furnished by the Brazilian Embassy in Port of Spain and return them to the Embassy within 14 days of their return to Port of Spain;
- c) be familiar with and respect Brazilian laws and regulations, particularly those regarding fishing and prevention of sea pollution;
- d) land the catch in Trinidad and Tobago, trans-shipment being permitted only between vessels registered under this Agreement.

12) The Government of Trinidad and Tobago will supply the Government of the Federative Republic of Brazil periodically with statistical data relating to the size and species of the catches captured by Trinidad and Tobago vessels in the waters adjacent to the coast of Brazil.

13) a) While in Brazilian territorial waters, the Trinidad and Tobago shrimp trawlers shall be subject to Brazilian surveillance. Duly appointed officials may board the trawlers for inspection.

b) The Brazilian Embassy in Port of Spain shall be informed of the estimated dates of arrival at the fishing zones and of the dates of departure from and return to ports of Trinidad and Tobago.

14) Infractions of Brazilian law occurring in Brazilian territorial waters shall be dealt with according to Brazilian law.

15) Problems concerning the interpretation and implementation of the present Agreement shall be solved through diplomatic channels.

16) At the request of either Party, both Parties shall, within one month, conduct consultations for a review of the operation of this Agreement or of its provisions.

I have the honour to propose that if the above terms are acceptable to the Government of the Federative Republic of Brazil, the present note together with Your Excellency's note in reply indicating your Government's concurrence therewith shall constitute an agreement between the two Governments, to come into force on the date of Your Excellency's note in reply.

Please accept, Excellency, the assurances of my highest consideration.

GERARD MONTANO
Ambassador

His Excellency Dr. Mario Gibson Barboza
Minister of External Affairs
Brazil

II
[PORTUGUESE TEXT — TEXTE PORTUGAIS]

Em 19 de maio de 1972

DPB/DAI/DAC/03/562.8(61 h)

Senhor Embaixador,

Tenho a honra de acusar recebimento da nota de Vossa Excelência, datada de hoje, cujo teor, em português, é o seguinte:

«Excelência, Tenho a honra de referir-me às recentes conversações nas quais representantes do Governo da República Federativa do Brasil e do Governo de Trinidad e Tobago examinaram, num espírito de mútuo entendimento, a situação relativa à pesca de camarão nas águas adjacentes à costa do Brasil e, motivados pelas relações amistosas que existem entre os dois Governos e povos, convieram no seguinte:

1) Nada do que se contém no presente Acordo, cujo texto se segue, constituirá necessariamente um precedente.

2) O presente Acordo regulará as operações de pesca de camarão por embarcações com bandeira de Trinidad e Tobago, nas águas adjacentes à costa do Brasil, no período de 1.º de maio de 1972 a 30 de novembro de 1973.

3) Nenhuma disposição do presente Acordo será considerada como prejudicial, de qualquer forma, à posição jurídica de cada Governo com relação aos limites do mar territorial e da jurisdição sobre pesca.

4) As espécies a serem pescadas são as seguintes: *Penaeus (M.) duorarum notialis*, *Penaeus brasiliensis* e *Penaeus (M.) astecus subtilis*. A captura simultânea e inevitável de outras espécies marinhas, em quantidades e condições que as caracterizem como fauna acompanhante das espécies de camarão autorizadas nos termos do presente Acordo, não será considerada como uma violação do Acordo. As atividades de pesca de camarão serão efetuadas exclusivamente numa zona que tenha a isobatimétrica de 30 metros como limite sudoeste, a latitude de 1º norte como limite meridional e a longitude oeste de 47º30' como limite oriental. Contudo, a pesca de camarão na parte de zona acima mencionada, que fica a sudeste da linha de marcação verdadeira de 240º tomada do rádio-farol Ponta do Céu, será limitada ao período entre 1.º de março e 1.º de julho.

5) Vinte embarcações de pesca de camarão com bandeira de Trinidad e Tobago terão permissão para capturar camarão na zona descrita no Artigo 4 do presente Acordo. Estas embarcações de pesca não excederão, em comprimento, de oitenta e cinco pés, com exceção de duas, que não excederão de noventa pés, e não empregarão equipamento elétrico para fins de pesca.

6) A estação em que as atividades de pesca de camarão mencionadas no presente Acordo serão realizadas estender-se-á de 1.º de março a 30 de novembro de cada ano.

7) O Governo de Trinidad e Tobago fornecerá ao Governo da República Federativa do Brasil, por via diplomática, uma lista das embarcações a serem cobertas pelo presente Acordo, bem como as informações básicas sobre tais embarcações. Tais informações incluirão nome, comprimento, rádio-frequência, velocidade máxima, tonelagem bruta e líquida de cada embarcação, descrição dos equipamentos de pesca e navegação, do equipamento de comunicação, e o sinal de identificação a ser usado.

2. Em resposta, informo Vossa Excelência de que o Governo brasileiro concorda com os termos da nota acima transcrita, a qual, juntamente com a presente, passa a constituir um Acordo entre nossos dois Governos, a entrar em vigor nesta data.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

MARIO GIBSON BARBOZA

A Sua Excelência o Senhor Albert Gérard Montano
Embaixador Extraordinário e Plenipotenciário de Trinidad e Tobago

[TRANSLATION — TRADUCTION]

19 May 1972

DPB/DAI/DAC/03/562.8(61 h)

Sir,

I have the honour to acknowledge receipt of your note of today's date, which reads as follows:

[See note I]

2. In reply, I have the honour to inform Your Excellency that the Brazilian Government is in agreement with the terms of the above note, which, together with the present note, shall constitute an agreement between our two Governments, to enter into force on this date.

Accept, Sir, etc.

MARIO GIBSON BARBOZA

His Excellency Mr. Albert Gérard Montano
Ambassador Extraordinary and Plenipotentiary
of Trinidad and Tobago
