

No. 14622

**BRAZIL
and
TRINIDAD AND TOBAGO**

**Exchange of notes constituting an agreement on shrimp
fishing (with annex). Brasília, 24 and 28 February 1975**

Authentic text of the notes: Portuguese.

Authentic texts of the annex: Portuguese and English.

Registered by Brazil on 9 March 1976.

**BRÉSIL
et
TRINITÉ-ET-TOBAGO**

**Échange de notes constituant un accord relatif à la
pêche de la crevette (avec annexe). Brasília, 24 et
28 février 1975**

Texte authentique des notes : portugais.

Textes authentiques de l'annexe : portugais et anglais.

Enregistré par le Brésil le 9 mars 1976.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN BRAZIL AND TRINIDAD AND TOBAGO ON SHRIMP FISHING

I

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

[TRANSLATION — TRADUCTION]

24 de fevereiro de 1975

24 February 1975

N.º I/29/5

No. 1/29/5

Excelência,

Sir,

Eu tenho a honra de referir-me às recentes conversações mantidas entre delegações da República Federativa do Brasil e do Governo de Trinidad e Tobago sobre a renegociação do Acordo sobre a Pesca do Camarão, assinado entre os dois Governos, e o qual esteve em vigor até 31 de dezembro de 1974.

I have the honour to refer to the recent talks between delegations of the Federative Republic of Brazil and the Government of Trinidad and Tobago concerning renegotiation of the shrimp fishing Agreement signed by the two Governments, which was in force until 31 December 1974.²

Permita-me informa Vossa Excelência, de que o Governo de Trinidad e Tobago concorda com os termos do novo Acordo, quando tenho a honra de propor, caso esses mesmos termos sejam aceitos pelo Governo da República Federativa do Brasil, que se presente Nota juntamente com a Nota de Vossa Excelência indicando a aquiescência de seu Governo, constitua um acordo entre os dois Governos, a vigorar a partir da data da Nota-resposta de Vossa Excelência.

I wish to inform you that the Government of Trinidad and Tobago agrees to the terms of the new Agreement and, consequently, I have the honour to propose that, if they are accepted by the Government of the Federative Republic of Brazil, this note together with your note indicating your Government's acquiescence should constitute an agreement between the two Governments, to enter into force on the date of your reply.

Aceite, Excelência, meus protestos da mais alta estima e consideração.

Accept, Sir, etc.

ALBERT GÉRARD MONTANO
Embaixador

ALBERT GÉRARD MONTANO
Ambassador

A Sua Excelência
Sr. Embaixador Antonio F. Azeredo
da Silveira
Ministro de Estado
das Relações Exteriores
Brasília D.F.

His Excellency
Ambassador Antonio F. Azeredo
da Silveira
Minister
for Foreign Affairs
Brasília D.F.

¹ Came into force on 28 February 1975, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, Treaty Series, vol. 908, p. 3.

II

DPB/DCS/02/245 (B46) (B9)
662-8 (B46)(B9)

DPB/DCS/02/245 (B46)(B9)
662-8 (B46)(B9)

Em 28 de fevereiro de 1975

28 February 1975

Senhor Embaixador,

Tenho a honra de acusar recebimento de Nota n.º I/29/5, datada de 24 de fevereiro de 1975, pela qual Vossa Excelência me comunica haver o Governo de Trinidad e Tobago aprovado o texto do projeto de Acordo sobre pesca de camarão acordado pelas delegações dos dois países no dia 29 de janeiro de 1975, em Brasília.

2. O texto da versão portuguesa do referido Acordo figura em anexo à presente Nota.

3. Em resposta, informo Vossa Excelência de que o Governo brasileiro aprova igualmente o texto proposto, entrando o Acordo em vigor nesta data, mediante a Nota de Vossa Excelência e a presente resposta.

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

Em nome do Ministro
de Estado:

RAMIRO SARAIVA GUERREIRO

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

Sir,

I have the honour to acknowledge receipt of note No. 1/29/5, dated 24 February 1975, in which you informed me that the Government of Trinidad and Tobago has approved the text of the draft shrimp fishing Agreement agreed upon by the delegations of our two countries on 29 January 1975, at Brasília.

2. The Portuguese text of that Agreement is reproduced as an annex to this note.

3. In reply, I wish to inform you that the Brazilian Government has also approved the proposed text, and that the Agreement enters into force on this date, through your note and this reply.

Accept, Sir, etc.

For the Minister
for Foreign Affairs:

RAMIRO SARAIVA GUERREIRO

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

AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF TRINIDAD AND TOBAGO

The Parties to this Agreement:

1) Motivated by the friendly relations existing between their two Governments and peoples;

2) Taking into account the fact that the Agreement between them, signed in 1972,¹ related to the fishing of shrimp in the waters adjacent to the coast of Brazil is no longer in force, and that it should be replaced by a new Agreement regulating the same matter;

3) Expressing the desirability that developing countries of the region should grant each other preferential treatment in the access to their respective territorial waters for the purpose of the exploitation of fisheries resources in these waters;

4) Noting the willingness of the Brazilian Government to allow the presence of a determined number of foreign shrimp vessels in the area defined in this Agreement, subject to the payment of fees and during the period in which the Brazilian fishing industry is unable to utilize the entire area, in accordance with the concept of a gradual replacement of foreign vessels by Brazilian vessels;

5) Noting the specific need of Trinidad and Tobago as a developing country for conditions that assure the continuing operation of its fishing fleet, for the purpose of ensuring the survival and fostering the economic development of its fishing industry as well as satisfying the nutritional needs of its population;

6) Taking note of their common intention to develop cooperation between the two countries in the fields of research and exploitation of the resources of the seas, through joint ventures;

Have agreed as follows:

Article I. 1) This Agreement shall regulate the operation of shrimp fishing during the fishing season in an area demarcated to the south-west by the isobath of 30 meters, to the south by the latitude of 1.° degree north (1.°N), and to the east by the longitude of 47 degrees and 30 minutes west (47°30'W).

2) The main species of shrimp to be fished shall be *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 species of shrimp authorized under this Agreement shall not be considered as a violation of the Agreement.

3) The fishing season shall be limited to the period of the 1st of March to the 30th of November. However, shrimp fishing in the part of the above-mentioned area located to the south-east of the true demarcation line of 240.° degrees established with the radiobeacon of Ponta do Ceu as reference shall be limited to the period of 1st March to the 1st July.

4) The vessels flying the flag of Trinidad and Tobago, operating in Brazilian waters under this Agreement, shall not exceed 85 feet in length.

Article II. In view of their common interest in preserving shrimp resources, the Parties agree that in the exercise of shrimp fishing operations destructive practices in general must be prohibited, especially the following:

- a) the use of equipment considered to have destructive effect on the stocks, including electrical or electronic equipment;
- b) the use of chemical, toxic or explosive substances in or near the fishing area;
- c) jettisoning of oil and other polluting substances;

¹ United Nations, *Treaty Series*, vol. 908, p. 3.

- d) fishing operations in breeding or spawning areas to be identified by any of the Parties and communicated to the other.

Article III. 1) Information on the catch and on the fishing operations as well as biological data relating to the catching of shrimp in the area demarcated in Article I shall be compiled and exchanged by the Parties.

2) In order to attain the aforementioned objective, the vessels operating under the terms of this Agreement shall maintain fishing log books, in accordance with a specimen mutually agreed upon. Such fishing log books shall be delivered quarterly to the appropriate Party, which shall utilize the data therein, as well as other information that they shall obtain in the area demarcated in Article I to prepare reports on catching conditions in the area, which shall be transmitted periodically and appropriately to the other Party.

3) Entities duly designated by the two Parties shall meet periodically, to exchange scientific data, publications and information acquired on shrimp fishing in the area demarcated in Article I.

4) The Government of Trinidad and Tobago and the Government of the Federative Republic of Brazil shall cooperate in the carrying out of jointly sponsored marine biological research programmes in the waters adjacent to the coasts of either Trinidad and Tobago or Brazil.

5) In the spirit of paragraph 3 of the Preamble, entities designated by the two Parties shall cooperate in fishing training activities in the area defined by the Agreement within the legal framework of each country. Training vessels participating in joint programmes of this nature will not be considered as part of the quotas referred to in Article IX.

Article IV. 1) The Government of Brazil shall receive from the Government of Trinidad and Tobago the information necessary for the identification and other enforcement functions, particularly the following:

- a) name of the vessel;
- b) copies of the vessel's documents, duly current (registration certificate, official number which will be the Agreement number);
- c) port of registry and usual port of operation of the vessel;
- d) a photograph of the vessel, accompanied by its general description, including colours of side deck house, top house and trim, speed and horse power of the main engine;
- e) radio frequency and radio call letters for the establishment of communications;
- f) methods and equipment employed for catching.

2) After this information is compiled and organized it shall be communicated, through diplomatic channels, to the Government of Brazil.

3) The Government of Brazil shall examine such data, shall verify if it is complete and in good order, and shall inform the Government of Trinidad and Tobago which vessels have, in its judgement, fulfilled the specifications required under this Agreement. Those vessels shall then be considered registered and authorized to operate for the purposes of this Agreement and a list of the authorized vessels shall be submitted to the Party exercising control; such list shall be up-dated during the catching season.

4) The Government of Brazil shall also communicate to the Government of Trinidad and Tobago which vessels in its opinion have not met the requirements of this Article. Such cases may be the object of consultation between the Parties.

5) The information referred to in the present Article, when not written in the Portuguese or English languages, shall always be accompanied by a translation into one of those two languages.

6) Administrative details for identification of the vessels flying the flag of Trinidad and Tobago and other agreed measures to facilitate the implementation of this Agreement are set out in the Annex to this Agreement.

Article V. 1) In order to attain the objectives aimed at in the present Agreement, the Parties agree that it shall be up to the Government of the Federative Republic of Brazil to exercise control of the area demarcated in Article I and for the fishing operations carried out in such area.

2) The vessels flying the flag of Trinidad and Tobago, operating in the waters adjacent to the coast of Brazil under this Agreement, shall have the following documents on board: certificate of registry, crew list and fishing log book.

Article VI. 1) A duly accredited authority of the Federative Republic of Brazil, while exercising the responsibilities specified in Article V, and with justification for believing that any provision of the Agreement has been infringed, may board a vessel flying the flag of Trinidad and Tobago and effect a search. Such action may not unduly obstruct fishing operations. If, after taking such measures, the authority justifiably maintains that a provision of the Agreement has been infringed, it may seize and detain the vessel, and escort it to the port of Belém. The Government of the Federative Republic of Brazil will promptly inform the Government of Trinidad and Tobago of such an action.

2) Providing that the terms of paragraph 2 of Article X have been fulfilled, the vessel flying the flag of Trinidad and Tobago seized and detained under the terms of the above paragraph will be handed over, as soon as possible, to an authorized officer of the Government of Trinidad and Tobago in the port of Belém or in any other place mutually agreed upon by Parties. After returning the vessel, the Government of the Federative Republic of Brazil will provide the Government of Trinidad and Tobago with a full report of the violation, and the circumstances of the seizure and detention of the vessel.

3) In the event of any legal suits being brought against the owner of [the] vessel by the Government of Trinidad and Tobago, that Government will transmit the results of the suit to the Government of the Federative Republic of Brazil.

4) After carrying out the provisions of Article X and if the nature of the violation so justifies, the fishing equipment and that part of the catch which was caught illegally may be confiscated.

Article VII. The vessels referred to in Article IX shall unload their catch in the territory of Trinidad and Tobago, transshipment being permitted only to another vessel equally authorized to operate in the area agreed upon.

Article VIII. 1) The Parties shall encourage the development of joint ventures between national entities authorized by them with the purpose of exploiting fisheries.

2) The Parties shall co-operate in the development of their fishing industries. They shall also seek to co-operate for the expansion of international trade in fisheries products, particularly in the areas of storage, transportation and marketing.

Article IX. 1) The number of vessels flying the flag of Trinidad and Tobago authorized to operate in the area demarcated in Article I will be: 28 in the first year of the Agreement; 22 in the second year; and 17 in the third year.

2) At the end of each year of the Agreement, the Brazilian Government may, at its discretion, offer to increase the quota of vessels for the following year of the Agreement, taking into account the interests of the Brazilian fishing industry.

3) If, as a result of new information which becomes available through scientific research, there is acceptable evidence to justify the reappraisal of the total capacity of the area referred to in Article I, of its demarcation, or of the definition of the fishing season, any of the Parties may ask the other for a consultation to revise the Agreement accordingly.

Article X. 1) In the spirit of the preambular paragraph 3 regarding the preferential treatment for the developing countries in the region, the Government of Trinidad and Tobago

will pay US\$ 1,360.00, being 40% of the annual operational fee of US\$ 3,400.00, for each vessel flying its flag registered under the terms of Article IV, which carries out fishing operations in the agreed upon area.

2) The Government of Trinidad and Tobago will be responsible for any extraordinary expenses arising from the seizure of any vessel flying its flag under the terms of Article VI.

Article XI. Problems concerning the interpretation of this Agreement will be resolved through diplomatic channels.

Article XII. If either of the Contracting Parties considers it desirable to review the operation of the Agreement or to modify any of its provisions, it may request consultation with the other Contracting Party and such consultation shall be conducted within two months of the date of such request. Any modifications so agreed shall come into force when they have been confirmed by an exchange of diplomatic notes between the Parties.

Article XIII. This Agreement shall be cited as the Brazil-Trinidad and Tobago Shrimp Fishing Agreement 1975.

DONE in duplicate in the Portuguese and the English languages, both texts being equally authentic.

A N N E X

1. Registered vessels shall be required to have identification number displayed.
2. The identification number shall be preceded by three identification letters, TFP, in order to distinguish such number from others displayed by different authorized vessels.
3. The identification number shall be the official number of the vessel.
4. The identification letters and number shall be displayed on boards (approximately sixty centimeters high and one hundred fifty centimeters wide) attached to the two sides or the top of the pilot house, or the rail, in such a way that they should be visible from both sides of the vessel or from the air. In addition, the name of the vessel and port of registry shall be painted in letters thirty centimeters high on the top of the pilot house, directly above or below the Agreement number.
5. The identification letters and number must be black having an orange background, being at least forty-five centimeters high and of adequate width.
6. As long as such identification letters and number are black with an orange background, they can be painted on the sides and on the top of the pilot house instead of being displayed on boards as described in paragraph 4 above.
7. The identification letters and number shall be displayed in such a way that no part of the vessel, ropes or fishing equipment interferes with the visibility of such letters and number.
8. One or more lights, either portable or fixed, shall be provided to light the agreed identification. It is also desirable, if possible, to light the name and port of registry at night or during periods of bad visibility [so] as to avoid the necessity of the patrol boats or airplanes using searchlights to identify such vessels and thus interfering with [the] vessel's navigation in the specified area.
9. Authorized vessels shall display their name and port of registration clearly and in the usual manner.
10. Trinidad and Tobago-Brazil identification number shall be assigned permanently to individual vessels and this number will not be reassigned to replacement vessels entering the Trinidad and Tobago fleet.
11. The standard radio frequencies selected for communications between fishing vessels and enforcement vessels shall be frequencies 2182 KHz and 2638 KHz.