

**No. 14623**

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**BRAZIL  
and  
BARBADOS**

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

*Authentic texts: Portuguese and English.*

*Registered by Brazil on 9 March 1976.*

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**BRÉSIL  
et  
BARBADE**

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

*Textes authentiques : portugais et anglais.*

*Enregistré par le Brésil le 9 mars 1976.*

## EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN BRAZIL AND BARBADOS ON SHRIMP FISHING

### I

28th February, 1975

Nº EX-C. 141

Excellency,

I have the honour to refer to the recent discussions held between representatives of the Governments of Barbados and the Federative Republic of Brazil in a spirit of mutual understanding, relating to shrimp fishing in the waters off the coast of Brazil, and to inform Your Excellency that the Government of Barbados is prepared to conclude with the Government of the Federative Republic of Brazil an Agreement in the following terms:

### AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF BARBADOS

The Parties to this Agreement:

1) Noting the position of the Government of the Federative Republic of Brazil, that it considers its territorial sea to extend to a distance of 200 nautical miles from the Brazilian coast, that the exploitation [of] crustaceans and other living resources, which are closely dependent on the sea-bed under the Brazilian territorial sea is reserved to Brazilian fishing vessels, and that exceptions to this provision can only be granted through international agreements;

2) Noting the position of the Government of Barbados that it does not consider itself obligated under international law to recognize territorial sea claims and fisheries jurisdiction claims which are not consonant with the 1958 United Nations Convention on the Territorial Sea and Contiguous Zone,<sup>2</sup> to which Agreement Barbados considers herself for the time being a Party in accordance with her international obligations;

3) Noting also the willingness of the Brazilian Government to allow the presence of a determined number of foreign shrimping vessels in the area defined by 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;

4) Taking also into account that it is desirable that the developing countries of the region grant each other preferential treatment in the exploitation of fisheries resources in their waters;

5) Motivated by the friendly relations existing between the two Governments and peoples and notwithstanding the difference in their respective juridical positions as stated above;

Have agreed as follows:

*Article I.* 1) This Agreement shall regulate the operation of shrimp fishing in the waters off the coast of Brazil during the fishing season in an area demarcated to the south-west

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

<sup>2</sup> United Nations, *Treaty Series*, vol. 516, p. 205.

by the isobath of 30 meters, to the south by the latitude of 1°, degree north (1°), and to the east by the longitude of 47 degrees and 30 minutes west.

2) The species of shrimp to be fished shall be *Penæus (M) dourarum notialis*, *Penæus brasiliensis* and *Penæus (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 Barbados flag 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 operation 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 equipment;
- b) the use of chemical, toxic or explosive substances in or near the fishing area;
- c) jettisoning of oil or organic waste;
- d) fishing operations in breeding or spawning areas.

*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 whenever it is convenient, to exchange scientific data, publications and information acquired on shrimp fishing in the area demarcated in Article I.

*Article IV.* 1) The Party which, under Article V, is responsible for enforcing observance of the terms of the present Agreement by the vessels of the other Party shall receive from it the information necessary for identification and other enforcement, functions, particularly the following:

- a) name of vessel;
- b) copies of the vessel's documents, duly current (registration certificate, official number and 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 Party that exercises control over the area.

3) The Party exercising control shall examine such data, shall verify if it is complete and in good order, and shall inform the other Party 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 quarterly during the catching season.

4) The Party exercising control shall also communicate to the other Party 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 Barbados flag 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 of the fishing operations carried out in such area.

2) The vessels flying the Barbados flag operating in Brazilian territorial waters 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 Barbados flag 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 Barbados of such an action.

2) Providing that the terms of paragraph (2) of Article X have been fulfilled, the vessel flying the Barbados flag 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 Barbados in the port of Belém or in any other place mutually agreed upon by the Parties. After returning the vessel, the Government of the Federative Republic of Brazil will provide the Government of Barbados 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 Barbados 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 may unload their catch in the territory of Barbados or may transfer the catch 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 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 Barbados flag authorized to operate in the area demarcated in Article I will be 22 in the first year of the Agreement; 17 in the second year of the Agreement; and 15 in the third year of the Agreement.

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

*Article X.* [1.] The Government of Barbados will pay the Government of the Federative Republic of Brazil an annual operational fee for each vessel flying the Barbados flag registered under the terms of Article IV, which carries out fishing operations in the agreed upon area. This amount and the manner of payment will be established by an exchange of notes.

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

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

*Article XII.* Nothing in this Agreement shall be deemed to prejudice in any way the legal position of either Party to this Agreement in regard to the limits of territorial seas and fisheries jurisdictions.

*Article XIII.* This Agreement will enter into force on the date notes are exchanged for that purpose and will remain in force until 31st December 1977.

*Article XIV.* This Agreement shall be cited as the Barbados-Brazil Shrimp Fishing Agreement 1975.

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

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 in this matter, to come into force on the date of Your Excellency's note in reply.

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

V. T. McCOMIE  
Ambassador of Barbados

His Excellency Antonio F. Azeredo da Silveira  
Minister of External Affairs  
Federative Republic of Brazil

## A N N E X

1. Registered vessels shall be required to have identification numbers displayed.

2. The identification numbers shall be preceded by two identification letters, such as "BB" (for Barbados-Brazil), in order to distinguish such numbers from others displayed by different authorized vessels.

3. The identification numbers shall consist of two digits numbered consecutively from 01.

4. The identification letters and numbers 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.

5. The identification letters and numbers 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 numbers 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 numbers 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 numbers.

8. One or more lights, either portable or fixed, shall be provided to light the agreement number, 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 specific area.

9. Authorized vessels shall display their name and port of registration clearly and in the usual manner.

10. Barbados-Brazil identification numbers shall be assigned permanently to individual vessels and these numbers will not be reassigned to replacement vessels entering the Barbados fleet.

11. The standard radio frequencies selected for communications between fishing vessels and enforcement vessels shall be frequencies 2182 KHz and 2638 KHz.

## II

[PORTUGUESE TEXT—TEXTE PORTUGAIS]

Em 28 de fevereiro de 1975

DPB/DCS/02/245 (B46) (B8)

662.8 (B46) (B8)

Senhor Embaixador,

Tenho a honra de referir-me às negociações havidas nesta capital, de 20 a 22 de janeiro do corrente ano, entre delegações do seu país e do Brasil, no espírito de mútua amizade e cooperação, com vistas a definir as bases de um acordo para disciplinar a pesca de camarão em águas territoriais brasileiras, o qual substituiria o acordo anterior, assinado em maio de 1973<sup>1</sup> e expirado em dezembro de 1975.

2. As duas delegações convieram no texto anexo à presente nota, preparado em duas versões, nas línguas portuguesa e inglesa, ambas igualmente autênticas. O referido Acordo entrará em vigor nesta data, mediante a presente resposta à Nota, de Vossa Excelência, manifestando a concordância do Governo de Barbados com o texto em apreço.

3. Fica convencionado que a taxa de operação prevista pelo Artigo X do Acordo adjunto será de US\$ 3,400.00 (três mil e quatrocentos dólares norte-americanos) anuais, por embarcação. Contudo, em consequência da aplicação do princípio de

<sup>1</sup> Should read "June 1973" — Devrait se lire «juin 1973».

9. As embarcações autorizadas exibirão seus nomes e portos de registro na forma habitual.

10. Números de identificação Barbados-Brasil serão atribuídos em caráter permanente a embarcações individuais e estes números não serão reutilizados no caso de substituições de embarcações na frota de Barbados.

11. As rádio-freqüências padrão foram selecionadas para fins de comunicação entre embarcações de pesca e embarcações de controle. As freqüências 2182 KHz e 2638 KHz foram selecionadas.

[TRANSLATION — TRADUCTION]

28 February 1975

DPB/DCS/02/245 (B46) (B8)

662.8 (B46) (B8)

Sir,

I have the honour to refer to the negotiations held at this capital city, from 20 to 22 January 1975, between delegations of your country and Brazil, in a spirit of mutual friendship and co-operation, with a view to defining the bases for an Agreement to regulate shrimp fishing in Brazilian territorial waters, to replace the previous Agreement, which was signed in June 1973<sup>1</sup> and was to expire in December 1975.

2. The two delegations agreed on the text annexed to this note, done in duplicate in the Portuguese and English languages, both versions being equally authentic. The said Agreement will enter into force on this day, through this reply to your note signifying the approval by the Government of Barbados of the text under consideration.

3. It is agreed that the operational fee provided for in article X of the annexed Agreement shall be \$US 3,400 (three thousand four hundred United States dollars) per year for each vessel. However, as a consequence of the application of the principle of mutual preferential treatment between developing countries of the region for access to and utilization of the region's fisheries resources, the Government of Barbados shall pay to the Government of Brazil 40% (forty per cent) of that amount, that is to say, \$US 1,360 (one thousand three hundred sixty United States dollars) for each vessel, part of the said sum to be paid by 31 July and the other half by 30 November of each year during which the Agreement is in force.

4. I wish at this time to express to you, Sir, the interest of the Brazilian Government in promoting understanding with the Government of Barbados, which will facilitate the development of joint undertakings in the fisheries sector.

I take this opportunity to renew to you, Sir, the assurances of my highest and most distinguished consideration.

For the Minister of State:

RAMIRO SARAIVA GUERREIRO  
Secretary-General for Foreign Affairs

His Excellency Mr. Valerie T. McComie  
Ambassador Extraordinary and Plenipotentiary of Barbados

[Annex as under note I]

<sup>1</sup> United Nations, *Treaty Series*, vol. 923, p. 131.

## III

February 28th 1975

Excellency,

I have the honour to refer to your note DPB/DCS/02/245(B46)(B8) of today's date with respect to the conclusion of the Barbados-Brazil Shrimp Fishing Agreement (1975).

It is hereby confirmed that the operational fee referred to in Article X of the Agreement will be US\$ 3,400.00 (three thousand four hundred US dollars) annually per vessel. However, as a consequence of the application of the principle of mutual preferential treatment among the developing countries of the region, the Government of Barbados will pay to the Government of Brazil 40% (forty per cent) of the operational fee stated above, that is US\$ 1,360.00 (one thousand three hundred and sixty US dollars) annually per vessel, half of which shall be paid not later than the 31st July and the other half not later than the 30th November of each year of the Agreement.

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

V. T. McCOMIE  
Ambassador of Barbados

His Excellency Antonio F. Azeredo da Silveira  
Minister of External Affairs  
Federative Republic of Brazil

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