

No. 15806

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**UNITED STATES OF AMERICA  
and  
BRAZIL**

**Agreement concerning shrimp (with annexes, agreed minute,  
aide-mémoire dated 24 and 27 February 1975, and ex-  
changes of notes). Signed at Brasília on 14 March 1975**

*Authentic texts: English and Portuguese.*

*Registered by the United States of America on 19 July 1977.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
BRÉSIL**

**Accord relatif à la crevette (avec annexes, procès-verbal  
conjoint, aide-mémoire en date des 24 et 27 février  
1975, et échanges de notes). Signé à Brasília le 14 mars  
1975**

*Textes authentiques : anglais et portugais.*

*Enregistré par les États-Unis d'Amérique le 19 juillet 1977.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING SHRIMP

The Parties to this Agreement,

Considering that the Agreement concerning shrimp of May 9, 1972,<sup>2</sup> between them will soon terminate and that mutually satisfactory arrangements concerning shrimp should be continued;

Note that the Government of the Federative Republic of Brazil continues to consider that its territorial sea extends to a distance of 200 nautical miles from its coast, that the exploitation of living resources within the Brazilian territorial sea is reserved to Brazilian fishing vessels, that exceptions to this can be granted by international agreement, and that the Government of the Federative Republic of Brazil is willing to allow United States shrimp fishing vessels to operate in the area defined in this Agreement, in accordance with the terms of this Agreement, during the period in which the Brazilian fishing industry is unable to utilize the shrimp of the area;

Note also that the Government of the United States of America continues to consider that it is not obligated under international law to recognize territorial seas claims of more than three nautical miles nor fisheries jurisdiction of more than 12 nautical miles from the coast, that the area defined in this Agreement is high seas where all nations enjoy freedom of fishing in accordance with international law, and that all nations have a duty to conserve the living resources of the high seas and may enter into international agreements to this effect; and further

Recognizing that the difference in the respective juridical positions of the Parties may give rise to certain problems relating to the conduct of certain shrimp fisheries;

Considering the tradition of both Parties for resolving international differences by having recourse to negotiation;

Aware of the common desire of the Parties to further develop cooperation between the two countries with respect to research concerning the resources of the sea and to encourage joint ventures for the development of the shrimp resources of the sea;

Concluding that, while general international solutions to issues of maritime jurisdiction are being sought and until more adequate information regarding the shrimp fisheries is available, it is desirable to maintain an agreement which takes into account, *inter alia*, their mutual interests in the conservation of the shrimp resources of the area;

Having arrived at an accommodation for the conduct of shrimp fisheries without prejudice to either Party's juridical position concerning the extent of territorial seas or fisheries jurisdiction under international law;

Have agreed as follows:

**Article I.** This Agreement shall apply to the fishery for shrimp (*Penaeus (M.) duorarum notialis*, *Penaeus brasiliensis* and *Penaeus (M.) aztecus subtilis*) in an area

<sup>1</sup> Came into force on 22 March 1976, the date mutually agreed upon by an exchange of notes dated on 25 February and 22 March 1976, upon completion of the internal procedures of both parties, in accordance with article XI.

<sup>2</sup> United Nations, *Treaty Series*, vol. 894, p. 29.

of the broader region in which the shrimp fisheries of the Parties are conducted, hereinafter referred to as the "area of agreement" and defined as follows: the waters off the coast of Brazil having the isobath of thirty (30) meters as the south-west limit and the latitude 1° north as the southern limit and 47°30' west longitude as the eastern limit.

*Article II.* (1) Taking into account their common concern with preventing the depletion of the shrimp stocks in the area of agreement and the substantial difference in the stages of development of their respective fishing fleets, which results correspondingly in different kinds of impact on the resources, the two Parties agree that, during the term of this Agreement, the Government of the Federative Republic of Brazil is to apply the measures set forth in Annex I to this Agreement and the Government of the United States of America is to apply the measures set forth in Annex II to this Agreement.

(2) The measures set forth in the Annexes may be changed by agreement of the Parties through consultation pursuant to Article X.

*Article III.* (1) Information on catch and effort and biological data relating to shrimp fisheries in the area of agreement shall be collected and exchanged, as appropriate, by the Parties. Unless the Parties decide otherwise, such exchange of information shall be made in accordance with the procedure described in this Article.

(2) Each vessel fishing under this Agreement shall maintain a fishing log, according to a commonly agreed model. Such fishing logs shall be delivered quarterly to the appropriate Party which shall use the data therein contained, and other information it obtains about the area of agreement, to prepare reports on the fishing conditions in that area, which shall be transmitted periodically to the other Party as appropriate.

(3) The Parties consider it desirable to expand research on shrimp, on a national basis as well as in the form of coordinated research, according to a program developed by the scientists of both Parties. Scientists duly appointed by the two Parties shall meet periodically, but at least once each year, for the purpose of exchanging scientific data, publications, and knowledge on shrimp stocks and fishing effort in the area of agreement, to exchange information on research plans and to develop co-ordinated research programs.

*Article IV.* (1) The Party which under Article V has the responsibility for enforcing observance of the terms of this Agreement shall receive from the other Party the information necessary for the identification and other enforcement functions, particularly the following:

- a) name of vessel;
- b) 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 colors of side, deck house, top of 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) Such information shall be assembled and organized by the flag Government and communications relating to such information shall be conveyed to the Party responsible under Article V for the enforcement of this Agreement.

(3) The Party which receives such information shall verify whether it is complete and in good order, and shall inform the other Party about the vessels found to comply with the requirements of paragraph 1 of this Article, as well as about those which would, for some reason, require further consultation among the Parties.

(4) The information referred to in the present Article shall include a translation in the addressee's language.

(5) Each shrimp fishing vessel flying the flag of the United States operating pursuant to this Agreement shall display an identification sign agreed between the Parties. The Parties shall also agree upon other measures to facilitate the implementation of this Agreement.

*Article V.* (1) In view of the fact that Brazilian authorities can carry out an effective enforcement presence in the area of agreement, the two Parties agree that the Government of Brazil shall carry out such enforcement to ensure that the conduct of shrimp fisheries conforms with the provisions of this Agreement.

(2) A duly authorized official of Brazil, in exercising the responsibility described in paragraph 1 of this Article may, if he has reasonable cause to believe that any provision of this Agreement has been violated, board and search a shrimp fishing vessel. Such action shall not unduly hinder fishing operations. When, after boarding, or boarding and searching a vessel, the official continues to have reasonable cause to believe that any provision of this Agreement has been violated, he may seize and detain such vessel. In the case of a boarding or seizure and detention of a United States vessel, the Government of Brazil shall promptly inform the Government of the United States of its action.

(3) After satisfaction of the terms of Article VI as referred to in paragraph 4 of this Article, a United States vessel seized and detained under the terms of this Agreement shall, as soon as practicable, be delivered to an authorized official of the United States at the nearest port to the place of seizure, or any other place which is mutually acceptable to the competent authorities of both Parties. The Government of Brazil shall, after delivering such vessel to an authorized official of the United States, provide a certified copy of the full report of the violation and the circumstances of the seizure and detention.

(4) If the reason for seizure and detention falls within the terms of Article II or Article IV, paragraph 5 of this Agreement, a United States vessel seized and detained shall be delivered to an authorized official of the United States, after satisfaction of the terms of Article VI relating to unusual expenses.

(5) If the nature of the violation warrants it, and after carrying out the provision of Article X, vessels may also suffer forfeiture of that part of the catch determined to be taken illegally and forfeiture of the fishing gear.

(6) In the case of vessels delivered to an authorized official of the United States under paragraphs 3 or 4 of this Article, the Government of Brazil will be informed of the institution and disposition of any case by the United States.

*Article VI.* The Government of the United States of America will pay an amount to the Government of the Federative Republic of Brazil, in connection with the operation of this Agreement, as well as any unusual expenses incurred in carrying out the seizure and detention of a United States vessel under the terms of paragraph 2 of Article V, as determined in an exchange of notes between the two Governments.

*Article VII.* The implementation of this Agreement may be reviewed at the request of either Party six months after the date on which this Agreement becomes ef-

fective, in order to deal with administrative issues arising in connection with this Agreement.

*Article VIII.* The Parties shall co-operate in the development of their fishing industries; the expansion of the international trade of fishery products; the improvement of storage, transportation and marketing of fishery products; and the encouragement of joint ventures between the fishing industries of the two Parties.

*Article IX.* Nothing contained in this Agreement shall be interpreted as prejudicing the position of either Party regarding the matter of territorial seas or fisheries jurisdiction under international law.

*Article X.* Problems concerning the interpretation and implementation of this Agreement shall be resolved through diplomatic channels.

*Article XI.* This Agreement shall enter into force on the date mutually agreed by exchange of notes, upon completion of the internal procedures of both Parties, and it shall remain in force until December 31st, 1976.

IN WITNESS WHEREOF the undersigned Representatives have signed the present Agreement and affixed thereto their seals.

DONE at Brasília this fourteenth of March, 1975, in duplicate in the English and Portuguese languages, both texts being equally authentic.

For the United States  
of America:

[*Signed — Signé*]<sup>1</sup>

For the Federative Republic  
of Brasil:

[*Signed — Signé*]<sup>2</sup>

#### A N N E X I

- a) Prohibition of shrimp fishing activities, for conservation purposes, in spawning and breeding areas;
- b) Prohibition of the use of chemical, toxic or explosive substances in or near fishing areas;
- c) Registry of all fishing vessels with the Maritime Port Authority (*Capitania dos Portos*) and with SUDEPE;
- d) Payment of fees and taxes for periodical inspections;
- e) Use of the official fishing logs to be returned to SUDEPE after each trip or weekly;
- f) Prohibition of the use of fishing gear and/or other equipment considered by SUDEPE to have destructive effects on the stocks;
- g) Prohibition of discharging oil and polluting waste.

#### A N N E X I I

- (a) Not more than 325 vessels flying the United States flag shall shrimp in the area of agreement. The United States Government shall communicate quarterly to the Brazilian Government lists of vessels authorized to fish in that area. These lists shall contain not more than

<sup>1</sup> Signed by John Hugh Crimmins — Signé par John Hugh Crimmins.

<sup>2</sup> Signed by A. F. Azeredo da Silveira — Signé par A. F. Azeredo da Silveira.

200 vessels authorized to fish during any quarter of the first year of the Agreement; and not more than 175 vessels authorized to fish during any quarter of the second year. Of these vessels, not more than 160 and not more than 120 shall fish at any one time, during the first and the second year of the Agreement (1975 and 1976), respectively, as documented by the fishing logs conveyed quarterly to the Brazilian authorities. Such vessels shall be of the same type (up to approximately 85 feet in length) and have the same gear as those employed in the fishery until now. They shall not employ, in fishing operations, electrical fishing equipment, nor shall chemical, toxic, explosive or polluting substances, or other material with similar destructive effect be employed.

(b) Shrimp fishing in the area of agreement shall be limited to the period from March 1st to November 30th.

(c) Shrimp fishing in that part of the area of agreement Southeast of a bearing of 240° from Ponta do Céu radiobeacon shall be limited to the period from March 1st to July 1st.

(d) Transshipment of catch may be made only between vessels fishing in the area of agreement under the terms of the Agreement.

#### AGREED MINUTE

1. The Delegations of the Government of the United States of America and the Government of the Federative Republic of Brazil consider it desirable to record the points set forth below relating to the Agreement between the two Governments concerning shrimp signed today.

2. The United States delegation took note of the amount of US\$ 3,400 (three thousand four hundred U.S. dollars) per year per vessel fishing within the provisions of the Agreement, in the area of agreement, required by the Brazilian Government as a fee to operate the Agreement. The United States delegation understands that the United States Government will pay the amount of US\$ 361,000 (three hundred and sixty-one thousand dollars) to cover the enforcement costs in connection with Article V, paragraph 1, in each of the two years covered by the Agreement (1975 and 1976), as provided for in the exchange of notes and in connection with the actual seizure of a United States flag shrimp vessel by Brazilian enforcement authorities pursuant to the terms of Article V, paragraph 2, will pay \$500 for each day during which a United States vessel is being escorted to port and \$200 per day while the United States vessel is in port, as provided for in the exchange of notes.

3. Both the Brazilian and the United States Delegations agreed that if, as a result of new information which becomes available through scientific research, there is acceptable evidence to justify the reappraisal of the total fishing capacity of the area referred to in Article I, or of the definition of the fishing season, any of the Parties may ask the other for a consultation to revise the Agreement accordingly. Any modifications so agreed shall come into force when they have been confirmed by an exchange of notes between the Parties.

4. With reference to item (a) of Annex II, the Brazilian delegation invited the United States delegation to consider the possibility of establishing within the United States Government a system to ensure control of the number of vessels allowed in the area of agreement so as to make it possible, in future arrangements, that the two Parties may agree to provisions for one single allocation of vessels, applicable to both registered vessels and the quota of vessels to be present in the area.

5. It is the understanding of both Delegations that the information referred to in Article IV, paragraph 1, will be transmitted to the Party responsible under Article V for the enforcement of this Agreement at least 15 days before any vessel included in this information starts

fishings in the area of agreement, noting that the above-mentioned delay shall be counted from the day the latter receives such information.

For the United States  
of America:

[Signed — Signé]<sup>1</sup>

For the Federative Republic  
of Brazil:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by John Hugh Crimmins — Signé par John Hugh Crimmins.

<sup>2</sup> Signed by A. F. Azeredo da Silveira — Signé par A. F. Azeredo da Silveira.

### AIDE-MÉMOIRE

In consideration of the termination on February 28, 1975, of the United States/Brazil Agreement concerning shrimp of 1972 and the possibility that the new proposed agreement initialed on February 7, 1975, may not be ready for signature by March 1, 1975, which is the beginning of the 1975 shrimp fishing season, the Government of the United States believes that the establishment of an interim arrangement concerning shrimping operations in the area of agreement prior to signature of the new agreement is in the mutual interest of the United States and Brazil, and would be consistent with the spirit of the new agreement.

The United States Government considers that the most suitable arrangement for the conduct of shrimp fishing within the area of agreement during this interim period would be the application by appropriate officials of the two governments of the principles of the new proposed agreement in a mutual effort to achieve its purposes. Therefore, officials of the United States Government shall use their best efforts to ensure, to the maximum extent consistent with the laws of the United States, that United States vessels which fish for shrimp in the area of agreement are vessels which were permitted to fish for shrimp in the area of agreement under the Agreement of May 9, 1972. Moreover, the United States Government will take whatever steps are possible to ensure that not more than 160 of these vessels fish within the agreement area at any one time. The United States Government intends that this arrangement should continue from the opening of the season on March 1, 1975, until the proposed agreement and related documents are signed, which is expected to occur on or about March 15, 1975.

Embassy of the United States of America

Brasília, February 24, 1975.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

DPB/DCS/-/245(B46)(B13)

**AIDE-MÉMOIRE**

The Brazilian Government has taken note of the statement of the Embassy of the United States of America to the effect that the Agreement concerning shrimp between the two countries, initialed on February 7, 1975, perhaps cannot be signed until March 1, 1975. Since the fishing season opens on that date, and in view of the reasons set forth by the Embassy, the Brazilian Government agrees to the application of an informal arrangement that will enable United States shrimp fishing vessels to operate in the area of the agreement under the following conditions:

- (a) the informal arrangement will be applied until March 15, 1975;
- (b) the authorities of the two countries will apply the principles of the new agreement during this period;
- (c) in the light of the provisions of (a) and (b) above, the United States authorities will try to ensure, within the limits permitted by its legislation, that United States vessels operating in the area shall have been registered according to the terms of the Agreement concerning shrimp of 1972 concluded between the two countries, and that the number of such vessels shall not exceed 160.

Brasília, February 27, 1975.

<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

## EXCHANGES OF NOTES — ÉCHANGES DE NOTES

## I a

No. 106

**Excellency:**

I have the honor to refer to the Agreement concerning shrimp signed today by the Governments of the Federative Republic of Brazil and the United States of America and in particular Article VI, and to confirm on behalf of my Government the following:

a) The Government of the United States of America shall, after the appropriation of funds by Congress, compensate the Government of Brazil in an annual amount of U.S.\$ 361,000 (three hundred and sixty-one thousand dollars) in connection with the terms of Article V, paragraph 1.

b) The Government of the United States of America shall, after the appropriation of funds by Congress, further compensate the Government of Brazil in the amount of U.S.\$ 500.00 (five hundred dollars) for each day a United States flag shrimp fishing vessel is being escorted to port and U.S.\$ 200.00 (two hundred dollars) for each day while the United States vessel is in port, in connection with the terms of Article V, paragraph 2.

I have the honor to propose that this Note and Your Excellency's reply confirming the above points of understanding on behalf of your Government shall be regarded as constituting satisfaction of the terms of Article VI of the aforementioned Agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

[*Signed — Signé*<sup>1</sup>]

Embassy of the United States of America

Brasília - March 14, 1975.

## II a

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DAS RELAÇÕES EXTERIORES

Em 14 de março de 1975

DPB/DCS/36/245(B46)(B13)

Senhor Embaixador,

Tenho a honra de acusar recebimento da Nota nº 106, de 14 de março de 1975, cujo texto em português é o seguinte:

«Exceléncia, Tenho a honra de referir-me ao Acordo sobre Camarão assinado hoje pelo Governo da República Federativa do Brasil e pelo Governo dos Estados Unidos da América e, em particular, ao seu Artigo VI. Confirmo, em nome meu governo, o seguinte:

a) O Governo dos Estados Unidos da América, após alocação de fundos pelo Congresso, compensará o Governo da República Federativa do Brasil com a soma anual de

<sup>1</sup> Signed by John Hugh Crimmins — Signé par John Hugh Crimmins.

US\$ 361,000.00 (trezentos e sessenta e um mil dólares americanos), com referência aos termos do parágrafo 1 do Artigo V.

*b)* O Governo dos Estados Unidos da América, após alocação de fundos pelo Congresso, compensará adicionalmente o Governo da República Federativa do Brasil com a soma de US\$ 500.00 (quinhentos dólares americanos) por dia em que um camaroneiro de bandeira dos Estados Unidos da América estiver sendo escoltado até o porto; e de US\$ 200.00 (duzentos dólares americanos) por dia em que a dita embarcação permanecer no porto, com referência aos termos do parágrafo 2 do Artigo V.

Tenho a honra de propor que esta Nota e a Nota de resposta de Vossa Excelênciia confirmando os pontos de entendimento acima, em nome de seu Governo, sejam consideradas como cumprimento dos termos do Artigo VI do Acordo acima mencionado entre os dois Governos.

Aceite, Excelênciia, os renovados protestos de minha mais alta consideração. Brasília, em 14 de março de 1975. JOHN CRIMMINS.»

2. Em resposta, tenho a honra de informar Vossa Excelênciia de que o Governo brasileiro concorda com os termos da Nota acima.

Aproveito a oportunidade para renovar a Vossa Excelênciia os protestos de minha alta estima e mais distinta consideração.

[*Signed — Signé*<sup>1</sup>]

A Sua Excelênciia o Senhor John Crimmins  
Embaixador dos Estados Unidos da América

[TRANSLATION<sup>2</sup> — TRADUCTION<sup>3</sup>]

MINISTRY OF EXTERNAL RELATIONS

March 14, 1975

DPB/DCS/36/245/(B46)(B13)

Mr. Ambassador:

I have the honor to acknowledge receipt of note No. 106, date March 14, 1975, which, in Portuguese, reads as follows:

[*See note I a*]

2. In reply, I have the honor to inform Your Excellency that the Brazilian Government concurs in the terms of the note quoted above.

Accept, Excellency, the renewed assurances of my high esteem and most distinguished consideration.

[A. F. AZEREDO DA SILVEIRA]

His Excellency John Crimmins  
Ambassador of the United States of America

<sup>1</sup> Signed by A. F. Azereedo da Silveira—Signé par A. F. Azereedo da Silveira.

<sup>2</sup> Translation supplied by the Government of the United States of America.

<sup>3</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

**I b**

No. 094

The Embassy of the United States of America presents its compliments to the Ministry of External Relations of the Federative Republic of Brazil, and with reference to the Agreement concerning shrimp signed on this date, as well as the accompanying exchange of notes related to Article VI of that Agreement, has the honor to inform the Ministry of the following:

Pending the entering into force of the Agreement as provided for in Article Eleven, the Government of the United States of America is prepared to make every effort to encourage the voluntary compliance by its industry of the provisions of the Agreement so as to ensure that events in the interim period do not prejudice the successful implementation of those provisions. It is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil intends also to abide by the spirit of the proposed interim Agreement.

Following the entering into force of the Agreement as provided for in Article Eleven, but prior to the passage of enabling legislations, the Government of the United States of America proposes to continue its efforts to encourage voluntary compliance.

In the period between the completion of internal procedures as noted in Article Eleven and the entering into force of the Agreement, the Government of the United States of America will seek, *inter alia*, with the voluntary cooperation of U.S. flag vessel owners,

1. To achieve the objectives of Article II
2. To institute appropriate Article III procedures
3. To achieve the intent of Articles IV and V.

In stating its willingness to encourage the voluntary compliance with appropriate provisions of the Agreement so that the intent of the accord may be achieved while awaiting its entering into force, it is the understanding of the Government of the United States of America that the Government of the Federative Republic of Brazil agrees that in this same interim period both Parties should have as their objective the achievement of the intent of the Agreement.

With specific reference to Article III, paragraph 2, the Government of the United States of America shall treat the information obtained from individual fishing logs as confidential.

The Embassy takes the opportunity to renew to the Ministry the assurance of its highest consideration.

Embassy of the United States of America

Brasília, March 14, 1975.

**II b**

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DAS RELAÇÕES EXTERIORES

DPB/DCS/35/245(B46)(B13)

O Ministério das Relações Exteriores cumpre a Embaixada dos Estados Unidos da América e tem a honra de acusar recebimento da Nota nº 094, de 14 de março de 1975, cujo texto em português é o seguinte:

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

## MINISTRY OF EXTERNAL RELATIONS

DPB/DCS/35/245(B46)(B13)

The Ministry of External Relations presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of note No. 094 of March 14, 1975, which, in Portuguese, reads as follows:

[See note I b]

2. In reply, the Ministry of External Relations wishes to confirm that the understanding referred to in the antepenultimate paragraph of the Embassy's note is shared by the Brazilian Government.

3. Furthermore, the Ministry of External Relations wishes to state that while awaiting the entry into force of the Agreement, it is the intention of the Brazilian Government to apply its provisions in so far as possible, beginning on this date, so as to ensure that events in the interim period do not prejudice the successful implementation of those provisions.

4. With specific reference to Article III, paragraph 2, the Government of the Federative Republic of Brazil will treat as confidential the information obtained from individual fishing logs.

Brasília, March 14, 1975.

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<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.