

No. 21408

**COLOMBIA
and
JAMAICA**

**Fishing Agreement (with annex). Signed at Bogotá on 30 July
1981**

Authentic texts: English and Spanish.

Registered by Colombia on 29 November 1982.

**COLOMBIE
et
JAMAÏQUE**

**Accord relatif à la pêche (avec annexe). Signé à Bogotá le
30 juillet 1981**

Textes authentiques : anglais et espagnol.

Enregistré par la Colombie le 29 novembre 1982.

FISHING AGREEMENT¹ BETWEEN JAMAICA AND THE REPUBLIC OF COLOMBIA

The Government of the Republic of Colombia and the Government of Jamaica,
Considering the traditional bonds of friendship which have existed between both countries,

Bearing in mind the common interest of both countries in the rational exploitation, the proper management and conservation of fishing resources,

Taking into account the contribution that a fisheries agreement will make to the satisfaction of the nutritional needs of the Jamaican people,

Desirous of establishing reasonable terms so that vessels under the Jamaican flag may carry out specific fishing activities in certain maritime areas of the Republic of Colombia identified in this Agreement,

Have agreed upon the following:

Article I. The Government of the Republic of Colombia shall grant fishing vessels under the Jamaican flag access to certain areas under Colombian jurisdiction and sovereignty referred to in Article II for the purpose of engaging in fishing activities under the conditions laid down in this Agreement.

Article II. Jamaican fishing vessels with the characteristics specified in Article III shall be able to undertake fishing activities in the following areas:

- The Bajo Nuevo Cay Zone: The area within the limit of 12 nautical miles, measured from the low water mark at Bajo Nuevo Cay;
- The Serranilla Cays Zone: The area within the limit of 12 nautical miles, measured from the low water mark of Serranilla Cays.

Article III. a) Jamaican fishing vessels shall only be able to catch species of the families listed below:

<i>Spanish name</i>	<i>Scientific name of the family</i>	<i>English name</i>
Meros, chernas, cabrillas	Serranidae	Groupers
Jureles	Carangidae	Jacks
Pargos	Lutjanidae	Snappers
Roncos	Pomadasyidae	Grunts
Salmonetes	Mullidae	Goat-fish mullets
Peces loro	Scaridae	Parrot fishes
Peje puerco	Balistidae	Trigger fishes—filefish
Toyos	Carcharhinidae	Sharks
Macarela	Scombridae	King fish, mackerel

Provided, however, the species captured accidentally or by the catch may be disposed of by the fishermen.

b) The maximum annual catch permissible shall be the following:

- Bajo Nuevo Cay Zone: 360 metric tons per year;
- Serranilla Cays Zone: 480 metric tons per year.

¹ Came into force on 6 August 1982 by the exchange of the instruments of ratification, which took place at Bogotá, in accordance with article XIII.

c) The fishing gear to be used by the Jamaican fishermen shall be those classified as single composite line, traps, gill nets, trammel and lampara type nets light or bait. The use of fishing gear of other descriptions is prohibited.

d) The Government of Colombia shall permit no more than ten (10) vessels under the Jamaican flag to conduct fishing activities under this Agreement. These ten (10) vessels shall comprise five (5) independent fishing vessels and five (5) carrier vessels.

e) The specifications of all vessels shall not exceed the following:

1. Length: 75 feet;
2. Engines: 400 h.p.;
3. Net capacity of hold: 25 metric tons with refrigeration by ice;
10 metric tons with automatic refrigeration.

f) Each carrier vessel assigned to a fishing zone as established in the present Agreement may have up to six (6) auxiliary boats of a maximum length twenty-eight (28) feet, powered by outboard motors of not more than forty (40) h.p., and have a crew of not more than five (5) fishermen in respect of each such boat.

g) The five (5) carrier vessels shall not operate any fishing equipment and shall be assigned in the following manner:

1. Three (3) in the Serranilla Cays Zone;
2. Two (2) in the Bajo Nuevo Cay Zone.

In a case where damage to one of [the] carrier vessels makes necessary its replacement for a long time, this carrier vessel shall be replaced by another with similar characteristics once the Jamaican Government has notified the Embassy of the Republic of Colombia in Kingston which shall authorize such replacement and communicate this to Inderena.

h) The five (5) independent fishing vessels shall be assigned in the following manner:

1. Three (3) in the Serranilla Cays Zone;
2. Two (2) in the Bajo Nuevo Cay Zone.

Article IV. Vessels under the Jamaican flag which, by virtue of this Agreement, undertake fishing expeditions in the areas under Colombian jurisdiction covered by this Agreement shall be subject to the relevant laws and regulations in force in Colombia regarding fishing, the conservation of living resources, the preservation of the environment, pollution, sanitation, navigation, and other relevant areas.

Article V. The Republic of Colombia shall permit temporary stationing of Jamaican fishermen on Serranilla and Bajo Nuevo Cays, in order to carry out fishing activities under this Agreement, subject to the following conditions:

- a) They will be subject to Colombian rules, regulations, and laws;
- b) All installations and works taking place within the Cays referred to must be subject to the prior approval of the Colombian Authorities;
- c) It will be possible to have temporarily a maximum of 36 fishermen on Serranilla and 24 on Bajo Nuevo.

Article VI. The Government of Jamaica shall provide the Government of Colombia every three months with a general statistical information of fishing expeditions undertaken during the corresponding period. The format for the presentation of such information and the data which it ought to contain are described in Annex I.

Article VII. The representatives of the Government of Colombia shall have the right at any time to oversee the off-loading at any Jamaican port to verify the catch of the vessels authorized under this Agreement or that they have otherwise satisfied the provisions of this Agreement.

Article VIII. a) The Government of Jamaica in accordance with the provisions of Article III shall apply through the Embassy of the Republic of Colombia in Kingston for the appropriate permits for the vessels to be used for fishing expeditions indicating their characteristics and giving a precise account of their crew members and auxiliary boats. Such permits shall be valid for one calendar year and are renewable for a similar period.

b) Provided that the applications comply with the terms expressed in the present Agreement, the Government of Colombia through the Institute for Renewable Natural Resources and the Environment (Inderena) and Dirección General Marítima y Portuaria (Dimar) shall issue the appropriate permits, patents, and registration documents within a reasonable time.

c) The vessels should place the fishing patent in a visible place and have available the registration documents of the accompanying boats so that they may be verified at any time by the competent Colombian Authorities.

d) All fishermen as well as crew members of the above-mentioned vessels must be provided with identification cards issued by the Colombian Consulate in Kingston, with validity of twelve (12) months, and shall be renewable for a similar period.

Article IX. a) The fishing vessels engaged in fishing activities under this Agreement shall not be seized or detained by the Colombian Authorities unless they have breached the laws and regulations of the Republic of Colombia.

b) Any breach or offence involving Jamaican citizens or vessels referred to in this Agreement will be punishable under the laws of Colombia. However the punishment to be imposed by the Colombian Authorities on Jamaican fishermen or crew members who commit any violation of the regulations relating to fishing activities under this Agreement or regulations related to fishing or the conservation of living resources shall not include imprisonment.

c) In the event of any seizure or detention of a fishing vessel or any punishment to crew members of the said vessels or Jamaican fishermen, the Government of Colombia shall promptly notify the Government of Jamaica through the appropriate channels the facts causing the seizure or detention as well as the steps to be taken in connection with the fishermen, crew members or vessels.

d) The Colombian Authorities, upon the receipt of a reasonable surety or another appropriate guarantee, will promptly release any fishermen, crew members or vessels in its custody for any breach of the provisions concerning fishing activities contemplated in this Agreement or any other regulations governing fishing activities in Colombia.

e) The Government of Colombia will not apply in a discriminatory manner its laws and the other domestic regulations to Jamaican vessels, crew members or fishermen.

Article X. a) Either Party may request consultations with the other Party for the purpose of considering any question relating to the implementation of this Agreement.

b) Consultations within the terms of this Article shall begin within sixty (60) days from the date of the request for such consultations.

c) If either the Government of Jamaica or the Government of Colombia considers it desirable to modify any of the provisions of this Agreement or the annexes thereto, it may request consultations for that purpose.

d) Any such modifications, other than those relating to Article III, shall be subject to approval in accordance [with] the appropriate legal provisions required in each country and shall enter into force on the date of the exchange of the Instruments of Ratification.

e) Modifications to Article III shall enter into force on the exchange of notes by the respective Foreign Ministries.

Article XI. Nothing in this Agreement shall be considered as affecting the delimitation of the maritime spaces between the areas under the sovereignty and the national jurisdiction of each State.

Article XII. Differences arising concerning the interpretation or application of this Agreement shall be settled by the two Parties by diplomatic means or other means of peaceful settlement as recognized by international law.

Article XIII. The present Agreement shall be subject to approval in accordance with the appropriate legal procedures required in each country, and shall come into force on the date of exchange [of the] instruments of ratification.

Article XIV. The present Agreement shall remain in force for a period of two (2) years unless terminated by either Contracting Party by twelve (12) months' notice in writing. This Agreement is renewable by mutual Agreement between the two Parties.

DONE in this city of Bogotá this 30th day of July 1981, each in the English and Spanish languages, both texts being equally authoritative.

For the Government
of Jamaica:

[Signed]

NEVILLE GALLIMORE
Minister of State in the Ministry
of Foreign Affairs

For the Government
of Colombia:

[Signed]

CARLOS LEMOS SIMMONDS
Minister of Foreign Affairs

ANNEX No. 1

STATISTICAL INFORMATION

<i>Species</i> (name in English)	<i>Area</i> of catch	<i>Quantity</i> in lbs.	<i>Number</i> of fishermen	<i>Fishing</i> method	<i>Name</i> of vessels, boats
TOTAL					