

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1971 Nr. 171

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A. TITEL

*Briefwisseling tussen de Nederlandse en de Braziliaanse Regering  
inzake visserij;  
Rio de Janeiro/Brasilia, 19 augustus 1971*

B. TEKST

Nr. I

no. 4460

Rio de Janeiro, August 19, 1971

Excellency,

I have the honour to refer to recent conversations between delegations of the Kingdom of the Netherlands and the Federative Republic of Brazil on questions relating to fishing, during which conversations the delegations, in view of the present situation have agreed on the following:

a) Both delegations agreed on the usefulness of examining the modalities of an agreement of a more permanent character through which diverging interests in the exploitation of the natural resources could be reconciled and the mutual interest in conservation of such resources effectively safeguarded;

b) in view of the complexities of arriving at an agreement of a more permanent character, which could include two or more countries and which will require further study and consultation, both delegations have deemed it desirable to propose the conclusion of a provisional agreement, which exclusively covers the present shrimping season, ending about October 1971, and therefore exclusively applies to fishing activities of Surinam based vessels in the zone defined and according to the conditions established in the following proposal;

c) this provisional agreement will by no means establish any precedent as to the contents of any subsequent agreement, nor will it imply any prejudice as to any international legal position regarding the extent of the territorial waters taken by the States involved.

Under these conditions, I have the honour to inform Your Excellency that the Government of the Kingdom of the Netherlands is prepared to conclude with the Government of the Federative Republic of Brazil an agreement on the following terms which shall govern the operations of vessels flying the Kingdom of the Netherlands flag in the waters adjacent to the coast of Brazil:

1) The species to be fished are those of the penaeidae family.

2) a) Forty (40) shrimp trawlers flying the Kingdom of the Netherlands flag shall each limit its catch to a maximum of four tons (heads off) per month during the term of this agreement. These trawlers shall not exceed 100 gross tons and 40 net tons each;

b) if during the term of this agreement either of the parties is of the opinion that there are grounds for an increase in the number of authorized vessels up to a maximum of five (5) vessels until October 31st, 1971, consultations on the increase of said number will take place in accordance with paragraph 11.

3) The shrimping activities shall be conducted in a zone defined by the isobath of 20 meters as the southwest limit and by the true bearing of 225° drawn from the Ponta do Céu radio-beacon in the Territory of Amapá as the southeast limit.

4) The Surinam authorities will provide the Government of the Federative Republic of Brazil, through the Brazilian Consulate in Paramaribo, with the list of vessels covered by this agreement and the basic data relating to these vessels. Such data shall include the name, size, identification signs, maximum speed and gross and net tonnage of each vessel, a description of its fishing gear and of its electronic equipment and the name of its captain and the legal domicile in Surinam.

5) Before the beginning of their shrimping activities the representatives of the vessels officially listed in accordance with paragraph 4 above shall present themselves to the Brazilian Consulate in Paramaribo and

a) produce the documents of the vessel (registry certificate, crew list, up-to-date seaworthiness certificates);

b) hand in photographs of vessel and a description of fishing methods and gear to be used.

6) The representatives of the vessels mentioned under paragraph 5 shall pay into the hands of the Brazilian Consular Representative in

Paramaribo a total monthly amount equivalent to US \$ 400.00 (four hundred USA dollars) per vessel in US or Brazilian currency. This total sum will be composed of:

- a) a compensation for expenditure arising from the implementation of this agreement of US \$ 80.00 (eighty USA dollars), and
- b) a compensation for the exploitation of the natural resources in the waters adjacent to the coast of Brazil, of US \$ 320.00 (three hundred and twenty USA dollars).

7) While conducting shrimping activities in the zone mentioned in paragraph 3 of this agreement, the trawlers may be boarded by duly appointed Brazilian officials for identification and inspection purposes.

8) 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 paragraph 3;

- b) fill out fishing logs supplied by the Brazilian Consulate in Paramaribo and return them to the Consulate within 14 days of their return to Surinam;

- c) be familiar with and respect applicable laws and regulations of both nations, particularly the Brazilian laws and regulations regarding fishing and prevention of sea-pollution which are to be applied in the fishing zone defined in paragraph 3;

- d) land the catch in Surinam without trans-shipment at sea except in special circumstances which shall be communicated to the Brazilian Government as soon as possible.

9) a) The Fisheries Department of the Government of Surinam will periodically supply the Brazilian Consulate in Paramaribo with statistical data relating to the volume of catch and species of shrimp captured by vessels flying the Kingdom of the Netherlands flag in the waters adjacent to the coast of Brazil;

- b) the Brazilian Consulate in Paramaribo shall also be informed of the estimated dates of arrival at the fishing zone and of the dates of departure from and return to ports of Surinam.

10) In the event that on or before October 5, 1971, the Government of the Kingdom of the Netherlands notifies the Government of the Federative Republic of Brazil of its wish to anticipate the expiration date of the agreement to October 15, 1971, the representatives of each authorized vessel will pay only half of the amounts established in paragraph 6 as regards the month of October.

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

12) Representatives of the two Governments shall meet before February 1st, 1972, to decide on future arrangements.

If the arrangements contained in the proposal above are also acceptable to the Government of the Federative Republic of Brazil I have the honour to propose that the present note together with Your Excellency's note in reply indicating Your Government's concurrence therewith, shall constitute an agreement between the Government of the Kingdom of the Netherlands and the Government of the Federative Republic of Brazil which shall enter into force on the date of Your Excellency's note in reply and which shall expire on October 31, 1971,

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

(sd.) QUARLES VAN UFFORD

*Jonkheer L. Quarles van Ufford,  
Ambassador of the  
Kingdom of the Netherlands.*

*His Excellency Mr. Mário Gibson Barboza,  
Minister for External Relations,  
Brasília*

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## Nr. II

MINISTERIO DAS RELAÇÕES EXTERIORES  
DPB/DAI/DEOc/DAm/DOA/54/562.8(86)

Em 19 de agosto de 1971

Senhor Embaixador,

Tenho a honra de acusar recebimento da nota de Vossa Excelência, datada de hoje e do teor seguinte:

(zoals in Nr. I)

Em resposta, informo Vossa Excelência de que o Governo brasileiro concorda com os termos da nota acima transcrita, a qual, juntamente com a presente, passará a constituir um Acôrdo entre nossos dois Governos.

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

(a) MARIO GIBSON BARBOZA

*A Sua Excelência o Jonkheer Leopold Quarles van Ufford,  
Embaixador de Sua Majestade a Rainha dos Países-Baixos.*

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G. INWERKINGTREDING

De bepalingen van de in de brieven vervatte overeenkomst zijn ingevolge het in de laatste alinea's van de brieven gestelde op 19 augustus 1971 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt de overeenkomst alleen voor Suriname.

Uitgegeven de drieëntwintigste september 1971.

*De Minister van Buitenlandse Zaken a.i.,*  
BIESHEUVEL.