

U.S.—Brazil Shrimp Conservation Agreement A Status Report

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INTRODUCTION

My purpose today is to provide you with a status report on the U.S.—Brazil Shrimp Conservation Agreement which was signed on May 9, 1972, in Brasilia. Donald L. McKernan, Special Assistant for Fisheries and Wildlife to the Secretary of State, who headed the U.S. delegation, explained that the agreement establishes a basis for regulating the conduct of shrimp fishing in a defined area off the coast of Brazil. It also helps conserve the shrimp resources of the area and provides an interim solution for the problems which have arisen concerning jurisdiction over these resources. These problems developed as a result of Brazil's unilateral claim to a 200-mile territorial sea in 1970. In signing the 2-year agreement the two parties expressly reserved their juridical position on the question of territorial seas and fisheries jurisdiction under international law pending the outcome of the 1973-74 Law of the Sea Conference.

PRINCIPAL PROVISIONS OF THE AGREEMENT

(1) It is a 2-year compact terminating on January 1, 1974, unless the parties agree to extend it, and applies only to a specific area off the coast of Brazil lying north of the mouth of the Amazon River. This area is roughly equivalent to 7,680 square miles of ocean.

(2) It restricts the number of U.S. flag vessels which may fish in this designated area during a single season to 325 shrimp boats. The season for most of the area will be limited to the period between March 1 and November 30. A small subarea is limited from March 1 to June 30. No limitation is placed on Brazilian boats.

(3) A further limitation provides that no more than 160 boats will be allowed to fish in the designated area at any given time. A 15-vessel leeway will be granted U.S. fishing vessels during the first year of the agreement. There is no penalty for a violation of this limitation.

(4) U.S. vessels will be required to register with an agency of the U.S. government, since designated as the National Marine Fisheries Service (NMFS) and will be granted a permit to fish in the designated area. During the time the U.S. shrimp boats are off the coast of Brazil, they will be subject to the control of Brazilian authorities and may be boarded for inspection. Failure to produce a permit when fishing for shrimp will result in the seizure of the ship by the Brazilian authorities. The vessel and its crew will then be taken to the nearest Brazilian port and delivered to U.S. authorities for prosecution under U.S. law.

(5) The U.S. has agreed, through an exchange of notes, to give the Brazilian government \$200,000 in order to aid that country in its enforcement responsibilities. In addition to this sum the U.S. will further compensate the government of Brazil in the amount of \$100 for each day a U.S. shrimp vessel is under the control of Brazilian enforcement authorities due to a violation of the agreement. This money will come primarily from the registration fees required of the U.S. shrimp boats. The shrimp industry has indicated that it is willing to pay this amount.

(6) Information on catch and effort and biological data relating to shrimp in the area of agreement is collected and exchanged. Each vessel fishing under the agreement maintains a fishing log; copies of which are collected monthly by NMFS and sent quarterly by the U.S. to Brazil.

STATUS OF AGREEMENT

The agreement has now been consented to by the U.S. Senate and awaits ratification by the President. It will formally enter into force on a date to be mutually agreed upon by an exchange of notes with Brazil and shall remain in force until January 1974, unless the parties agree to extend it.

VOLUNTARY COMPLIANCE BY U.S. FISHING INDUSTRY

Between the time the agreement was signed and the date it officially enters into force, the U.S. shrimp industry has voluntarily complied with the agreed provisions. In effect this has amounted to a major portion of the first season since shrimping in the area closes on November 30, 1972. It is noteworthy that voluntary compliance has paid off for U.S. fishermen in that no confrontations with Brazilian enforcement authorities have occurred since the agreement was signed.

A total of 173 U.S. shrimp vessels have been assigned identification numbers by my office during this voluntary compliance period. Owners of these vessels are asked to provide identification information on their vessel and gear and to deposit \$700 for each vessel for eventual use as a registration fee when the agreement enters into force. When this deposit is made and the identification information received, we issue a letter of voluntary compliance to be displayed in the wheelhouse while in the agreement area. We have issued 150 letters of voluntary compliance to date.

It is anticipated that the agreement will be officially in force prior to the opening of the 1973 season on March 1, 1973. If not, the voluntary compliance period will be continued and a \$700 deposit will only be required for new vessels. Vessels which received a letter of voluntary compliance in 1972 will not be asked to deposit another \$700 in 1973. When the agreement does become official, identification numbers issued to vessels during the voluntary period will remain the same when official letters of registration and numbers are issued. Applicants for official registration for 1973 will pay a fee of about \$700 in addition to the \$700 which was voluntarily deposited for 1972. If such applicants did not participate in the voluntary compliance program or fish off Brazil during 1972, their registration fee for 1973 will be about \$700. These

funds will be used to partly offset the \$200,000 annual U.S. obligation to Brazil to help defray enforcement costs.

SUMMARY OF LOGBOOK ACTIVITY

Logbooks with charts of the agreement area were placed aboard all registered U.S. vessels fishing off Brazil in June of this year. NMFS representatives visited fishing ports in the Guianas and assisted plant personnel with instructing vessel captains in procedures for entering catch and other fishing information in the logbooks. Logbook returns for the first 2 months (July and August) were sketchy as we expected, but began to improve in September. We are satisfied that good progress is being made in keeping and submitting logbooks. Another training and assistance visit by NMFS personnel to landing ports in the Guianas and Trinidad is planned before the next shrimp season opens on March 1, 1973.