

CANADA

TREATY SERIES, 1944

No. 31

Signed at Ottawa, November 17, 1944

AGREEMENT

BETWEEN

CANADA AND INDIA

ON THE PRINCIPLES APPLYING TO THE
PROVISION BY CANADA OF CANADIAN
WAR SUPPLIES TO INDIA UNDER THE
WAR APPROPRIATION (UNITED
NATIONS MUTUAL AID) ACTS
OF CANADA, 1943 AND 1944

Signed at Ottawa, November 17, 1944

In Force November 17, 1944



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

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OTTAWA
PRINTED AND BOUND BY THE
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**AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND INDIA
ON THE PRINCIPLES APPLYING TO THE PROVISION BY
CANADA OF CANADIAN WAR SUPPLIES TO INDIA UNDER THE
WAR APPROPRIATION (UNITED NATIONS MUTUAL AID)
ACTS OF CANADA, 1943 AND 1944**

Signed at Ottawa, November 17, 1944

Whereas Canada and India are associated in the present war, and

Whereas it is desirable that war supplies should be distributed among the United Nations in accordance with strategic needs of the war and in such manner as to contribute most effectively to the winning of the war and the establishment of peace, and

Whereas it is expedient that the conditions upon which such war supplies are made available by one United Nation to another should not be such as to burden post-war commerce, or lead to the imposition of trade restrictions or otherwise prejudice a just and enduring peace, and

Whereas the Governments of Canada and India are mutually desirous of concluding an agreement in regard to the conditions upon which Canadian war supplies will be made available to India,

The Undersigned, being duly authorized by their respective Governments for the purpose, have agreed as follows:—

ARTICLE I

The Government of Canada will make available under the War Appropriation (United Nations Mutual Aid) Acts of Canada, 1943 and 1944, to the Government of India such war supplies as the Government of Canada shall authorize from time to time to be provided.

ARTICLE II

The Government of India will continue to contribute to the defence of Canada and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply and as may from time to time be determined by common agreement in the light of the development of the war.

ARTICLE III

The Government of India will, in support of any applications to the Government of Canada for the provision of war supplies under this agreement, furnish the Government of Canada with such relevant information as the Government of Canada may require for the purpose of deciding upon the applications and for executing the purposes of this agreement.

ARTICLE IV

The Government of India agrees to use any war supplies delivered to it under this agreement in the joint and effective prosecution of the war.

ARTICLE V

The Government of India will not without the consent of the Government of Canada sell to any other Government or to persons in other countries war supplies delivered to it under this agreement.

ARTICLE VI

The Government of Canada will not require the Government of India to re-deliver to the Government of Canada any war supplies delivered under this agreement except as specifically provided in Articles VII and VIII and subject to any special agreement which may be concluded in the circumstances contemplated in Article IX.

ARTICLE VII

Title to any cargo ships delivered under this agreement will remain with the Government of Canada and the ships shall be chartered to the Government of India on terms providing for their re-delivery.

ARTICLE VIII

Upon the cessation of hostilities in any major theatre of war, any war supplies which have been transferred to the Government of India under this agreement and are still in Canada or in ocean transit shall revert to Canadian ownership, except those supplies destined for a theatre of war in which hostilities have not ceased or supplies made available for relief purposes or such other supplies as the Government of Canada may specify.

ARTICLE IX

The Government of Canada reserves the right to request:

(a) the delivery, after the cessation of hostilities in any theatre of war, for relief and rehabilitation purposes, to another United Nation or to an international organization, of automotive equipment supplied under this agreement;

(b) the transfer to Canadian forces serving outside Canada after the cessation of hostilities of vehicles, aircraft, ordnance or military equipment supplied under this agreement to the Government of India if such war supplies are required for the use of such Canadian forces and are not required by the Government of India for military operations; and

(c) the return to Canada after the war, if required in Canada for Canadian purposes, of aircraft and automotive equipment supplied under this agreement which may still be serviceable, due regard being had to the degree of wastage likely to have been suffered by these articles, provided that when the identity of such Canadian equipment has been lost as a result of pooling arrangements or for other reasons, the Government of India may substitute equipment of a similar type.

The Government of India agrees to use its best endeavours to meet any such requests on such reasonable terms and conditions as shall be settled in consultation with the Government of Canada.

ARTICLE X

The Governments of Canada and India re-affirm their desire to promote mutually advantageous economic relations between their countries and throughout the world. They declare that their guiding purposes include the adoption of



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measures designed to promote employment, the production and consumption of goods, and the expansion of commerce through appropriate international agreements on commercial policy, with the object of contributing to the attainment of all the economic objectives set forth in the Declaration of August 14th, 1941, known as the Atlantic Charter.

ARTICLE XI

This agreement will take effect as from this day's date. It shall apply to war supplies furnished to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Acts of Canada, 1943 and 1944, or substituted Act, including supplies furnished under the said Acts before the conclusion of this agreement. It shall continue in force until a date to be agreed upon by the two Governments.

Dated at Ottawa, this seventeenth day of November, nineteen hundred and forty-four.

*Signed for and on behalf of
the Government of Canada:*

W. L. MACKENZIE KING,
C. D. HOWE.

*Signed for and on behalf of
the Government of India:*

G. S. BAJPAI,
AGENT GENERAL FOR INDIA IN
THE UNITED STATES OF AMERICA

(Seal)

Signé à Ottawa le 17 novembre 1944

En vigueur le 17 novembre 1944



OTTAWA
EDMOND CLOUTIER, C.M.G., P.A., L.P.C.
IMPRIMEUR DU ROI ET CONTRÔLEUR DE LA PAPERONNIE

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measures designed to promote employment, the production and consumption of goods and the expansion of commerce through amicable international relations, all commercial policy, with the object of contributing to the attainment of all the economic objectives set forth in the Declaration of Atlantic 1941, known as the Atlantic Charter.

ARTICLE XI

This Agreement will take effect as from this day's date. It shall apply to war supplies furnished to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement. It shall continue in force until a date to be agreed upon by the two Governments.

Dated at Ottawa, this seventeenth day of November, nineteen hundred and thirty-eight, and at New Delhi, this seventeenth day of November, nineteen hundred and thirty-eight, and at London, this seventeenth day of November, nineteen hundred and thirty-eight.

Signed for and on behalf of the Government of Canada:

W. J. MACKENZIE KING
C. D. HOWE

Signed for and on behalf of the Government of India:

G. S. BALABAI

AGENT GENERAL FOR INDIA IN THE UNITED STATES OF AMERICA

The Government of Canada agrees to transfer to the Government of India the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.

The Government of India agrees to transfer to the Government of Canada the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.

The Government of Canada agrees to transfer to the Government of India the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.

The Government of India agrees to transfer to the Government of Canada the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.

The Government of Canada agrees to transfer to the Government of India the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.

ARTICLE X

The Government of Canada and the Government of India agree to transfer to the Government of India the right of disposal of the stocks of war supplies which have been transferred to the Government of India by the Government of Canada under the authority of the War Appropriation (United Nations Mutual Aid) Act of Canada, 1943 and 1944 or substituted Act including supplies furnished under the said Acts before the conclusion of this agreement.