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BRITISH EMBASSY

Mexico City, 29th February, 1944.

EXCHANGE OF NOTES

(February 29, 1944)

BETWEEN

CANADA AND MEXICO

RECORDING AN AGREEMENT IN RESPECT OF THE
CONSCRIPTION FOR MILITARY SERVICE
IN CANADA AND IN MEXICO

In Force February 29, 1944



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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Canada and Newfoundland Governments shall be borne equally by them. A claim made against a person in the service of the Government of Canada or of the Government of Newfoundland, shall, for the purposes of this paragraph, be deemed to be a claim made against that Government if such Government assumes responsibility and not otherwise.

I shall be glad if you will inform me whether the Government of Newfoundland agree to an arrangement on this basis. If so, this note and your reply to that effect will constitute an Agreement between our two Governments which will continue in force in respect of all accidents which may occur prior to the expiration of three months from the date on which either of the two Governments gives notice to the other of its intention to terminate the Agreement.

EXCHANGE OF NOTES

J. BURCHELL,
High Commissioner for Canada.

SUMMARY

	PAGE
I. Note, dated February 29, 1944, from the British Ambassador to Mexico, to the Mexican Minister of Foreign Affairs	3
II. Note, dated February 29, 1944, from the Mexican Minister of Foreign Affairs, to the British Ambassador to Mexico (in Spanish)	4
Translation	5



faithfully,
L. E. EMERSON,
Minister for Justice and Defence

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EXCHANGE OF NOTES (FEBRUARY 29, 1944) BETWEEN CANADA AND MEXICO RECORDING AN AGREEMENT IN RESPECT OF THE CONSCRIPTION FOR MILITARY SERVICE IN MEXICO AND IN CANADA.

I

*The British Ambassador to Mexico
to the Mexican Minister of Foreign Affairs*

BRITISH EMBASSY

Mexico City, 29th February, 1944.

No. 25

Your Excellency,

I have the honour to inform Your Excellency that I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to propose, on behalf of the Government of Canada, that the Government of Canada on the one hand, and the Government of Mexico on the other, should conclude an agreement, in the following terms, in respect of the conscription for military service of Canadian nationals in Mexico and Mexican nationals in Canada:

1. Neither Government shall send a notice of conscription to a national of the other country, residing in its territory, without transmitting, to the appropriate authority of the other Government, two months' notice of intention to call the said national for military service. In the case of Canada, the appropriate authority shall be His Majesty's Representative in Mexico; and, in the case of Mexico, the appropriate authority shall be the Mexican Consul-General at Montreal.
2. The authority receiving such notice shall inform the national of the country concerned of the intention to call him for military service. He shall also inform the said national that he will be granted the privilege of applying for a permit to leave the country at any time prior to the transmission of the notice of conscription.
3. The two Governments undertake to grant the exit permit before the notice of conscription is mailed.
4. In no case shall the application for an exit permit constitute an obstacle to the subsequent return of the person in question after the conclusion of the present war.
5. In any case where a person fails to avail himself of the opportunity to obtain an exit permit, he shall be liable for compulsory military service in accordance with the provisions of the law of Canada or of the law of Mexico, as the case may be.
6. After the termination of the above-mentioned period of two months, there shall be no obligation on the part of either Government to grant an exit permit.
7. The Government of Canada undertake to furnish the Government of Mexico with full information concerning any person to whom an exit permit has been granted in accordance with this agreement; and the Government of Mexico, for their part, undertake to furnish similar information to the Government of Canada.

8. This agreement shall in no way affect the position of persons who have been conscribed in Mexico or in Canada or who have joined the forces of Canada or Mexico prior to the date on which the Agreement comes into force.

II. In the event of this proposal being agreeable to the Government of Mexico, I would suggest that this note and Your Excellency's reply to that effect be regarded as constituting an agreement between the contracting Governments in this matter, with effect from the date of your note in reply. This agreement shall remain in force until six months after the conclusion of the present war, at which date it shall automatically expire.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

C. H. BATEMAN

II

*The Mexican Minister of Foreign Affairs
to the British Ambassador to Mexico*

SECRETARIA DE RELACIONES EXTERIORES

México, D.F., 29 de febrero de 1944.

No. 51637

Señor Ministro:

Tengo la honra de acusar recibo a Vuestra Excelencia de su atenta nota número 25, fechada el día de hoy, en la cual se ha servido proponer a mi Gobierno, en nombre del de Canadá, la celebración de un Convenio respecto a la conscripción para el Servicio Militar de nacionales mexicanos residentes en Canadá y de nacionales canadenses residentes en México, cuyos términos serían los siguientes:

1. Ninguno de los dos Gobiernos enviará aviso de conscripción a un nacional del otro país, residente en su territorio, sin haber comunicado, con dos meses de anticipación, a las autoridades correspondientes del otro Gobierno, su intención de llamar a dicho nacional al Servicio Militar. En el caso del Canadá, la autoridad correspondiente será el Representante de Su Majestad en México; y, en el caso de México, la autoridad correspondiente será el Cónsul General de México en Montreal.
2. La autoridad que reciba dicha comunicación hará conocer al nacional del país de que se trata, la intención que tiene de llamarlo para el Servicio Militar. También hará saber a dicho nacional que le será concedido el privilegio de solicitar un permiso para salir del país en cualquier tiempo anterior a la transmisión del aviso de conscripción.
3. Los dos Gobiernos se comprometen a otorgar el permiso de salida antes de que el aviso de conscripción sea puesto en el Correo.
4. En ningún caso la solicitud para un permiso de salida será un obstáculo para el regreso posterior de la persona de que se trate, después de la terminación de la presente guerra.
5. En cualquier caso en que una persona deje de aprovechar la oportunidad de obtener un permiso de salida, quedará sujeta al Servicio Militar obligatorio, de acuerdo con las disposiciones de la Ley del Canadá o de la Ley de México, según sea el caso.
6. Después de terminado el período de dos meses arriba mencionado, no habrá obligación por parte de ninguno de los dos Gobiernos de conceder un permiso de salida.

7. El Gobierno del Canadá se compromete a proporcionar al de México informes completos respecto a cualquier persona a la que se haya concedido un permiso de salida de acuerdo con este Convenio; y el Gobierno de México, por su parte, se compromete a proporcionar informes semejantes al Gobierno del Canadá.

8. Este Convenio no afectará en modo alguno la posición de personas que hayan sido conscriptas en México o en Canadá o que se hayan unido a las Fuerzas de Canadá o México, con anterioridad a la fecha en la que el Convenio entre en vigor.

Vuestra Excelencia se sirve sugerir que, en el caso de que las bases anteriores sean aceptadas por mi Gobierno, la atenta nota a que me refiero y mi respuesta a ella sean consideradas como constituyendo un Convenio sobre este asunto, entre los dos Gobiernos, Convenio que surtirá efectos a partir de la fecha de mi nota de respuesta y quedará en vigor hasta seis meses después de la terminación de la presente guerra, fecha en la cual expirará automáticamente.

En debida resquesta, tengo la honra de comunicar a Vuestra Excelencia que mi Gobierno acepta celebrar con el de Canadá el Convenio que se ha servido proponerle y está de acuerdo con las bases transcritas, por lo que, en consecuencia, con la nota de Vuestra Excelencia y esta respuesta a ella lo considera celebrado.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia la seguridad de mi más alta y distinguida consideración.

E. PADILLA

(Translation)

MINISTRY OF FOREIGN AFFAIRS

Mexico, 29th February, 1944.

No. 51637

Sir,

I have the honour to acknowledge the receipt of Your Excellency's note No. 25 of today's date in which you were good enough to propose to my Government, on behalf of the Government of Canada, the conclusion of an agreement in respect of the conscription for military service of Mexican nationals residing in Canada and Canadian nationals residing in Mexico, the terms of which should be the following:

1. Neither Government shall send a notice of conscription to a national of the other country residing in its territory without transmitting, to the appropriate authority of the other government, two months' notice of intention to call the said national for military service. In the case of Canada, the appropriate authority shall be His Majesty's Representative in Mexico; and, in the case of Mexico, the appropriate authority shall be the Mexican Consul-General at Montreal.

2. The authority receiving such notice shall inform the national of the country concerned of the intention to call him for military service. He shall also inform the said national that he will be granted the privilege of applying for a permit to leave the country at any time prior to the transmission of the notice of conscription.

3. The two Governments undertake to grant the exit permit before the notice of conscription is mailed.

4. In no case shall the application for an exit permit constitute an obstacle to the subsequent return of the person in question after the conclusion of the present war.

5. In any case where a person fails to avail himself of the opportunity to obtain an exit permit, he shall be liable for compulsory military service in accordance with the provisions of the law of Canada or of the law of Mexico, as the case may be.

6. After the termination of the above-mentioned period of two months, there shall be no obligation on the part of either Government to grant an exit permit.

7. The Government of Canada undertake to furnish the Government of Mexico with full information concerning any person to whom an exit permit has been granted in accordance with this agreement; and the Government of Mexico, for their part, undertake to furnish similar information to the Government of Canada.

8. This agreement shall in no way affect the position of persons who have been conscribed in Mexico or in Canada or who have joined the forces of Canada or Mexico prior to the date on which the Agreement comes into force.

Your Excellency is good enough to suggest that, in the event of the foregoing proposals being accepted by my Government, the note under reference and my reply thereto shall be regarded as constituting an agreement between the two Governments in this matter, with effect from the date of my note in reply, and that it shall remain in force until six months after the conclusion of the present war, at which date it shall automatically expire.

In reply, I have the honour to inform Your Excellency that my Government are prepared to conclude with the Government of Canada the agreement which you were good enough to propose and accept the proposals put forward. The agreement therefore is regarded as concluded by Your Excellency's note and this reply thereto.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

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