

CANADA

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TREATY SERIES, 1945

No. 4

EXCHANGE OF NOTES

(February 9, 1945)

BETWEEN

CANADA AND BRAZIL

RECORDING AN

AGREEMENT RELATING TO  
MILITARY SERVICE

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In Force February 9, 1945



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EXCHANGE OF NOTES

(February 9, 1945)

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MILITARY SERVICE

W. L. ...  
Secretary of State for External Affairs

In Force February 9, 1945



EDWARD GEORGE CUMBA  
CHIEF OF THE PRINTING AND LITHOGRAPHING DEPARTMENT

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**EXCHANGE OF NOTES (FEBRUARY 9, 1945) BETWEEN CANADA AND  
BRAZIL RECORDING AN AGREEMENT RELATING TO MILITARY  
SERVICE.**

I

*The Canadian Ambassador to Brazil  
to the Acting Foreign Minister of Brazil*

CANADIAN EMBASSY

Rio de Janeiro, February 9, 1945.

No. 8

SIR,

I have the honour to refer to our previous discussions regarding certain problems affecting Brazilians serving in the Canadian armed forces or assisting in some other manner the war effort of Canada, and Canadians serving in the Brazilian armed forces or contributing in some other way to the war effort of Brazil.

In this connection, I have the honour to inform Your Excellency that, desirous of rendering more effective the military and political collaboration with Brazil and, further, having in view the fact that the objectives of the common struggle in which Canada and Brazil, together with the other United Nations, are engaged, are not limited to the individual interests of individual nations but include also the defence of civilization and the preservation of ideals common to the people of all the United Nations, the Government of Canada considers it desirable and opportune to conclude an agreement as follows:—

I—Brazilian citizens in Canada and Canadian nationals in Brazil are authorized to perform for the Governments of Canada and Brazil respectively military service or any other public service connected with their war effort.

II—The authorization mentioned in the preceding article, in view of the motives inspiring it and reasons of equity, will have retroactive effect, being thus applicable to all Brazilians who since the 10th September 1939 have been or are still serving in the armed forces of Canada; similarly, this authorization will apply to all Canadian nationals who since the 1st August 1942 have been or are incorporated in the Brazilian armed forces. The performance of public service connected with the war effort of either country shall be considered equal to the performance of military service.

III—Brazilians who have effectively served in the armed forces of Canada will be entitled in Brazil to certificate of compliance with military service; similarly, the Canadian Government will furnish Canadian nationals who under the provisions of this agreement have effectively served in the armed forces of Brazil with a similar document whenever the interested person so requests.

IV—A period of two years from the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy shall be granted to interested persons to obtain the certificates referred to in Article III.

V—The Government of Canada and the Brazilian Government undertake to exchange regularly through the intermediary of their Diplomatic Missions lists with all necessary information of the nationals of the other country who are in the situation provided for in the preceding articles.

VI—The present agreement will enter into force on this date and remain in force until one year after the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy.

This present note and Your Excellency's reply thereto, if the proposals are acceptable, will be considered as placing on formal record the understanding between the two Governments on this matter.

I avail myself of the opportunity of renewing to Your Excellency the assurance of my highest consideration.

JEAN DÉSY,  
Canadian Ambassador.

## II

*The Acting Foreign Minister of Brazil  
to the Canadian Ambassador*

MINISTÉRIO DAS RELAÇÕES EXTERIORES

Rio de Janeiro, em 9 de fevereiro de 1945.

DPP/DAI/5/522.2(21)

SENHOR EMBAIXADOR,

Tenho a honra de acusar recebimento da nota no. 8 de 9 do mês corrente, na qual Vossa Excelência se refere à situação dos brasileiros servindo nas forças armadas canadenses e dos canadenses servindo nas forças armadas brasileiras, ou cooperando, uns e outros, por qualquer outra maneira, no esforço de guerra de ambos os países.

2. A êste respeito, manifesta Vossa Excelência o desejo do Governo do Canadá de concluir um acôrdo com o Governo brasileiro, visando não só tornar mais eficaz a colaboração militar e política com o Brasil, como também a circunstância de que os objetivos da luta comum em que ambos se acham empenhados, conjuntamente com as demais Nações Unidas, não se limitam aos interesses individuais de cada nação, mas abrangem também a defesa da civilização e a preservação de ideais comuns aos povos de todas as Nações Unidas.

3. Dentro dessa ordem de idéias, propõe Vossa Excelência a conclusão de um acôrdo nas seguintes bases:

I—Os cidadãos brasileiros no Canadá e os súditos canadenses no Brasil ficam autorizados a prestar aos Governos do Canadá e do Brasil, respectivamente, serviço militar ou qualquer outro serviço publico ligado a seu esforço de guerra.

II—A autorização de que trata o artigo anterior, dados os motivos que a inspiram e as razões de equidade, terá efeitos retroativos, beneficiando assim a todos os brasileiros que, a partir de 10 de setembro de 1939, tenham estado ou estejam ainda engajados nas forças armadas do Canadá; do mesmo modo, aproveitará essa autorização a todos os súditos canadenses que, a partir de 1° de agosto de 1942, tenham estado ou estejam incorporados às forças armadas brasileiras. A prestação do serviço militar é equiparado o desempenho de serviço público conexo ao esforço de guerra de ambos os países.

III—Os brasileiros que tiverem efetivamente servido nas forças armadas do Canadá terão direito, no Brasil, a certificado de quitação com o serviço militar; do mesmo modo, aos súditos canadenses que, nas condições deste Acôrdo, tiverem efetivamente servido nas forças armadas do Brasil, fornecerá o Govêrno do Canadá documento semelhante, sempre que o solicite o interessado.

IV—Para obtenção dos certificados a que se refere o artigo III, será concedido aos interessados o prazo de dois anos a partir da definitiva cessação da guerra em que o Canadá e o Brasil se acham empenhados contra o inimigo comum.

V—O Govêrno do Canadá e o Govêrno brasileiro obrigam-se a remeter regularmente, por intermédio de suas Missões diplomáticas, as listas, devidamente informadas, dos nacionais do outro país que se encontram nas situações previstas pelos artigos anteriores.

VI—O presente Acôrdo entrará em vigor nesta data e vigorará até um ano após a definitiva cessação da guerra em que o Canadá e o Brasil se acham empenhados contra o inimigo comum.

4. Acrescenta, por fim, Vossa Excelência que no caso de ser aceita a sua proposta, tanto a nota de Vossa Excelência acima referida, como a presente resposta, valerão como um documento formal de acôrdo, sôbre a matéria, entre os dois Govêrnos.

5. Em resposta, estou autorizado a declarar a Vossa Excelência que o Govêrno brasileiro aceita, com a maior satisfação, a proposta do Govêrno do Canadá, devendo pois considerar-se como efetivamente assentado, neste particular, o acôrdo entre os dois Govêrnos.

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

PEDRO LEÃO VELLOSO.

*Translation*

MINISTRY OF EXTERNAL RELATIONS

Rio de Janeiro, February 9, 1945.

DPP/DAI/5/522.2(21)

MONSIEUR L'AMBASSEUR,

I have the honour to acknowledge receipt of the note number 8 of the 9th instant in which Your Excellency refers to the situation of Brazilians serving in the Canadian armed forces and of Canadians serving in the Brazilian armed forces or co-operating respectively in some other way in the war effort of either country.

2. In this respect, Your Excellency has indicated the desire of the Government of Canada to conclude an agreement with the Brazilian Government with a view not only to rendering more effective the military and political co-operation with Brazil, as also by the circumstance that the objectives of the common struggle in which the two countries are engaged together with the other United Nations are not limited to the individual interests of each nation but include also the defence of civilization and the preservation of ideals common to the peoples of all the United Nations.



3. In accordance with these ideas Your Excellency proposes the conclusion of an agreement on the following basis:

I—Brazilian citizens in Canada and Canadian nationals in Brazil are authorized to perform for the Governments of Canada and Brazil respectively military service or any other public service connected with their war effort.

II—The authorization mentioned in the preceding article, in view of the motives inspiring it and reasons of equity, will have retroactive effect, being thus applicable to all Brazilians who since the 10th September, 1939 have been or are still serving in the armed forces of Canada; similarly, this authorization will apply to all Canadian nationals who since the 1st August, 1942 have been or are incorporated in the Brazilian armed forces. The performance of public service connected with the war effort of either country shall be considered equal to the performance of military service.

III—Brazilians who have effectively served in the armed forces of Canada will be entitled in Brazil to certificate of compliance with military service; similarly, the Canadian Government will furnish Canadian nationals who under the provisions of this agreement have effectively served in the armed forces of Brazil with a similar document whenever the interested person so requests.

IV—A period of two years from the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy shall be granted to interested persons to obtain the certificates referred to in Article III.

V—The Government of Canada and the Brazilian Government undertake to exchange regularly through the intermediary of their Diplomatic Missions lists with all necessary information of the nationals of the other country who are in the situation provided for in the preceding articles.

VI—The present agreement will enter into force on this date and remain in force until one year after the definitive cessation of the war in which Canada and Brazil are engaged against their common enemy.

4. Your Excellency adds finally that in the event of the proposal being accepted, Your Excellency's note referred to above, together with the present reply, will have the force of a formal document of agreement on the question between the two Governments.

5. In reply I am authorized to declare to Your Excellency that the Brazilian Government accepts with the greatest satisfaction the proposal of the Government of Canada, considering thus effectively concluded in this particular the agreement between the two Governments.

I take the opportunity to renew to Your Excellency the assurance of my highest consideration.

PEDRO LEÃO VELLOSO.