

UNITED STATES OF AMERICA
and
BRAZIL

Echange of Notes constituting an Agreement amending and extending the Naval Mission Agreement of 7 May 1942, Washington, 3, 18 January and 21 March 1946 and Exchange of Notes constituting an Agreement further amending the said Naval Mission Agreement, Washington, 2 May, 8 June, 10 August and 17 September 1946

The Agreement effected by the exchange of notes of 3, 18 January and 21 March 1946 came into force on 21 March 1946, and became effective beginning 7 May 1946, in accordance with the terms thereof.

The Agreement effected by the exchange of notes of 2 May, 8 June, 10 August and 17 September 1946 came into force on 17 September 1946.

English and Portuguese official texts communicated by the United States Representative to the United Nations. The registration took place on 11 August 1947.

ETATS-UNIS D'AMERIQUE
et
BRESIL

Echange de notes constituant un accord modifiant et prorogeant l'accord du 7 mai 1942, relatif à une mission navale, Washington, 3, 18 janvier et 21 mars 1946 et échange de notes constituant un accord modifiant à nouveau ledit accord relatif à une mission navale, Washington, 2 mai, 8 juin, 10 août et 17 septembre 1946

L'Accord intervenu par l'échange des notes des 3, 18 janvier et 21 mars 1946 est entré en vigueur le 21 mars 1946, et, suivant ses termes, a produit effet à partir du 7 mai 1946.

L'Accord intervenu par l'échange des notes des 2 mai, 8 juin, 10 août et 17 septembre 1946 est entré en vigueur le 17 septembre 1946.

Textes officiels anglais et portugais communiqués par le représentant des Etats-Unis auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 11 août 1947.

No. 91. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND BRAZIL AMENDING AND EXTENDING THE NAVAL MISSION AGREEMENT OF 7 MAY 1942. WASHINGTON, 3, 18 JANUARY AND 21 MARCH 1946

No. 1

PORTUGUESE TEXT — TEXTE PORTUGAIS

The Brazilian Ambassador to the Secretary of State

EMBAIXADA DOS ESTADOS UNIDOS DO BRASIL

Washington, em 3 de janeiro de 1946

Senhor Secretário de Estado,

Devendo terminar em 7 de Maio de 1946 o contrato da Missão Naval dos Estados Unidos no Brasil, solicito de Vossa Excelência o obséquio de suas providências, junto às autoridades competentes, afim de que o referido contrato seja prorrogado pelo prazo de mais quatro anos.

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

Carlos MARTINS PEREIRA E SOUSA

A Sua Excelência o Senhor James F. Byrnes
Secretário de Estado dos Estados Unidos da América

TRANSLATION¹ — TRADUCTION¹

EMBASSY OF THE UNITED STATES OF BRAZIL

Washington, January 3, 1946

Mr. Secretary of State:

In as much as the Agreement for the United States Naval Mission in Brazil is due to expire May 7, 1946, I respectfully request Your Excellency to use your good offices with the proper authorities to the end that the said Agreement may be extended for a period of four more years.

I avail myself to this opportunity to renew to Your Excellency the assurances of my highest consideration.

Carlos MARTINS PEREIRA E SOUSA

His Excellency James F. Byrnes
Secretary of State of the United States of America

¹ Translation by the Department of State of the United States of America.

¹ Traduction du Département d'Etat des Etats-Unis d'Amérique.

No. 2

The Acting Secretary of State to the Brazilian Ambassador

DEPARTMENT OF STATE

Washington, Jan. 18 1946

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of January 3, 1946 in which you convey the request of your Government for the renewal of the Agreement entered into on May 7, 1942, between the Governments of the United States of America and the Republic of Brazil,¹ providing for the assignment of a United States Naval Mission to Brazil.

I note that Your Excellency's Government desires to renew this agreement for a period of four years, the renewal to commence upon the termination of the present agreement on May 7, 1946, and I am pleased to inform Your Excellency that this arrangement is agreeable to this Government, provided the agreement is so amended as to include the following language as an additional article to the basic agreement:

"The members of this Mission are permitted and may be authorized to represent the United States of America on any commission and in any other capacity having to do with military cooperation or hemispheric defense without prejudice to this contract."

I shall appreciate it if Your Excellency will inform me whether the suggested amendment is acceptable to the Brazilian Government.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:
Spruille BRADEN

His Excellency Carlos Martins
Ambassador of Brazil

No. 3

PORTUGUESE TEXT — TEXTE PORTUGAIS

The Brazilian Ambassador to the Secretary of State

EMBAIXADA DOS ESTADOS UNIDOS DO BRASIL

Washington, em 21 de março de 1946

Senhor Secretário de Estado,

Tenho a honra de acusar o recebimento da nota de 18 de janeiro do corrente ano, pela qual Vossa Excelência comunicou-me que Govêrno norte-americano

¹ United Nations, *Treaty Series*, volume 6, page 377.

concorda em prorrogar por um período de quatro anos, a começar de 7 de maio de 1946, o contrato da Missão Naval dos Estados Unidos no Brasil, desde que seja incluído no mesmo o seguinte artigo adicional:

“Os membros desta Missão ficam capacitados e podem ser autorizados a representar os Estados Unidos da América em qualquer comissão ou capacidade que se relacione com a cooperação militar ou defesa do Hemisfério, sem prejuízo deste contrato.”

2. Em resposta, levo ao conhecimento de Vossa Excelência que o Governo do Brasil concorda com a inclusão do artigo adicional acima mencionado.

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

Carlos MARTINS PEREIRA E SOUSA

A Sua Excelência o Senhor James F. Byrnes
Secretário de Estado dos Estados Unidos da América

TRANSLATION¹ — TRADUCTION¹

EMBASSY OF THE UNITED STATES OF BRAZIL

Washington, March 21, 1946

Mr. Secretary of State:

I have the honor to acknowledge receipt of the note of January 18 of the current year by which Your Excellency informed me that United States Government concurs in extending for a period of four years, beginning on May 7, 1946, the Naval Mission Agreement between the United States of America and Brazil, after the following additional article has been included in the same:

“The members of this Mission are enabled and may be authorized to represent the United States of America on any board or in any capacity which pertains to military cooperation or defense of the Hemisphere, without prejudice to this agreement.”

2. In reply, I inform Your Excellency that the Government of Brazil concurs in the inclusion of the additional article mentioned above.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Carlos MARTINS PEREIRA E SOUSA

His Excellency James F. Byrnes
Secretary of State of the United States of America

¹ Translation by the Department of State of the United States of America.

¹ Traduction du Département d'Etat des Etats-Unis d'Amérique.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT FURTHER AMENDING THE NAVAL MISSION AGREEMENT OF 7 MAY 1942. WASHINGTON, 2 MAY, 8 JUNE, 10 AUGUST AND 17 SEPTEMBER 1946

No. 1

PORTUGUESE TEXT — TEXTE PORTUGAIS

The Brazilian Ambassador to the Secretary of State

EMBAIXADA DOS ESTADOS UNIDOS DO BRASIL

URGENTE

Washington, em 2 de maio de 1946

Senhor Secretário de Estado,

Em aditamento à minha nota no. 61, de 21 de março último, sobre a renovação do contrato da Missão Naval Americana no Brasil, tenho a honra de levar ao conhecimento de Vossa Excelência que o Governo brasileiro desejaria que, nas cláusulas do contrato a entrar em vigor no dia 7 do corrente mês, fossem feitos alguns acréscimos e alterações no sentido de:

a) Estabelecer que os oficiais da Missão possam trabalhar junto aos Estados Maiores das Forças Navais ou nos diversos Departamentos da Marinha, sempre que a sua experiência técnico-profissional se fizer necessária em tais comissões;

b) Modificar o Capítulo I, Artigo 2, do atual contrato, acrescentando um novo período assim redigido:

“No caso de serem designados membros da Missão Naval com o fim de familiarizar a Marinha do Brasil no emprego de equipamento ou métodos especiais, poderá o Governo dos Estados Unidos removê-los sem substituí-los, ao finalizarem as tarefas especiais para as quais foram designados.”

c) Modificar o Capítulo IV, Artigo 4 do atual contrato, alterando o último período que deverá ter a seguinte redação:

“No caso de pessoal que, a pedido do Ministro da Marinha do Brasil, possa vir a ser designado como membro da Missão com o fim de familiarizar a Marinha do Brasil no emprego de equipamento ou métodos especiais, como disposto no Capítulo I, Artigo 2, o pagamento de despesas para o transporte das famílias, objetos domésticos e automóveis, não estará sujeito a êste contrato, mas será determinado por entendimento entre o Representante da Marinha dos Estados Unidos e o Representante autorizado do Ministério da Marinha do Brasil, em Washington, na época em que for, de comum acôrdo, feita a escolha do pessoal para tal serviço.”

- 1 Sub-Oficial Motorista com conhecimento de frigoríficos
- 1 Sub-Oficial de Caldeiras com conhecimento de Caldeiras de alta pressão
- 1 Sub-Oficial de Máquinas com conhecimento de turbinas a vapor
- 1 Sub-Oficial Eletricista com conhecimento de giroscópicas e comunicações internas
- 1 Sub-Oficial especializado em canalização e controle de avarias
- 1 Sub-Oficial Artilheiro ou Chefe de Torre com conhecimento de organização e treinamento de guarnições de canhões e conservação de suas respectivas baterias
- (x) 1 Sub-Oficial para os serviços da Secretaria da Missão Naval
- 1 Sub-Oficial para os serviços da Secretaria da Escola de Guerra Naval
- 1 Sub-Oficial para a Diretoria do Ensino Naval

11 Total de Sub-Oficiais.

Os Oficiais e Sub-Oficiais marcados com (x) já se encontram no Brasil.

6. Muito agradeceria a Vossa Excelência o obséquio de me informar se o Governo americano concorda com o que propõe o Governo brasileiro, e foi exposto por mim nesta nota, no tocante aos acréscimos e alterações nas cláusulas do contrato da Missão Naval e também quanto à constituição de seu efetivo.

7. Finalmente, comunico a Vossa Excelência que o Governo brasileiro nada tem a opôr à sugestão feita pela Missão Naval Americana sôbre o restabelecimento da cláusula que figurava nos contratos anteriores ao vigente, segundo a qual eram concedidos aos membros da Missão os mesmos direitos e privilégios de que gozam os representantes diplomáticos de categoria correspondente acreditados no Brasil.

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

Carlos MARTINS PEREIRA E SOUSA

A Sua Excelência o Senhor James F. Byrnes
Secretário de Estado dos Estados Unidos da América

TRANSLATION¹ — TRADUCTION¹

EMBASSY OF THE UNITED STATES OF BRAZIL

URGENT

Washington, May 2, 1946

Mr. Secretary of State:

Supplementary to my note No. 61, of March 21 last, concerning the renewal of the Naval Mission Agreement between the United States of America and

¹ Translation by the Department of State of the United States of America.

¹ Traduction du Département d'Etat des Etats-Unis d'Amérique.

Brazil, I have the honor to inform Your Excellency that the Brazilian Government wishes to have certain additions and alterations inserted in the articles of the Agreement which is to come into force on the seventh of the current month, in order to:

a) Establish the fact that the officers of the Mission may work in conjunction with the Staffs of the Naval Forces or in the various Bureaus of the Navy, whenever their technical and professional experience is required on such commissions;

b) Modify Title I, Article 2, of the present Agreement by the addition of a new sentence, to read as follows:

“In case members of the Naval Mission are appointed for the purpose of familiarizing the Brazilian Navy with the use of special equipment or methods, the United States Government may withdraw them without replacing them, on the completion of the special assignments for which they were appointed.”

c) Modify Title IV, Article 4 of the present agreement, changing the final sentence to read as follows:

“In the case of personnel who, at the request of the Minister of Marine of Brazil, may be appointed as members of the Mission for the purpose of familiarizing the Brazilian Navy with the use of special equipment or methods, as set forth in Title I, Article 2, the payment of expenses for the transportation of families, household effects and automobiles shall not be subject to this agreement, but shall be determined by negotiation between the representative of the United States Navy and the authorized representative of the Ministry of Marine of Brazil in Washington at such time as the choice of the personnel for such duty may be agreed upon.”

2. The changes given in paragraphs *b* and *c*, suggested by the United States Naval Mission, are intended to provide for the need which the Brazilian Navy will have in future for the assistance of personnel of the United States Navy in questions of training, maintenance and supply which will arise during the period in which Brazilian personnel is being familiarized with the new ships and equipment.

3. Although that duty constitutes one of the functions of the United States Naval Mission, in view of the fact that in many cases it will be of a temporary character, it will not be necessary that the personnel assigned to it be included as full members of the Mission for the entire two years of the agreement.

4. However, it will be advisable to assign the personnel who may be appointed to such duties a status which is defined in the agreement, to terminate upon completion of their particular assignments.

5. With regard to the strength of the United States Naval Mission, the Brazilian Government would like for it to be composed of:

a) *Officers*

- (x) 1 chief
- (x) 1 assistant chief
- (x) 1 finance officer
- (x) 1 ordnance officer
- (x) 1 communications officer
- (x) 1 naval construction officer

Officers to serve as Instructors

- (x) 1 officer for the Naval War School
- (x) 1 officer for the Training Center and Instructors' School
- 1 officer for the System of Selection of Subaltern Personnel
- 1 officer for the School for Training Technicians in the repair and maintenance of electronic radio, radar and sound equipment.

Engineer Officers

- 1 boiler officer
- 1 turbine officer
- 1 damage control officer
- 1 torpedo factory officer
- 1 medical officer
- 1 Marine Corps officer
- (x) 2 officers to serve at Staff Headquarters of the Mission.

18 Total number of officers

b) *Petty Officers*

- 1 petty officer specialist in the repair and maintenance of optical equipment
- 1 petty officer torpedoman with experience in submarines
- 1 petty officer motor expert, with a knowledge of refrigerator plants
- 1 petty officer, boiler specialist, with a knowledge of high-pressure boilers
- 1 machinist's mate with a knowledge of steam turbines
- 1 electrician's mate with a knowledge of gyroscopes and internal communications
- 1 petty officer specialist in the localizing and control of damage
- 1 gunner's mate or turret chief with a knowledge of the organization and training of gun crews and the maintenance of their respective batteries
- (x) 1 petty officer to serve at Staff Headquarters of the Mission
- 1 petty officer to serve at the headquarters of the Naval War School
- 1 petty officer to serve in the office of the Director of Naval Instruction

11 Total number of petty officers

The Officers and petty officers marked "(x)" are already in Brazil.

6. I should be very grateful if Your Excellency would be so good as to inform me whether the American Government is in agreement with these proposals of the Brazilian Government, as set forth by me in this note, with reference to the additions and alterations in the articles of the Naval Mission Agreement, and also with reference to the composition of its complement.

7. Lastly, I inform Your Excellency that the Brazilian Government has no objection to the suggestion made by the United States Naval Mission concerning the reestablishment of the clause which appeared in our agreements prior to the one now in force, according to which the members of the Mission were granted the same rights and privileges which are enjoyed by diplomatic representatives of corresponding rank accredited in Brazil.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Carlos MARTINS PEREIRA E SOUSA

His Excellency James F. Byrnes
Secretary of State of the United States of America

No. 2

The Secretary of State to the Brazilian Ambassador

DEPARTMENT OF STATE

Washington, June 8, 1946

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note, no. 98/530.1 (22) dated May 2, 1946, requesting certain modifications to the basic Agreement entered into on May 7, 1942 and extended for a period of four years by an exchange of notes dated January 3 and 18 and March 21, 1946 respectively, which provides for the assignment of a United States Naval Mission to Brazil.

In this connection, I am pleased to inform Your Excellency that the modification of Title IV, Article 4 of the basic Agreement, as suggested in paragraph (c) of Your Excellency's note under reference, is acceptable to the Government of the United States of America provided the Agreement is amended as follows: after the word "appointed" there shall be inserted "for a period of less than six months." The Navy Department is of the opinion that for periods longer than six months, temporary members of the Mission should not, in peacetime, be ordered to duty which would require separation from their families for an exces-

sive length of time. When the services of temporary members are required for longer than six months, they should be entitled to the privileges of the present Agreement.

With regard to the new composition suggested for the Mission, the Navy Department informs the Department it cannot make definite commitments to furnish all the specialized personnel of officers and enlisted men requested, although every effort will be put forth to make them available.

I shall appreciate it if Your Excellency will inform me whether the suggested amendment is acceptable to the Brazilian Government.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
Spruille BRADEN

His Excellency Carlos Martins
Ambassador of Brazil

No. 3

PORTUGUESE TEXT — TEXTE PORTUGAIS

The Brazilian Ambassador to the Acting Secretary of State

EMBAIXADA DOS ESTADOS UNIDOS DO BRASIL

Washington, em 10 de agosto de 1946

Senhor Secretário de Estado,

Em aditamento a minha nota no. 124/530.1(22), de 11 de junho último,¹ relativa ao contrato da Missão Naval Americana no Brasil, tenho a honra de levar ao conhecimento de Vossa Excelência que o Governo brasileiro, atendendo às razões apresentadas pelo Governo americano, concorda com a alteração proposta para a redação do Art. 4, Capítulo IV do referido contrato.

2. Esse artigo passará então a ficar assim redigido:

“No caso de pessoal que, a pedido do Ministro da Marinha do Brasil, possa vir a ser designado, por um período inferior a seis meses, como Membro da Missão, com o fim de familiarizar a Marinha do Brasil no emprego de equipamento ou métodos especiais, como disposto no Capítulo I, Artigo 2, o pagamento de despesas para o transporte das famílias, objetos domésticos e automóveis não estará sujeito a êste contrato, mas será determinado por entendimentos entre o Representante da Marinha dos Estados Unidos e o Representante autorizado do Ministério da Marinha do Brasil em Washington, na época em que fôr, de comum acôrdo, feita a escolha do pessoal para tal serviço”.

¹ Non publiée.

3. Quanto ao efetivo da Missão Naval Americana no Brasil, comunico a Vossa Excelência que o Governo brasileiro estimaria que do mesmo constasse também um "Chief fire Control man" graduado em curso de reparo, no Navy Yard—Washington, D. C., conhecendo profundamente o reparo do sistema Diretor marca XXXIII, os controles à distância, elétrico e hidro-elétrico, marcas 4 e 5 e que tenha também experiência na instalação do equipamento de Artilharia a bordo dos novos Contratorpedeiros.

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

Carlos MARTINS PEREIRA E SOUSA

A Sua Excelência o Senhor Dean Acheson
Sectário de Estado interino dos Estados Unidos da América

TRANSLATION¹ — TRADUCTION¹

EMBASSY OF THE UNITED STATES OF BRAZIL

Washington, August 10, 1946

Mr. Secretary of State:

In supplement to my note No. 124/530.1(22), of June 11 last,² relative to the agreement for the American Naval Mission in Brazil, I have the honor to inform Your Excellency that the Brazilian Government, taking into consideration the reasons given by the American Government, agrees to the proposed change in the wording of Art. 4, Chapter IV, of the said contract.

2. This article shall therefore be worded thus:

"In the case of personnel who, at the request of the Minister of Marine of Brazil, may join the Mission for a period of less than six months for the purpose of instructing the Brazilian Navy in the use of equipment or special methods, as provided in Title I, Art. 2, payment of expenses for the transportation of families, household effects and automobiles shall not be required under this Agreement, but shall be determined by agreement between the representative of the United States Navy and the authorized representative of the Ministry of Marine of Brazil in Washington at such time as the detail of personnel for such duty may be agreed upon."

¹ Translation by the Department of State of the United States of America.

¹ Traduction du Département d'Etat des Etats-Unis d'Amérique.

² Not printed.

3. With respect to the members of the American Naval Mission in Brazil, I communicate to Your Excellency that the Brazilian Government would be gratified if there were among the members a "Chief Fire Control Man" who has passed a course in repairs at the Navy Yard in Washington, D. C., and who is well acquainted with repairs on the Director XXXIII type system, distance control, electric and hydro-electric, types 4 and 5, and who has likewise had experience in the installation of artillery equipment aboard the new destroyers.

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

Carlos MARTINS PEREIRA E SOUSA

His Excellency Dean Acheson
Acting Secretary of State of the United States of America

No. 4

The Acting Secretary of State to the Brazilian Ambassador

DEPARTMENT OF STATE

Washington, Sep. 17, 1946

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note, no. 205/530.1(22) of August 10, 1946, concerning the renewal of the Agreement for the United States Naval Mission to Brazil signed May 7, 1942.

In this connection, I am pleased to note that the extension of the Agreement, with the changes in the wording of Title IV, Article 4, as set forth in your note, is agreeable to your Government.

I am informed that the Navy Department is seeking a Chief Fire Control Man and as soon as a suitable selection is made his name and biographical sketch will be submitted for consideration by your Government.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:
Spruille BRADEN

His Excellency Carlos Martins
Ambassador of Brazil