

No. 20371

BRAZIL
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

**Exchange of notes constituting an arrangement regarding
the interchange of officers of the Royal Navy and the
Brazilian Navy (with annex). Brasília, 23 June 1981**

Authentic texts: English and Portuguese.

Registered by Brazil on 29 August 1981.

BRÉSIL
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

**Échange de notes constituant un arrangement relatif à
l'échange d'officiers de la Royal Navy et de la marine
brésilienne (avec annexe). Brasília, 23 juin 1981**

Textes authentiques : anglais et portugais.

Enregistré par le Brésil le 29 août 1981.

EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT¹
BETWEEN BRAZIL AND THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND REGARDING THE
INTERCHANGE OF OFFICERS OF THE ROYAL NAVY AND
THE BRAZILIAN NAVY

I

BRITISH EMBASSY
BRASÍLIA

23 June 1981

Your Excellency,

I have the honour to refer to the recent negotiations between the competent authorities of Her Majesty's Government and the Federative Republic of Brazil regarding a programme of interchange of officers of the Royal Navy and the Brazilian Navy.

As a result of those negotiations I have the honour to propose to Your Excellency in the name of Her Majesty's Government, an Arrangement on the following terms set out in English, which concur with the annexed text in Portuguese:

Section I. AIM

1. The aim of the exchange programme is to allow equivalent officers of the Royal Navy and the Brazilian Navy an opportunity to gain a deeper insight into training methods applied by each Service, to share practical experience and to establish ties of friendship between members of the two Services. It is also to enable the experience, professional knowledge and doctrine of both Services to be shared to the maximum extent permissible under existing policies of the United Kingdom and Brazil.

Section II. SELECTION AND ELIGIBILITY

2. Officers selected for exchange duty will be those who are well versed in the practices and doctrines of their Service. Eligibility will be based on the following factors:

- a. Individuals' voluntary request to participate in the programme;
- b. A proficiency in the host nation's language;
- c. Acceptance of the individual by the host Service.

Section III. NUMBERS OF OFFICERS AND PERIOD OF EXCHANGE

3. The numbers and ranks of officers to be exchanged and the commencement of such exchange duty will be as mutually arranged between the Brazilian Naval authorities and the Navy Department of the United Kingdom Ministry of Defence. The duration of tours will in general be two (2) years. Tour adjustments will be as mutually decided.

Section IV. DUTIES

4. The host Service will not place exchange officers in duty assignments in which direct hostilities with forces of third states are likely, or in operations which the parent

¹ Came into force on 23 June 1981 by the exchange of the said notes.

Government may not wish to support or be associated with. Should hostilities occur unexpectedly, involving a unit to which exchange officers are assigned, such officers will be withdrawn immediately from their unit by the host Service. In the event of the host country being involved in a war with another power, exchange officers and their dependants will be repatriated as soon as possible.

Section V. ADMINISTRATION AND CONTROL

5. Exchange officers will be administered and controlled as prescribed by the parent Service:

- a. Royal Navy officers on exchange in Brazil will be controlled by the Naval Attaché, British Embassy Brasília;
- b. Brazilian Navy exchange officers in the United Kingdom will be under the command of the Brazilian Naval and Military Attaché, London.

Section VI. JURISDICTION AND STATUS

6. Royal Navy officers on exchange in Brazil will be attached to the staff of the Naval Attaché at the British Embassy Brasília; Brazilian Navy officers in the United Kingdom will be attached to the staff of the Naval and Military Attaché at the Brazilian Embassy, London. The exchange officers will be accorded the same privileges and immunities as the members of the technical and administrative staff of the respective Embassies.

Section VII. COMMAND, DISCIPLINE AND FUNCTIONAL RESPONSIBILITY

7. a. Exchange officers will be responsible to their superiors in the host Navy for the duties attaching to their posts as if they were officers of that force. Exchange officers will have no disciplinary authority over members of the host force nor will members of the host force have such authority over them. They will remain subject to applicable Service law of their own force and not to the Service law of the host force;

b. Exchange officers will be ordered by their parent Navy to comply with instructions or orders given by officers of superior relative rank of the host force provided such orders and instructions would be lawful if given by a member of the Navy to which the exchange officer belongs;

c. Disciplinary proceedings over exchange officers will be conducted by officers of the parent Service; if necessary in the host country.

8. Officers on exchange will be directly responsible to the senior officers in the host Service with which they are working for the execution of the duties entrusted to them.

Section VIII. SECURITY

9. The host Service will authorise exchange officers to have access to such classified information as the employing force consider to be necessary for the efficient performance of their duties. Exchange officers must comply at all times with the security regulations of the host Service.

Section IX. CONFIDENTIAL PERSONAL ASSESSMENTS

10. Confidential reports on exchange officers will be made on the form required by the parent Service. In the case of RN exchange officers, RN Form S.206 will be required to be completed by the individual's immediate superior officer. When completed, these forms will be forwarded to the parent Service through the respective Naval Attaché.

Section X. PROFESSIONAL PROFICIENCIES

11. The host Service will provide necessary training facilities, wherever practicable, so that exchange officers may maintain their professional proficiencies in accordance with the regulations of their parent Service.

Section XI. LEAVE

12. Exchange officers will be granted leave in accordance with the regulations of the parent Service, provided that such leave is also approved by the proper authority of the host Service:

- a. Compassionate leave will be granted in accordance with the regulations of the host Service;
- b. The authorities of the host Service may grant leave to exchange officers on National holidays of the parent Nation. However, exchange officers are not automatically entitled to such leave;
- c. Exchange officers may observe the Public Holidays of the host Service.

Section XII. UNIFORM

13. National dress regulations will remain in force for exchange officers during their stay in the host country.

14. The Order of Dress for any occasion is to be that which most nearly conforms to actual requirements and to the Order of Dress of the host Service. Local Commanding Officers will not issue instructions on the wearing of individual clothing and equipment to exchange officers which cannot be complied with by reason of differences in Dress regulations. Customs of the host Service will be observed with respect to the wearing of civilian clothes.

Section XIII. ACCOMMODATION AND MESSING

15. The host Service may provide family type or single quarters for exchange officers. Charges for such quarters will be made in accordance with the regulations applicable to the host Service. Meals will be available under the same conditions and at the same charges as those applicable to officers of the host Service except for those embarked and for those on Naval Air Stations which will be without charge to the exchange officers and will be paid for by the host Service.

Section XIV. SERVICE SPONSORS

16. Arrangements will be made to ensure that exchange officers will be informed of their rights and obligations prior to their tour of duty with the host Service and that they will be familiarised with the customs and special conditions to be observed in their host country. Each host Service will appoint officers who will provide the exchange officers with assistance and advice in this respect. If possible, these officers will have the same rank as the exchange officers to be assisted and advised. These officers will have an important function, since it will essentially depend on them how rapidly and smoothly the exchange officers and their families are familiarised with the living conditions in the host country.

Section XV. CLAIMS

17. a. Each Government waives any claim it may have for loss of or damage to any of its own property or equipment or for injury or death to any member of its personnel (Service or civilian) caused by exchange officers in the course of their employment;

b. Any claims other than those waived at para. 17a above, arising from the acts or omissions of exchange officers in the course of their employment will be investigated and settled by the host Government when liability in accordance with the law of the host Government is established.

Section XVI. TAXATION

18. Exchange officers will be exempt from taxation by the host country on their Naval pay and emoluments.

Section XVII. FINANCIAL ARRANGEMENTS

19. The parent Navy will assume responsibility for the following allowances and expenses with respect to their exchange officers, in accordance with the regulations of that Navy:

- a. Pay, location and normal allowances, and removal expenses;
- b. Transportation, travel allowances, and other expenditures in connection with travel except as provided in 20(a) below;
- c. Compensation for loss of or damage to uniforms, personal equipment etc. of exchange officers;
- d. Burial and other expenses incident to the death of exchange officers;
- e. Arrange, and pay the costs of, transportation, travel allowances and expenses arising from any permanent move in the host country of exchange officers and their dependants, where the move has been made at the request of, and authorised by, the parent Service in accordance with its own regulations;
- f. The costs of transportation, including travelling allowances and expenses and conveyance of baggage as entitled to the exchange officers, to the Unit to which he is assigned and his return on completion of exchange duty.

20. The host Navy will provide the following services and assume charges therefor, in accordance with the regulations of that Navy:

- a. Transportation, travel allowances, and other expenditures in connection with any travel while on duty or temporary additional duty directed by the host Service;
- b. Facilities to maintain professional proficiencies, as provided in Section X;
- c. Arrange and pay the cost of transportation, travel allowances and expenses arising from any permanent move in the host country of exchange officers and their dependants, where the move is at the request of the host Navy.

21. Except as otherwise provided in this Arrangement, expenses in connection with the families of exchange officers will be borne by the Navy liable for the corresponding costs in the case of the officers and will be in accordance with the regulations of that Navy.

Section XVIII. MEDICAL

22. Where the host Service rules allow, the exchange officers and their dependants will receive medical, dental and hospital treatment in the same manner as such care is provided by the host Service for its own officers and their dependants.

Section XIX. EDUCATION

23. Free education will be provided by the host Government for the children of exchange officers in the same manner and to the same extent as such facilities are provided for children of officers of the host Service.

Section XX. TERMINATION

24. This Arrangement may be formally terminated in writing by either Contracting Party subject to six (6) months previous notice through normal diplomatic channels.

BILLET DESCRIPTION

1. Name
2. Unit
702 Squadron.
3. Location
RNAS Yeovilton.

4. Rank
Lieutenant.
5. Billet title
Complement billet in 702 Squadron.
6. Billet description
Primary duties:
 - a. Act as pilot of a LYNX helicopter to demonstrate, monitor and instruct:
 - (1) Flight within the aircraft's legal and authorised limits.
 - (2) Surface search, target identification, reaction to threats, underwater warfare, transfers, search and rescue, spotting for Naval gunfire support and photography.
 - b. Conduct briefings, debriefings and give lectures on syllabus subjects to student pilots and observers.
 - c. Carry out ground runs and maintenance test flights.*Secondary duties:*
 - a. Act as duty officer.
 - b. Act as pilot for display/demonstration flying.
 - c. Undertake squadron ancillary duties.
7. Type of aircraft
LYNX HAS Mark 2.
8. Type of training
LYNX familiarisation and role training in 702 Squadron.
9. Qualifications
 - (1) Should have completed a front line tour on helicopters and preferably be LYNX qualified.
 - (2) Must be proficient in the English language.
10. Tour length
2 years.
11. Accommodation
Single officer accommodation available on base. Furnished Married Quarters and private hiring available near to base.

This Note and that of Your Excellency, in equal terms and of the same date, shall constitute an Arrangement between our Governments that shall enter into force on today's date.

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

[Signed]

G. W. HARDING

His Excellency Ambassador Ramiro Elyσιο Saraiva Guerreiro
Minister for External Relations
Brasília, D.F.

[TRANSLATION — TRADUCTION]

DAI/DE-I/4/627.3(B46)(F27)

23 June 1981

Sir,

With reference to the recent negotiations between the competent authorities of the Government of the Federative Republic of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland regarding a programme for the interchange of officers of the Brazilian Navy and of the British Royal Navy, I have the honour to propose, on behalf of the Government of the Federative Republic of Brazil, an arrangement on the following terms, set out in Portuguese, concurring with the annexed text in English:

[See note I]

BILLET DESCRIPTION

1. Name
2. Unit
Helicopter Squadron for reconnaissance and anti-submarine attack (Esqd-HA-1).
3. Location
São Pedro da Aldeia Aeronaval Base—São Pedro da Aldeia—RJ.
4. Rank
Lieutenant-captain.
5. Billet
Complement billet in Esqd-HA-1.
6. Billet description

[See note I]

9. Qualifications
 - 2) Must be proficient in the Portuguese language.

[See note I]

2. This note and your note in the same terms and of the same date shall constitute an arrangement between our Governments to enter into force on today's date.

Accept, Sir, etc.

RAMIRO SARAIVA GUERREIRO

His Excellency George William Harding
Ambassador Extraordinary and Plenipotentiary
of the United Kingdom of Great Britain
and Northern Ireland
