

No. 863

UNITED STATES OF AMERICA
and
ITALY

Exchange of notes (with annex) constituting an agreement relating to military and civil affairs with respect to (1) rights and privileges of United States forces in Italy, and (2) the transfer of responsibility from the Allied Military Government to the Italian Government. Rome, 3 September 1947

Official texts : English and Italian.

Registered by the United States of America on 11 July 1950.

ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE

Échange de notes (avec annexe) constituant un accord relatif aux affaires militaires et civiles en ce qui concerne : 1) les droits et privilèges des forces des États-Unis en Italie, et 2) le transfert au Gouvernement italien des responsabilités du Gouvernement militaire allié. Rome, 3 septembre 1947

Textes officiels anglais et italien.

Enregistré par les États-Unis d'Amérique le 11 juillet 1950.

No. 863. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO MILITARY AND CIVIL AFFAIRS WITH RESPECT TO (1) RIGHTS AND PRIVILEGES OF UNITED STATES FORCES IN ITALY, AND (2) THE TRANSFER OF RESPONSIBILITY FROM THE ALLIED MILITARY GOVERNMENT TO THE ITALIAN GOVERNMENT. ROME, 3 SEPTEMBER 1947

I

*The American Ambassador
to the Italian Minister of Foreign Affairs*

F. O. No. 441

Rome, September 3, 1947

Your Excellency,

Article 73 of the Treaty of Peace² between the Allied and Associated Powers and Italy, provides that all Armed Forces of the Allied and Associated Powers shall be withdrawn from Italy as soon as possible and in any case not later than ninety days from the coming into force of the Peace Treaty. The numbers of the Armed Forces of the United States in Italy have, as the Italian Government is aware, been progressively reduced and it is the desire of the United States Government that those few that still remain shall be withdrawn with the least possible delay. Further, as from the date of entry into force of the Treaty of Peace, it will be necessary for Allied Military Government, which has long been restricted to the part of Venezia Giulia west of the so-called Morgan Line and to the Province of Udine, to be finally brought to an end.

In order (1) that the position of the aforesaid United States Forces during the period while they remain in Italy may be defined, particularly as regards matters of jurisdiction, and that certain ambiguities which otherwise might arise in regard to the facilities to be afforded them may be removed, and in order (2) to provide for the smooth transfer of responsibility from the hands of Allied Military Government to the hands of the Italian Government, discussions have taken place between representatives of the United States Government and the Italian Government who have agreed upon the provisions set out in the annex³ of which part I relates to the position of the United States Forces and part II to the transfer of responsibility of the Allied Military Government.

I have the honor to inform your Excellency that the United States

¹ Came into force on 15 September 1947 as regards the provisions in Part I of the annex and on 3 September 1947 as regards the provisions in Part II thereof, by the exchange and according to the terms of the said notes.

² United Nations, *Treaty Series*, Volumes 49 and 50.

³ See page 18 of this volume.

Government has confirmed its approval of these provisions and to suggest that if the Italian Government is prepared to do likewise, the present Note together with your Excellency's reply shall be regarded as constituting an agreement between our two Governments on the matter which will enter into force (1) simultaneously with the Peace Treaty between the Allied and Associated Powers and Italy as regards the provisions in part I of the annex, and (2) as from today's date as regards the provisions of part II.

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

Enclosure :

Military and Civil Affairs Agreement (Annex)

James Clement DUNN

His Excellency Count Carlo Sforza

Minister of Foreign Affairs

Rome

II

The Italian Minister of Foreign Affairs to the American Ambassador

ITALIAN TEXT — TEXTE ITALIEN

TRANSLATION¹ — TRADUCTION²

IL MINISTRO DEGLI AFFARI ESTERI

THE MINISTER OF FOREIGN AFFAIRS

Roma, 3 settembre 1947

Rome, September 3, 1947

Signor Ambasciatore,

Mr. Ambassador :

Con la nota direttami in data odierna Vostra Eccellenza ha voluto comunicarmi quanto segue :

By the note of today's date addressed to me, Your Excellency was good enough to inform me as follows :

[See note I]

[See note I]

Ho l'onore di portare a conoscenza dell'Eccellenza Vostra che il Governo Italiano concorda con quanto Ella ha proposto con la nota predetta ed approva da parte sua le disposizioni contenute nell'Annesso unito alla nota stessa, il cui testo in lingua italiana è allegato alla presente lettera.

I have the honor to inform Your Excellency that the Italian Government is in agreement with the proposal made by you in the preceding note and approves for its part the provisions contained in the Annex attached to the said note, the text of which in the Italian language is enclosed with the present letter.

Voglia gradire, Signor Ambasciatore, gli atti della mia più alta considerazione.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

SFORZA

SFORZA

Sua Eccellenza

His Excellency

il Signor James Clement Dunn

James Clement Dunn

Ambasciatore degli Stati Uniti d'America

Ambassador of the United States of America

Roma

Rome

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

ANNEX

PART I

1. A. The United States Forces, including their equipment and stores, shall continue to enjoy, generally, those immunities and facilities which have been afforded them hitherto, when present in or passing through, Italy. In availing themselves of these immunities and facilities, the United States Forces will take due account of the interests of the Italian population.

B. Supplementary agreements on points of detail have been or will be made between the United States High Command and the appropriate Italian authorities.

2. A. The United States Forces shall, in agreement with the competent Italian authorities, continue to enjoy such facilities for movement in and through Italy, including Italian waters and the air space over Italian territory, as are necessary for their complete and early withdrawal.

B. The Italian Government agrees to accord the United States Forces all facilities afforded by Italian ports (including dockyards, dry docks and ship repairing facilities), public services, utilities, railroads, land waterways, telecommunications, and airfields which the Commanding General may request to effect prompt withdrawal of United States Forces for which purpose the Italian Government will afford the necessary priorities. In particular the Italian Government agrees that for mutual convenience special areas in Italian ports may continue to be designated by the Commanding General for the exclusive use of the United States Forces. The Commanding General may continue to police such areas and control the operation of port facilities therein. The Italian Government further agrees that the Commanding General shall have all rights necessary to the creation or maintenance for such time as shall appear necessary of such ports, camps, stations, hospitals, shops, depots, staging areas and such other military facilities and installations as he may determine to be necessary for the purpose of this agreement.

C. The United States High Command shall be entitled to participate, on basis of agreements to be made with competent Italian authorities, in any organization that the Italian authorities may set up for the control and safety of air traffic and of aircraft flying over Italian territory.

3. Pending the completion of their withdrawal, the United States Forces may continue to use such of the premises which they at present occupy, for so long as the United States High Command consider necessary. All premises will be vacated as soon as possible and in any case not later than ninety days after the coming into force of the Peace Treaty except for some warehouses which may be required for a short period thereafter for the storage of equipment which is required for use up to the date of final withdrawal and which cannot be shipped on that date.

4. In order to meet the signals and postal requirements of the United States Forces:

A. The Italian Government and the United States High Command will cooperate with a view to the use, by the latter, with the same right of priority

as hitherto of such Italian telecommunications, radar and other communications services, including radio aids, as may be required for the purposes of the United States Forces.

B. The United States High Command shall be entitled to continue to maintain and operate such radio and radar stations and landline communications networks as are necessary for the purposes of the United States Forces and to use United States codes, cyphers and security equipment.

C. The competent Italian authorities and the United States High Command will continue to cooperate as hitherto with a view to the coordination, regulations, and allocation of all frequencies required for radio communications networks and radar installations.

D. The United States Forces may continue to conduct their own postal system and to retain existing postal arrangements and franking privileges.

5. The United States Forces may continue to engage local civilian labor as required, either directly or through the intermediary of the competent local Italian authorities at current wage rates.

6. The United States Forces shall, within the limits of their necessities in Italy continue to have the right to purchase local produce, supplies and manufactured goods in Italy, either directly or through the intermediary of the competent local Italian authorities. In order that such purchases may not have an adverse effect upon Italian economy the United States High Command will come to an understanding with appropriate Italian authorities upon the particular articles which, from time to time, shall be excluded from local purchases by the United States Forces.

7. The Italian Government agrees that the United States Forces, military and naval courts and commissions shall continue to have exclusive jurisdiction, civil and criminal, over all members of the United States Forces in conformity with arrangements already in force.

8. The United States Forces and organizations or persons employed by or accompanying these Forces and property belonging to them or to their Government shall continue to be exempt from all Italian taxation (including customs). The United States High Command will continue to take the necessary steps to ensure that such property is not sold to the public in Italy, except in agreement with the Italian Government.

9. A. The United States Forces shall have the right to police premises and areas set aside for their special use and to employ military police patrols in other areas as may be necessary for the maintenance of good order and discipline of the United States Forces. Persons who are subject to the jurisdiction of the Italian authorities may be arrested by the United States service police within such premises or areas but shall be handed over without delay to competent Italian authorities.

B. The Italian police shall continue to arrest personnel subject to the exclusive jurisdiction of the United States Forces for offenses against Italian law outside the installations, camps, areas and buildings referred to in the

preceding sub-paragraph, and detain them until they can be handed over for disposal to the appropriate United States Military authorities. A certificate signed by a United States officer of field grade or equivalent rank that the person to whom it refers belongs to one of the classes of persons mentioned in paragraph 13 below will continue to be conclusive. The procedure for handing over such persons shall continue to be a matter for local arrangements. Immediate notification of any such arrest will be given to the nearest United States military installation.

C. The Italian Government will, at the request of the United States High Command, arrest, detain, and where sufficient evidence is produced, put on trial any persons deemed to be a danger to the security of the United States forces in Italy. In making such a request for arrest, the United States High Command will state its reason for doing so.

10. The Commanding General or his representatives and the appropriate Italian authorities will continue to render such mutual assistance as may be required for making investigations, collecting evidence, securing the attendance of witnesses, in relation to cases triable under Allied, United States or Italian jurisdiction and to provide procedure for punishment in appropriate courts of witnesses who refuse or fail to comply with a summons, improperly refuse to testify, or who commit perjury or contempt of court.

11. The Italian Government agrees that the United States Forces shall have the right to hold, support and transfer any displaced persons, refugees or other internees who have not previously been transferred to the care of some other government or organization and for whose care the United States or Allied authorities may be responsible upon the coming into force of the treaty of peace, and to afford the United States Forces such facilities and assistance as may be required for the above mentioned purposes.

12. The Italian Government will continue to make available all services and facilities required by the United States Armed Forces during this period on the same basis as in the past, in consideration for which the United States Government shall pay to the Italian Government the amount of \$250,000, which amount shall be considered as full compensation for all such services and facilities furnished by the Italian Government under the terms of this Agreement. All other financial arrangements in effect between the Armed Forces of the United States and the Italian Government on February 1, 1947, shall continue in effect for the period of this Agreement.

13. The term "United States Forces" when used in this agreement shall be defined as United States Armed Forces including persons of non-Italian nationality not belonging to such forces but who are employed by or who accompany or serve with those forces and the dependents of such persons, and Governmental organizations and accredited agencies operating under or in conjunction with such forces whenever applicable. Included in the foregoing are:

Class I. United States citizens who are:

1. War Department civilian employees
2. Personnel of the American Red Cross
3. Personnel employed by the Army Exchange Service

4. Other personnel possessing United States Armed Forces orders, for the period covered by the order.

Class II. United States citizens and aliens who are:

1. Dependents of United States Armed Forces personnel, regardless of nationality.
2. Dependents of Class I personnel indicated above.

PART II

14. The responsibility for the areas at present under Allied Military Government will pass to the Italian Government on the date of the entry into force of the Peace Treaty. In order that the transfer of responsibility may be effected as smoothly and efficiently as possible, the United States High Command will make necessary arrangements with competent Italian authorities with the object of ensuring that necessary Italian personnel may in good time be put in a position to replace United States personnel exercising military government functions.

15. The United States High Command may, up to the end of the ninety day period for the withdrawal of the United States Forces from Italy, continue to conduct and complete the trial by Military Government Courts of any person charged with an offense before the date of the entry into force of the Peace Treaty and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government, or cognizable under Italian law if committed against persons, property or security of the Allied Forces.
