

No. 1935

**UNITED STATES OF AMERICA
and
ITALY**

Exchange of notes constituting an agreement relating to the designation of the third permanent member of the Italian-United States Conciliation Commission. Rome, 12 and 13 February 1951

Official texts: English and Italian.

Registered by the United States of America on 30 October 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

Échange de notes constituant un accord relatif à la désignation du tiers membre permanent de la Commission de conciliation italo-américaine. Rome, 12 et 13 février 1951

Textes officiels anglais et italien.

Enregistré par les États-Unis d'Amérique le 30 octobre 1952.

No. 1935. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE DESIGNATION OF THE THIRD PERMANENT MEMBER OF THE ITALIAN-UNITED STATES CONCILIATION COMMISSION. ROME, 12 AND 13 FEBRUARY 1951

I

The Italian Ministry of Foreign Affairs to the American Embassy

[ITALIAN TEXT — TEXTE ITALIEN]

MINISTERO DEGLI AFFARI ESTERI

45/U.A.G./229

NOTA VERBALE

Il Ministero degli Affari Esteri ha l'onore di fare riferimento alla precedente corrispondenza tra l'Ambasciata degli Stati Uniti d'America ed il Ministero degli Affari Esteri ed alle conversazioni tra i rappresentanti dei due Governi relativamente alla richiesta del Governo degli Stati Uniti d'America per l'immediata designazione di un Terzo Membro Permanente della Commissione di Conciliazione istituita dal Governo degli Stati Uniti d'America e dal Governo Italiano a norma dell'Articolo 83 del Trattato di Pace.

Per quanto il Governo Italiano sia del parere che l'Articolo 83 del Trattato di Pace stabilisca che il Terzo Membro scelto di comune accordo dai due Governi debba essere nominato per ogni singola controversia e non quale Terzo Membro Permanente della Commissione tuttavia in considerazione dei particolari rapporti che uniscono i due Paesi il Governo Italiano desidera raggiungere un accordo con il Governo degli Stati Uniti d'America per la immediata designazione di un Terzo Membro Permanente della Commissione di Conciliazione Italo-Americana.

Il Ministero degli Affari Esteri ha pertanto il piacere di informare l'Ambasciata degli Stati Uniti d'America che il Governo Italiano dà la sua approvazione ed è disposto a concludere il seguente accordo :

1. Il Governo Italiano ed il Governo degli Stati Uniti d'America procederanno immediatamente alla scelta di comune accordo del Terzo Membro della Commissione di Conciliazione Italo-Americana tra i cittadini di un terzo Paese. A designazione avvenuta ad opera dei due Governi, il Terzo Membro della Commissione di Conciliazione eserciterà tutte le funzioni attribuitegli quale

¹ Came into force on 13 February 1951 by the exchange of the said notes.

scelta di un Terzo Membro della Commissione le disposizioni dell'Articolo 83 del Trattato di Pace per la scelta del Terzo Membro diventeranno operanti.

Se il Governo degli Stati Uniti d'America è pronto a dare il suo assenso al presente accordo, si propone che una Nota Verbale a conferma di tale assenso sia inviata al Ministero degli Affari Esteri e l'accordo stesso si considererà entrato in vigore alla data dell'invio di detta Nota Verbale.

(*Sigillo del Ministero degli
affari esteri*)

Ambasciata Degli Stati Uniti d'America
Roma
Roma, lì 12 Feb. 1951

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

45/U.A.G./229

NOTE VERBALE

[*See note II*]

Embassy of the United States of America
Rome
Rome, Feb. 12, 1951

[SEAL]

II

The American Embassy to the Italian Ministry of Foreign Affairs

F. O. No. 6682

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Italy and has the honor to acknowledge the receipt of the Ministry's Note Verbale 45/U.A.G./229 of February 12, 1951, concerning the immediate designation of the third permanent member of the Italian United States Conciliation Commission which in translation reads as follows :

“ The Ministry of Foreign Affairs has the honor to refer to previous correspondence between the Embassy of the United States of America

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

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

and the Ministry of Foreign Affairs and to conversations between the representatives of the two Governments with regard to the request of the Government of the United States for the immediate designation of a Permanent Third Member of the Conciliation Commission established by the Government of the United States of America and the Government of Italy pursuant to Article 83 of the Treaty of Peace.¹

Although in the opinion of the Italian Government, Article 83 of the Treaty of Peace provides that the Third Member selected by mutual agreement of the two Governments is to be named for each individual dispute and not as a permanent Third Member of the Commission, nevertheless in consideration of the special relations which join the two countries the Italian Government is desirous of entering into an agreement with the Government of the United States of America for the immediate designation of a Permanent Third Member of the Italian-United States Conciliation Commission.

The Ministry of Foreign Affairs accordingly takes pleasure in informing the Embassy of the United States of America that the Government of Italy gives its approval to and is prepared to enter into the following agreement :

1. The Government of Italy and the Government of the United States of America will proceed at once to the selection by mutual agreement from the nationals of a third country of the Third Member of the Italian-United States Conciliation Commission. When so designated by the two Governments, the Third Member of the Conciliation Commission shall perform all the functions attributed to him as a member of the Commission under the provisions of Article 83 of the Treaty of Peace, the Rules of Procedure of the Commission, and the terms of this agreement, until his resignation or substitution; the rules for substitution of the designated Third Member are established hereinafter.

2. The two Governments shall fix by special agreement the financial compensation of the Third Member of the Conciliation Commission prior to his designation.

3. The designated Third Member shall not participate in the decisions of the two-member Commission composed of the Representatives of the two Governments, nor in any deliberations held by the Representatives of the two Governments in each particular case, prior to the time that a Procès-Verbal of Non-Agreement has been deposited with the Secretariat, as provided for under Article 14 of the Rules of Procedure.

4. The Representatives of the two Governments on the Commission are authorized in their discretion to request the designated Third Member to attend hearings and other sittings of the Commission of two Members when oral testimony of witnesses or oral arguments of the Agents of the

¹ United Nations, *Treaty Series*, Vols. 49 and 50.

two Governments are heard in each particular case, even though at the time a Procès-Verbal of Non-Agreement has *not* been deposited with the Secretariat as provided for under Article 14 of the Rules of Procedure.

5. Each of the two Governments reserves the right to withdraw its approval of the designated Third Member and either Government may exercise this right by communicating to the Secretariat of the Italian-United States Conciliation Commission notice in writing of its desire to have a new Third Member named, and such notice when given by either Government shall be effective as of the date it is deposited with the Secretariat.

6. When either Government exercises its right to withdraw its approval of the designated Third Member, in accordance with the provisions of this agreement, the Third Member previously designated shall continue to serve until such time as a final determination has been made in all cases pending before the Commission in which, on the date approval was withdrawn of the Third Member previously designated, a Procès-Verbal of Non-Agreement had been deposited with the Secretariat.

7. When either Government exercises its right to withdraw its approval of the designated Third Member, a new Third Member of the Italian-United States Conciliation Commission shall be named at once by mutual agreement of the two Governments to serve in those cases pending before the Commission in which, on the date approval was withdrawn of the Third Member previously designated, a Procès-Verbal of Non-Agreement had *not* been deposited with the Secretariat.

8. This agreement implements Article 83 of the Treaty of Peace; and should the two Governments fail to agree within two months on the selection of a Third Member of the Commission, the provisions of Article 83 of the Treaty of Peace for the selection of the Third Member of the Commission shall become operative.

If the Government of the United States of America is prepared to give its approval to this agreement, it is suggested that a Note Verbale indicating such approval be transmitted to the Ministry of Foreign Affairs and this agreement between the two Governments shall be considered as having entered into effect as of the date of the transmittal of such Note Verbale."

The Embassy takes pleasure in informing the Ministry that the proposal made in the abovequoted note is acceptable to the Government of the United States. In view of the foregoing and in conformity with the suggestion made by the Ministry, the agreement embodied in the present exchange of notes shall be considered as having entered into force as of the date of this note.

James Clement DUNN

Rome, February 13, 1951