

**UNITED STATES OF AMERICA
and
ITALY**

Exchange of notes constituting an agreement relating to the disposition and care of the remains of deceased members of the United States Armed Forces now buried in Italy. Rome, 13 and 24 September 1946

Official texts: English and Italian.

Exchange of notes constituting an agreement modifying the above-mentioned Agreement. Washington, 18 December 1947 and 21 January 1948

Exchange of notes constituting an understanding relating to the amendment of the above-mentioned Agreement. Washington, 24 March and 19 April 1948

Official texts: English.

Registered by the United States of America on 6 November 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

Échange de notes constituant un accord relatif au traitement applicable aux dépouilles mortelles des membres des forces armées des États-Unis actuellement inhumés en Italie. Rome, 13 et 24 septembre 1946

Textes officiels anglais et italien.

Échange de notes constituant un accord modifiant l'Accord susmentionné. Washington, 18 décembre 1947 et 21 janvier 1948

Échange de notes constituant un accord relatif à la modification de l'Accord susmentionné. Washington, 24 mars et 19 avril 1948

Textes officiels anglais.

Enregistrés par les États-Unis d'Amérique le 6 novembre 1952.

No. 1942. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE DISPOSITION AND CARE OF THE REMAINS OF DECEASED MEMBERS OF THE UNITED STATES ARMED FORCES NOW BURIED IN ITALY. ROME, 13 AND 24 SEPTEMBER 1946

I

The American Embassy to the Italian Ministry of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

F. O. No. 654

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Italian Ministry of Foreign Affairs and has the honor to refer to the Embassy's Note Verbale no. 561 of July 3, 1946,² and the Ministry's Note Verbale no. 19/27869/160 of August 20, 1946,² as well as to the subsequent informal conversations between Minister Zoppi representing the Ministry and Mr. Henderson representing the Embassy, all in connection with the desire of the Government of the United States to conclude a bilateral agreement with the Government of the Italian Republic with respect to the disposition and care of the remains of deceased members of the United States Armed Forces who are now buried in Italy.

The Embassy takes pleasure in advising the Ministry that the Department of State is agreeable to amending the original draft of the proposed agreement as follows, in accordance with the informal requests made by Minister Zoppi on September 3 :

Introductory paragraph, Article I : " The United States, through its duly designated representatives, shall have the following facilities : "

Subparagraph E, Article I : " The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to examine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel."

¹ Came into force on 24 September 1946 by the exchange of the said notes.

² Not printed by the Department of State of the United States of America.

The final sentence of Article III is also amended to read: "The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired."

In order to formalize the proposed bilateral agreement, the full amended text is incorporated in this note as an attachment to it. If, pursuant to the oral agreement already reached over the amended text, the Ministry of Foreign Affairs will likewise incorporate the said text into its reply to the present note, the Government of the United States will consider the bilateral agreement concluded and will take appropriate steps for its application by delegates designated by the United States in agreement with the proper Italian authorities.

Rome, September 13, 1946.

DK

Attachment :

Amended text of bilateral agreement.

To the Ministry of Foreign Affairs
Rome

ATTACHMENT

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the United States and/or who served or who accompanied the Armed Forces of the United States and are now buried in Italy or any possession or territory now or hereafter subject to the control of the Italian Government.

Article I

The United States, through its duly designated representatives, shall have the following facilities :

A. The Government of the United States shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into their cemeteries abroad, and may move bodies from other countries into and/or through Italy and its territories and possessions for interment and/or trans-shipment.

B. The Government of the United States shall be exempted from all national, local or other laws and/or regulations relating to the premits for disinterments, sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health, and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of graves.

C. The Government of the United States shall have the right of free entrance and exit for all personnel, supplies, transportation (air, rail, animal and/or water) serving

or belonging to the United States, and the use of airfields, port facilities, warehousing, living quarters, office space, rail and water transportation and the right to employ labor in Italy, its territories and possessions essential to the accomplishment of its mission, upon payment of just compensation thereof.

D. The Government of the United States shall have the unrestricted right to search for the remains of members of its armed forces and/or its citizens.

E. The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to examine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel.

F. The Government of the United States shall have the right to question and examine citizens of Italy and to take affidavits in furtherance of its search for and identification of remains of members of its armed forces and/or its citizens.

Article II

The Government of Italy will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the United States and upon demand and the furnishing of a proper receipt, will turn over to representatives of the United States all effects so located and secured.

Article III

If in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefor. Any sites acquired, including improvements thereto and buildings constructed thereon, shall be exempt from any and all form of taxation, direct or indirect. The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired.

II

The Italian Ministry of Foreign Affairs to the American Embassy

[ITALIAN TEXT — TEXTE ITALIEN]

[TRANSLATION¹ — TRADUCTION²]

MINISTERO DEGLI AFFARI ESTERI
D. G. A. POL. VIII⁰

MINISTRY OF FOREIGN AFFAIRS
D. G. A. POL. VIII

NOTA VERBALE

NOTE VERBALE

Il Ministero degli Affari Esteri ha l'onore di accusare ricevuta all'Ambasciata degli Stati Uniti d'America della Nota Verbale n. 654 del 13 settembre 1946, alla quale é allegato il progetto d'accordo bilaterale italo-americano, relativo alla sistemazione dei Cimiteri di guerra americani in Italia, il cui testo é il seguente :

The Ministry of Foreign Affairs has the honor to acknowledge to the Embassy of the United States of America receipt of Note Verbale No. 654 of September 13, 1946, to which is attached the proposed Italo-American bilateral Agreement relating to arrangement of American war cemeteries in Italy, the text of which is the following :

[*See attachment to note I — Voir la pièce jointe à la note I*]

[*See attachment to note I*]

Il Ministero degli Affari Esteri, nel comunicare che il Governo Italiano approva il testo sopra riportato, dichiara pertanto di considerare concluso l'Accordo italo-americano per i Cimiteri di guerra americani in Italia e coglie l'occasione per rinnovare all'Ambasciata degli Stati Uniti d'America i sensi della sua alta considerazione.

The Ministry of Foreign Affairs, in announcing that the Italian Government approves the text cited above, states consequently that it considers as concluded the Italo-American Agreement for American war cemeteries in Italy, and avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

ZOPPI

ZOPPI

Roma, li 24 Set. 1946

Rome, September 24, 1946.

A S.E. l'Ambasciatore
degli Stati Uniti d'America
Roma

His Excellency the Ambassador
of the United States of America
Rome

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

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

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
ITALY MODIFYING THE AGREEMENT OF 24 SEP-
TEMBER 1946² RELATING TO THE DISPOSITION AND
CARE OF THE REMAINS OF DECEASED MEMBERS
OF THE UNITED STATES ARMED FORCES NOW
BURIED IN ITALY. WASHINGTON, 18 DECEMBER 1947
AND 21 JANUARY 1948

I

The Italian Embassy to the Department of State

ITALIAN EMBASSY
WASHINGTON, D. C.

No. 11332

The Italian Embassy presents its compliments to the Department of State and has the honor to bring to the Department's attention a new provision adopted by the Italian Government with regard to American war cemeteries.

As known to the Department of State, article 3 of the agreement reached through an exchange of notes in September 1946² at Rome, between the Italian Ministry of Foreign Affairs and the United States Embassy, provides that "if in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefore".

Upon instructions received, the Italian Embassy has the honor to inform the Department of State that the Italian Government, wishing to give a token of friendship to the Government and people of the United States, has now decided to grant the American Government the free use of the sites selected for the establishment of war cemeteries.

It would have been the sincere desire of the Italian Government to proceed to a veritable donation of the land involved, but it was not possible to reach such a solution because not consented by existing regulations. On the other hand the

¹ Came into force on 21 January 1948 by the exchange of the said notes.

² See p. 324 of this volume.

advantages that the American Government will draw from such a free cession will be practically the same as those deriving from a donation, since the free use is granted for as long as the selected sites will be destined to military cemeteries.

In the light of the foregoing the Italian Government has the honor to request the American Government to consider the first paragraph of article 3 of the aforesaid agreement modified as follows: "The Italian Government grants gratuitously to the American Government right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries".

A. T.

Washington, D. C., December 18, 1947.

Department of State
Washington, D. C.

II

The Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON

Jan. 21 1948

Excellency :

I have the honor to acknowledge the receipt of your note no. 11332 of December 18, 1947 stating that the Italian Government has decided, as a token of friendship to the Government and people of the United States, to grant to the Government of the United States the free use of the sites selected as permanent United States military cemeteries and proposing that the first paragraph of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome be modified to read as follows: "The Italian Government grants gratuitously to the American Government the right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries."

I wish to express to you and through you to the Italian Government the profound appreciation of the Government and people of the United States for this most generous gift which will further strengthen the strong bonds of

sympathy and friendship between our two countries. To all Americans, and particularly to those who lost their loved ones in the course of our common effort against the enemy, the land so graciously offered by the Italian Government will forever be hallowed land. On their behalf I assure you of the heartfelt thanks and gratitude for this most magnanimous gift.

The Government of the United States is happy to agree to the proposed change in Article 3 of the agreement.

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

For the Secretary of State :

John E. PEURIFOY

His Excellency Signor Alberto Tarchiani
Italian Ambassador

EXCHANGE OF NOTES CONSTITUTING AN UNDERSTANDING¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE AMENDMENT OF THE AGREEMENT OF 24 SEPTEMBER 1946² RELATING TO THE DISPOSITION AND CARE OF THE REMAINS OF DECEASED MEMBERS OF THE UNITED STATES ARMED FORCES NOW BURIED IN ITALY. WASHINGTON, 24 MARCH AND 19 APRIL 1948

I

The Secretary of State to the Italian Ambassador

The Secretary of State presents his compliments to His Excellency the Italian Ambassador and has the honor to refer to the Embassy's note no. 11332 of December 18, 1947 and the Department's reply of January 21, 1948³ regarding the free use of sites in Italy selected for the establishment of permanent United States military cemeteries and the proposed modification of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome.

The Department assumes that in suggesting a modification of the "first paragraph" of Article 3 of this agreement, it was intended that the last two sentences of Article 3 be retained. In order that there may be no misunderstanding on this point, it is suggested that the Embassy's note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3."

The Department would appreciate the Embassy's confirming its understanding in this regard.

W. H. McC.

Department of State
Washington, March 24, 1948.

¹ Came into force on 19 April 1948 by the exchange of the said notes.

² See p. 324 of this volume.

³ See p. 334 of this volume.

II

The Italian Ambassador to the Secretary of State

ITALIAN EMBASSY
WASHINGTON, D. C.

The Italian Ambassador presents his compliments to the Honorable the Acting Secretary of State and has the honor to refer to the Department's note of March 24, 1948 regarding the exchange of notes between the Department and the Embassy on the subject of the establishment in Italy of permanent United States military cemeteries.

In this connection the Embassy confirms its understanding that, in suggesting a modification of the first paragraph of Article 3 of the agreement reached on the above mentioned subject by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome, it was intended that the last two sentences of Article 3 be retained.

The Embassy therefore agrees that its note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3".

A. T.

Washington, D. C., April 19, 1948.

Department of State
Washington, D. C.