

No. 2566

**AUSTRALIA
and
ITALY**

Exchange of notes constituting an agreement concerning the revision of certain articles of the Treaty of Peace with Italy signed at Paris on 10 February 1947. Sydney, 8 December 1951, and Melbourne, 20 December 1951

Official text : English.

Registered by Australia on 19 May 1954.

**AUSTRALIE
et
ITALIE**

Échange de notes constituant un accord relatif à la revision de certains articles du Traité de paix avec l'Italie signé à Paris le 10 février 1947. Sydney, 8 décembre 1951, et Melbourne, 20 décembre 1951

Texte officiel anglais.

Enregistré par l'Australie le 19 mai 1954.

No. 2566. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN AUSTRALIA AND ITALY CONCERNING THE REVISION OF CERTAIN ARTICLES OF THE TREATY OF PEACE WITH ITALY SIGNED AT PARIS ON 10 FEBRUARY 1947,² SYDNEY, 8 DECEMBER 1951, AND MELBOURNE, 20 DECEMBER 1951

I

The Italian Chargé d'Affaires to the Australian Prime Minister and Acting Minister for External Affairs

LEGAZIONE D'ITALIA IN AUSTRALIA

Sydney, 8th December 1951

Sir,

I have the honour to refer to declarations repeatedly made by the Italian Government and to the declaration of September 26 made by the Governments of the United Kingdom, France and the United States, as well as to statements made by officials of other governments regarding the anomaly created by the existence of the Italian Peace Treaty and the position which Italy occupies today, and in particular to the statement made in Rome on 2nd November by the Australian Minister for External Affairs, the Right Honourable R. G. Casey.

Italy's status as an active and equal member of the democratic and freedom-loving family of nations has been universally recognized. The spirit of the Peace Treaty, therefore, no longer accords with the situation prevailing today.

It was contemplated by the Peace Treaty that Italy would be admitted to membership in the United Nations. The basic assumption was that universal adherence to the principles of the United Nations Charter would assure the security of all the democratic family of nations and therefore would also assure Italy's status as an equal member of that family.

The above assumption on the basis of which the Italian Peace Treaty was signed and was ratified, has not been fulfilled. Even though the preamble of the Treaty contemplated that Italy would become a full member of the United Nations, Italy's admission, although receiving on three occasions the support

¹ Came into force on 20 December 1951 by the exchange of the said notes.

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

of the majority of member states voting in the General Assembly, has been prevented by unjustified vetoes in the Security Council on the four occasions when it was considered.

Since Italy is not a member of the United Nations, she can neither contribute fully to the peaceful development of international relations on a basis of equality with other nations, nor take any action within the United Nations with a view to obtaining the revision of the clauses of the Treaty as provided for by the Treaty itself.

Meanwhile, Italy has re-established democratic institutions, participates in concert with other nations in a number of international organizations working to establish peaceful and improved conditions of life for the peoples of the world, administers a trust territory in the name and on behalf of the United Nations, and supports the efforts of the United Nations to maintain international peace and security.

In these circumstances, as it has been already stated, the spirit and certain restrictive provisions of the Peace Treaty no longer appear to be appropriate.

Upon instructions of my Government I have, therefore, the honour to propose that the Government of the Commonwealth of Australia and other signatories of the Treaty, to whom similar notes have been addressed, should agree that the spirit reflected by the Preamble no longer exists, and has been replaced by the spirit of the United Nations' Charter; that the political clauses, Articles 15-18 are superfluous and that the military clauses, Articles 46-70 and the relevant Annexes, which restrict Italy's right and capacity to provide for her own defense, are not consistent with Italy's position as an equal member of the democratic and freedom-loving family of nations.

With the assurance of my highest consideration, I have the honour to be,
Sir,

Your most obedient servant,

(Signed) G. CIRAOLO
Chargé d'Affaires a.i.

The Right Honorable R. G. Menzies, M.P.
Prime Minister and Acting Minister for External Affairs
Canberra, A.C.T.

II

The Australian Minister for External Affairs to the Italian Chargé d'Affaires

COMMONWEALTH OF AUSTRALIA
MINISTER FOR EXTERNAL AFFAIRS

Commonwealth Offices, Treasury Gardens
Melbourne, C. 2

20th December, 1951

Sir,

I have the honour to refer to your letter of 8th December, regarding the preamble and certain clauses of the Italian Peace Treaty.

I am glad to inform you that, in accordance with the terms of the Declaration of 26th September by the Governments of the United States, France and the United Kingdom and the statement which I made in Rome on 2nd November, my Government welcomes the proposals of the Italian Government.

Therefore the Australian Government hereby agrees that the spirit reflected by the preamble no longer exists and has been replaced by the spirit of the United Nations Charter; that the Political Clauses, Articles 15 to 18, are superfluous; and that since the Military Clauses are not consistent with Italy's position as an equal member of the democratic and freedom-loving family of nations, Italy is released from its obligations to Australia under Articles 46 to 70 and annexes relevant thereto.

I have the honour to be, Sir, with high consideration,
Your obedient Servant,

R. G. CASEY

G. Ciralo, Esq.
Chargé d'Affaires a.i.
Italian Legation
Sydney, N.S.W.