

No. 4311

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**UNITED STATES OF AMERICA  
and  
ITALY**

**Memorandum of Understanding regarding war damage  
claims. Signed at Rome, on 29 March 1957**

*Official texts: English and Italian.*

*Registered by the United States of America on 30 April 1958.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
ITALIE**

**Mémorandum d'accord relatif aux réclamations pour dom-  
mages de guerre. Signé à Rome, le 29 mars 1957**

*Textes officiels anglais et italien.*

*Enregistré par les États-Unis d'Amérique le 30 avril 1958.*

No. 4311. MEMORANDUM OF UNDERSTANDING<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY REGARDING WAR DAMAGE CLAIMS. SIGNED AT ROME, ON 29 MARCH 1957

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With reference to Articles 78 and 83 of the Treaty of Peace with Italy<sup>2</sup> the Government of the United States of America and the Government of Italy have entered into the following understanding in order to achieve settlement and payment of all American war damage claims against Italy within one year.

1. The claims to be settled by the new procedure established by this Memorandum shall be those described in the special list initialled by the American Embassy in Rome and the Italian Ministry of the Treasury and dated March 4, 1957.<sup>3</sup> Said list includes the following claims submitted through the American Embassy in Rome or directly to the Government of Italy :

(a) the claims in which the Government of Italy has not notified the claimant of an offer or of a rejection;

(b) the claims in which the offer by the Government of Italy has not been accepted by the claimant; and

(c) other claims whose inclusion in this Memorandum has been agreed upon by the two Governments.

2. For the purpose of settling all of the claims included in the above mentioned special list the Government of Italy agrees to pay the sum of nine hundred and fifty million lire (950,000,000 lire), within three months from the coming into force of this Memorandum to the Italian-United States Conciliation Commission, an autonomous international body, established pursuant to Article 83 of the Treaty of Peace. This sum is to be definitively paid by the Italian Government into a special bank account which will be opened in the name of the Joint Secretariat of the Italian-United States Conciliation Commission. If the total of the awards made to the claimants under the new procedure shall be more than or less than the sum stated in this paragraph an agreement shall be made between the two Governments for the adjustment of the difference.

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<sup>1</sup> Came into force on 22 October 1957, the date on which the two Governments notified each other that the formalities required by their respective laws for the entry into force of the Memorandum of Understanding had been complied with, in accordance with paragraph 10.

<sup>2</sup> United Nations, *Treaty Series*, Vols. 49 and 50.

<sup>3</sup> Not printed by the Department of State of the United States of America.

3. The United States Agent and the Italian Agent shall jointly make a recommendation of the amount to be paid in each claim. This shall be done in a prompt, equitable manner using the criteria derived from experience in settling claims up to now, the evidence presented by the claimants, and, if available, findings of investigations previously made by the Italian authorities and information which may be obtained by the two Agents. The Government of Italy shall make available to the two Agents the information it has gathered in each claim, and, on the request of the two Agents, it shall undertake further investigations in particular claims. The Italian Agent shall immediately communicate each recommendation to the Italian Ministry of the Treasury. If a substantive objection is not received by him within 15 days thereafter, it shall be presumed that the Ministry of the Treasury approves the recommendation.

4. The United States Agent shall inform each claimant of the recommendation in his claim and ask the claimant to submit an acceptance or a rejection within 30 days.

5. The two Agents, after the expiration of the 30 days shall submit their recommendation in each claim to the Italian-United States Conciliation Commission, informing it of the claimant's acceptance or rejection or failure to reply. In each claim in which the Agents' recommendation has been accepted by the claimant, the Commission shall make an award on the basis of the recommendation and the acceptance. In each claim in which the Agents' recommendation has been rejected or unaccepted by the claimant, or in which the Agents have disagreed, the Commission shall make such award as it may deem appropriate after giving the claim due consideration.

6. The Joint Secretariat of the Italian-United States Conciliation Commission shall pay each award within 60 days by a check drawn on the bank account referred to in paragraph 2 of this Memorandum.

7. The Government of Italy shall not be obligated to accept from United States nationals any additional claims under Article 78 of the Treaty of Peace subsequent to June 28, 1957. The Government of Italy shall settle each claim presented to it by a United States national under Article 78 which has not been included in this Memorandum within one year from the presentation of the duly documented claim.

8. The claims not included within this Memorandum shall be settled by the procedure used heretofore.

9. The Government of Italy shall continue to pay its share of the expenses of the United States Agent's office as heretofore.

10. This Memorandum of Understanding shall enter into force as soon as the two Governments have notified each other that the formalities required by their respective laws have been complied with.

DONE in duplicate at Rome this 29th day of March, 1957, in the English and Italian languages, both texts being equally authoritative.

For the Government  
of the United States of America :  
J. D. ZELLERBACH

For the Government  
of Italy :  
Vittorio BADINI