

Declassified E.O. 12356 Section 3.3/NND No. 735016

ACC

10000/105/583

Declassified E.O. 12356 Section 3.3/NND No. 785016

105/583

CA, BOLZANO, APPOINTMENT & FUNCTIONS OF
DELEGATES
DEC. 1945

4,
Chief Commissioner.

You will remember that de Angelis Prefect of
Bologna when recently in Rome proposed various
legislation reaction for Bologna among which
was the submission by P.M. byson of a letter of which
it is a draft. The letter has not been sent but

we were asked to comment on it. I had thought
of sending a written answer but since the change
in Government of knowledge de Gasperi's view on
de Angelis I think it would be better if a verbal
communication were made to P.M., on passing by
as drafted opposite (2nd)

Ms/258

we were asked to comment on it. I had thought
 of sending a written answer but since the change
 in Government & knowledge de Gasperi's view on
 de Angelis - I think it would be better if a rebel
 communication were made to P.M., on Passerelli
 as drafted opposite. (2A)

MS/20/20

DEC 21 1953

20:43

P.A.

I will speak with Lino Bonobacci

MS/20/20

(8)

Speak to Bonobacci who will convey text of note

Verbal to the MPA & suggest they take no action

MS/20/20

until 1540.

ML 27/12

Ex C S

69

Reports will also be sent. In addition, it is to be noted that the Commission is not to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

It is also noted that the Commission is to be a permanent body, but a temporary one. It is also noted that the Commission is to be a permanent body, but a temporary one.

GENERAL ORDER NO. 3

PAGE

⑤ continued
administration is required

(c) To confer legislative or administrative powers on the Delegate is to establish in advance a conclusive government which should only issue from the Delegate's recommendations.

3. These objections do not apply to C. On the contrary this appears to be a commendable proposal & in accord with Allied interests. The preparation of an autonomy project for the Smith Trust is over - due & there seems to be no reason why its preparation on the spot should not go forward during the AMG period. The Delegate's duties in this respect would be merely exploratory & advisory: no Allied interest or right would be affected by his performing such duties.

4. Although no doubt it is intended, the Decree nowhere expressly requires the Delegate to act in consultation with representatives of local interests. A provision for this purpose should be included, in the broadest terms.

5. The Territory within which the Delegate is to act is not defined precisely, except by implication from the references to the three provinces in

20

during the AMG period. The Delegate's duties in this respect would be merely exploratory & advisory: no Allied interest or right would be affected by his performing such duties.

4. Although no doubt it is intended, the Decree nowhere expressly requires the Delegate to act in consultation with representatives of local interests. A provision for this purpose should be included, in the broadest terms.

5. The Territory within which the Delegate is to act is not defined precisely, except by implication from the references to the three provinces in Art. 2 (c) & (e). The area should NOT be defined in advance & references to any specific province should be deleted. The Territory to which the new local constitution is to apply should be one of the matters to be worked out locally.

R. R. Thompson, Agent
Director, L. G. S/C.

MINUTE SHEET 2

(4)

Reference

I agree with Mr. Wesley Jones with
the Delegation of the Italian front. served
not function in the Acts A dip until
after the hand - back. But I see no
objection to a.c. appearing to the idea
in principle, as it seems to me to be sound.
or even to the giving their views
unofficially before hand in regard to the
person of the delegation.

I think what provided the unit
Commissioner appears in what form on
opportunity of hearing Sir. de Gasperi
privately that he thinks it is a good suggestion.

J. L. Gasperi

P. C. G. (B)

CAS

(5)

1. The draft Decree at p. 18 proposes to confer on
the draft Decree at p. 18 proposes to confer on

3 Dec.

No.

delafelti.

Poe. ad(B)

CAS

to confer on

1. The draft Devere at present is in three classes of papers:-
the Extraordinary Delegate

$$- \log_{10} 2 \left(\frac{1}{2} \right) + \log_{10} (e)$$
$$-\log_A 2 = \log_2(e)$$

Ernestine A. Smith, 6

— see Art. 2 (a) + (d).

inevitable and, moreover,

power being a

1) can - column 11

— Generalizing W. Fisher

the Italian Government.

an official structure,

1,000,000 5.75 10.652.12
C08441254

CCOE 5-34-11

[OVER]

TO : POLAD A & B
Local Govt S/C

Herewith papers on Bolzano handed to the Ex. Commissioner by the Prefect
of Bolzano to-day.

CA Section
29 Nov 45

S.H. WHITE Lt Col,
A/VP CA Section

POLAD A
POLAD B
Local Govt

In succession - please pass quickly

The Italian Govt proposes to give powers of self government to

the Alto Adige

and to have one made to measure. The constitution is to be

devolved in the Alto Adige by the Alto Adige for the Alto Adige.

To this end it is proposing to appoint a delegate to conduct local

enquiries. To coordinate all matters on the spot and to make temporary

provisions and to handle the final constitution which will then be sent

to Rome for approval. It is considered that this line of approach

is based on sound democratic principles.

The draft of the Provision constituting the office of delegate and

defining his functions is at 1/3. There you may comment there please

At 1/4 is the draft of a letter outlining the Italian view which it

is proposed to send to his Commission. At 1/5 is consulted as to the person

to be appointed delegate. The delegates powers will extend to all the

German speaking part of the Alto Adige and not to the Province of Bolzano

The Alto Adige
It does not propose to hand out a ready made
draft but to have one made to measure
The constitution is to be
designed in the Alto Adige by the Alto Adige for the Alto Adige.
to this end to be preparing to appoint a delegate to conduct local
enquiries to coordinate all matters on the spot and to make the
provisions and to make the final constitution which will then be sent
to Rome for approval.
It is considered that this line of approach
is based on sound democratic principles.

The draft of the present constitution the office of delegate and
defining his functions in 13. Some for any comments please.
The 14 is the draft of a letter outlining the Italian view which it
is proposed to send to the Commission. It is included as to the present
it is appointed delegate. The delegates power will extend to all the
German speaking part of the Alto Adige and not to the Province of Bolzano
Civil Affairs Sec. will coordinate all Alto Adige matters.

20. *[Signature]*

3. JAN. 1945 (3)

TO: Civil Affairs Section

I feel strongly that AC must not prejudice the Bolzano question by
acquiescing to the appointment of a representative of the Italian Govern-
ment to the "Alto Adige" during the period of AMG. Once North Italy,
including Bolzano Province, has been turned back to Italian administra-
tion, legislation of this nature (folio 1B) becomes entirely an Italian
affair. While it is under Allied Military Government, however, we cannot
permit any stronger Italian national representation there than in Aosta
or Trieste or Torino or any of the other northern provinces.

I also doubt the wisdom of a letter from the Prime Minister to the
Chief Commissioner along the lines of the draft at 1A. Allied Military
Government has supposedly been an impartial administration in Bolzano
and the penultimate paragraph of 1A as presently drafted is almost em-
barrassing in its implications.

December 1, 1945.

[Signature]
J. Wesley Jones
Pal Ad (Am)
Dec 1/45

Declassified E.O. 12356 Section 3.3/NND No. 78506

2A

6/18.1/GA

December 1945

My dear Mr. Prime Minister,

I have very carefully considered the draft letter and the draft decree dealing with appointment of a Delegate in Bolzano which Sig. De Angelis left with Brigadier Lush on the 29 Nov 45.

Upon the draft letter I have no comment except that I would prefer that the last paragraph but one were omitted. It rather reads as if the decree arose from my suggestions which I do not think is intended nor is it the fact.

This Commission is in favour of the proposal that an enquiry should be conducted in Bolzano in order that a suitable form of local self autonomy may be drawn up and would welcome the adoption of such a scheme by vote in due course.

The manner in which this enquiry is conducted is a matter domestic to the Italian people and one therefore with which this Commission has no direct concern but in view of the fact that you have asked the opinion of this Commission upon the proposals I make the following comments.

The decree creates at once a new level of government superior to the Prefects. Art 2(b) grants legislative powers to the delegate by which he would be independent even of the Central Government and Art 2(c) enables him to override the Prefects. It is felt that these powers are really wider than necessary. It is appreciated that it might be necessary for the Delegate to be able to stop the Prefects from taking some action which might be destructive of his intended proposals but would not this be achieved if there were a provision that Prefects would not, pending the completion of the enquiry, issue decrees dealing with matters within the scope of the enquiry except with the approval of the Delegate or alternatively the Delegate could have powers to refer decrees affecting matters within his sphere to Rome and that any decree so referred would not come into force until approved by Rome.

This Commission considers therefore that Art 2(b) should be deleted from the draft and that Art 2(c) should provide that until the completion of the enquiry Prefects should not legislate on matters within the scope of the enquiry except after consultation with and in agreement with the Delegate.

Yours very truly,

Dott. Aloide DE GASPERI
The President of the Council of Ministers,
Italian Government,
ROME.

HENRY W. STONE
Rear Admiral, USN,
Chief Commissioner

*Best David
See memo 9*

CC O F Y

The Prime Minister
to Admiral Stone

Rome,

My dear Admiral,

considering the coming restitution of the Province of Bolzano the Italian government has reexamined and confirmed its decision to give to the Alto Adige a satisfactory and sure order for the ethnical minority.

The government has already taken important resolutions in favour of the german-speaking population. It proposes to endow the Alto Adige, within a short time, with a special legislation, corresponding fully to the interests of the people, protecting with opportune dispositions the traditional values and finally instituting in the region a pattern of administration.

To this end the government has decided to send to Bolzano a high Delegate, whose principal task will be to direct local politics and to prepare in cooperation with the most competent south-tyrolians, the new order. The text of the decree and the note, which I beg to enclose, state the functions of the Delegate and the ideas which have induced the government to adopt this measure. With a separate letter I shall request your opinion on the person of the Delegate.

Bearing in mind your suggestions on the South Tyrol problem, I am sure that you will like the decision which I communicate in the present letter. The request of your approval wants to express above all the sincere appreciation of the Italian government and of myself for your and your officers co-operation for preparing the new order of South Tyrol.

I avail myself of this opportunity to communicate to you the view of the government that the restitution of the Province of Bolzano be followed shortly by the appointment of an Italian ambassador to Vienna. The government wishes to create as soon as possible the basis for the good relations to be established with the neighbouring state.

Very truly yours,

C O P Y (18)

Draft of a decree for the institution of the office of
extraordinary Delegate of the government in South Tyrol

Having seen.....;
Having heard the Council of Ministers;
On proposal of the Prime Minister, in agreement with the Ministers of.....;

We have decreed and decree:

Art 1

Depending from the Presidency of the Council of Ministers is created the
office of extraordinary Delegate of the government in South Tyrol, in Bolzano.
The office has temporary character.

Art 2

The extraordinary Delegate:

- a) superintends the preparation of the legislative order to be instituted in the Alto Adige for the status of the ethnical minority of german language. Particularly, he institutes the local commissions of study of the various branches of the order, predisposes and coordinates their work;
- b) issues in name of the central government decrees for the temporary regulation of the matters outlined under a);
- c) proposes, approves, revokes, the decrees of the Prefects of Bolzano, Trento and Belluno dealing particularly with the political, administrative and economic interests of the south tyrolian population;
- d) proposes to the Council of Ministers the drafts of laws elaborated by the commissions of study;
- e) directs and coordinates in the three provinces the activity of the statal administrations, of the enti, the institutes of public right and of all "enti" under the protection or the vigilance of the state, in order to assure that the ordered cohabitation of ethnical south tyrolian group be based on the principle of equality of rights and duties of all citizens and be carried out with the respect of the special laws and dispositions for the south tyrolians.

Art 3

.....

Declassified E.O. 12356 Section 3.3/NND No. 735016

Relazione al Consiglio dei Ministri sull'istituzione dell'ufficio di
Delegato straordinario del Governo in Alto Adige

(10)

Il decreto proposto esprime l'intendimento, ispirato ai principi democratici che guidano il Governo, di dare alla minoranza di lingua tedesca dell'Alto Adige un ordinamento legislativo che le garantisca l'esercizio delle libertà civili nell'uguaglianza dei diritti e dei doveri di tutti i cittadini e nel rispetto dei valori etnici, linguistici e culturali che le sono propri.

Al consiglio dei Ministri e' nota la richiesta del Governo austriaco rivolta ad ottenere dalle Nazioni Unite l'annessione dell'Alto Adige all'Austria. Questa richiesta, che attenta all'unita' geografica conseguita dall'Italia al termine delle guerre del risorgimento e l'unita' della Nazione, e' priva di qualsiasi fondamento giuridico. Inoltre, l'Italia ha consacrato dopo il 1918 il suo diritto alla frontiera del Brennero con un complesso imponente di opere che rende l'economia dell'Alto Adige inescindibile da quella delle altre province settentrionali.

Cio' premesso, l'Italia ha tutto l'interesse, sia nazionale sia internazionale, a tutelare lo stato della minoranza etnica di lingua tedesca in modo soddisfacente e sicuro.

L'Inghilterra e gli Stati Uniti non hanno mancato di manifestare al Governo italiano il loro punto di vista in proposito. I loro suggerimenti coincidono con la volonta' del Governo di promulgare tutte le disposizioni legislative atte a dotare l'Alto Adige, entro un breve periodo di tempo, di un'amministrazione rispondente alle aspirazioni ed agli interessi della popolazione.

Il decreto proposto ubbidisce anzitutto al concetto di elaborare l'ordinamento della minoranza di lingua tedesca con il concorso dei suoi cittadini piu' competenti.

La nomina di un Delegato straordinario e' suggerita:

- a) dalla situazione particolare dell'Alto Adige distinta dall'esistenza di una forte corrente separatista nel periodo compreso fra la riconsegna alleata del territorio e la conferenza della pace che decidera' della frontiera con l'Austria;
- b) dalla necessita' di accentrare in un'autorita' superiore ai Prefetti la preparazione di una legislazione e l'attuazione di una politica che interessano la popolazione dei comuni compresi in tre Province;
- c) dall'opportunita' di dare speciale risalto internazionale, all'azione del Governo in Alto Adige.

Dati i recenti risultati negativi degli Alti Commissariati si e' creduto utile limitare le funzioni delegate alla condotta politica degli interessi locali e al coordinamento delle iniziative riguardanti la minoranza di lingua tedesca.

I poteri legislativi del delegato straordinario, il cui ufficio e' temporaneo,

sono limitati in modo da mantenere al Governo centrale la massima autorità nelle decisioni.

L'istituzione dell'ufficio del Delegato assicura l'unità e il coordinamento fra l'iniziativa politica locale e l'iniziativa del Governo centrale, anche nei riflessi internazionali.

L'ufficio è composto dal Delegato, da un Segretario Generale, e da un funzionario col il grado di Consigliere di Prefettura, da un traduttore e da due stenodattilografe.

Il Presidente
del Consiglio dei Ministri

0 2 4 6