

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

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Declassified E.O. 12356 Section 3.3/NND No. 75016

ITAL GOV'T, APPROVAL OF DECREES
MAR. 1944 - JULY 1945

Declassified E.O. 12356 Section 3.3/NND No. 7304

64-17361CA-6

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100-394
100-394

11 July 1945

11 LUG 1945

SUBJECT: Economic Decrees.

TO: See Distribution List.

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1. Reference is made to directive 10/4010/3/1 of 30 April 1945.
2. By order of 102 published in Gazzetta Ufficiale No. 80 dated 5 July 1945 the following 5 economic decrees have been implemented in Northern Italy:-

- 102 No. 10/3 of 6 Dec 1943;
- 102 No. 85 of 13 Mar 1944;
- 102 No. 326 of 18 Nov 1944;
- 102 No. 3 of 11 Jan 1945;
- 102 No. 44 of 30 Jan 1945.

3. This order, which is a further order of 102 for the purposes both of General Order No. 44 Art. 2 and 102 No. 180 of 26 April 1945, has the effect of supplementing the official 8 Sept 1943 salaries and pensions of the persons affected in the manner laid down in these decrees. It will be observed that the increases are not related to the salaries which were being paid on 5 April 1945 and which were confirmed de facto by General Order No. 44 and 102 No. 180.

4. It will further be noted that the decrees implemented include 102 No. 3 of 11 Jan 1945, although this decree is not specifically mentioned in letters from Finance Sub-Commission 15065/2 of 27 June and 2 July 1945.

by General of the Air Force

100-394-1

W. S. BISHOP,
Colonel,
Chief Legal Advisor.

DISTRIBUTION:

- Chief Commissioner {2}
- Col. Sec {3}
- Secy Sec {15}
- Finance Sec {2}

4. It will further be noted that the measures implemented include III No. 3 of 11 Jan 1945, although this decree is not specifically mentioned in letters from Finance Sub-Commission 130657 of 27 June and 2 July 1945.

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W. E. BATHURST,
Colonel,
Chief Legal Adviser.

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Chief Commissioner	(2)
Asst. Secy	(5)
Asst. Secy	(15)
Inspector I/c	(2)
Executive Commissioner	(4)

ITALY	Region	50
IRELAND	Region	45
FLANDRE	Region	45
LUXEMBURG	Region	50
VALONIE	Region	60
NETHERLANDS	Region	50

sufficient for distribution
 down to Provincial Commissioners,
 Provincial Strategic Officers,
 Provincial Labor Officers and
 Provincial Social Officers.

[illegible]

Copy to each 5/9 11 p.m. 11/9

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1203

HEADQUARTERS ALLIED COMMISSION
APO 374
OFFICE OF THE COMMISSIONER

File
56

10 Nov 44.

Ref: 2/17B/C1

SUBJECT: Approval of Decrees passed by the Italian Government.

TO: Acting President, Allied Commission.

1. It is desirable that policy should be clarified with regard to the attitude of the Allied Commission in approving decrees proposed by the Italian Government.

2. Up to the present time no definite arrangements have been made with the Italian Government, but in practice a large proportion of decrees proposed by them are in fact studied with the Sub-Commission concerned. It has occasionally happened, however, that some decrees of importance, e.g., the decree raising wage rates, are discussed by the Council of Ministers without receiving prior detailed approval from the Allied Commission, and difficulty has resulted.

3. Although it is comparatively easy to lay down principles and to say that all decrees coming within a certain category must be submitted for approval by the Allied Commission before being discussed at a Council of Ministers, it is exceedingly difficult to sort out the detailed application of such principles. For instance, it has been suggested that all decrees which may have the following effects should be submitted for approval to the Commission:-

- a) interference with Allied war effort;
- b) increase of the degree to which Italy is a drag on the economy of the United Nations; or
- c) re-introduction of persons or practices identified with Fascism into the functioning of the economic and governmental machinery.

In practice it is very difficult to determine what decrees fall within the above categories and what do not, and it is for this reason that a decision must be made as to whether or not decrees are to be approved by Allied Commission. If they are to be approved, then to be on the safe side, it is recommended that all decrees should be submitted for scrutiny for determination

...the Commission concerned. If the decree relating to the increase of import duties, e.g., without receiving prior detailed approval from the Allied Commission, and difficulty has resulted.

3. Although it is comparatively easy to lay down principles and to say that all decrees coming within a certain category must be submitted for approval by the Allied Commission before being discussed at a Council of Ministers, it is exceedingly difficult to work out the detailed application of such principles. For instance, it has been suggested that all decrees which may have the following effects should be submitted for approval to the Commission:-

- a) interference with Allied war effort,
- b) increase of the degree to which Italy is a drain on the economy of the United Nations, or
- c) re-introduction of persons or practices identified with Fascism into the functioning of the economic and governmental machinery.

In practice it is very difficult to estimate what decrees fall within the above categories and what do not, and it is for this reason that a decision must be made as to whether or not decrees are to be approved by Allied Commission. If they are to be approved, then it is on the safe side, it is recommended that all decrees should be submitted for scrutiny for determination by AC as to whether or not they are interested.

4. This, however, does not entirely dispose with the question **430** within the Commission it is desirable to lay down principles indicating what decrees are interested. Firstly any decrees affecting the operation of the armistice terms is one which should receive detailed scrutiny, but this category would not cover a number of decrees in which the Commission would be interested, e.g. decrees affecting overall economic policies, and it is requested that the lines on which the Commission is to operate in this respect be clarified.

J R L
 G. R. UFFORD, REIC.
 VP C.A. Sec.
 D. G.O.S.

(1579)

Tel: 546

LDB/es

16 November 1944

SUBJECT: Type and Nature of Italian Government Decrees which should be referred to AC for Approval.

MEMO TO: Vice President, Civil Affairs Section.

11/22/1944

1. In accordance with our telephone conversation, following is Economic Section's views with respect to the above subject:

"With respect to economic problems, AC should assert its right to veto a proposed action if such action:

- a. interferes with Allied war effort,
- b. increases the degree to which Italy is a drag on the economy of the United Nations, or
- c. reintroduces persons or practices identified with fascism into the functioning of the economic and governmental machinery.

In all cases where objection is to be made by AC to a proposed action, the burden of proof should be on the Sub-Commission concerned to demonstrate that the action falls within the terms of one of the above criteria. If it does not, AC should act only in an advisory capacity to the Italian Government, making available to it the best opinion and judgment of the U. S. and U. A. governments with respect to the problems facing the Italian Government."

2. It would seem desirable to put into operation the machinery with respect to the submission of proposed decrees to AC as previously worked out by your section, but upon which final action has been deferred.

For the Acting Deputy Chief of Staff, Economic Section:

L. D. Denmore
L. D. DENMORE
Colonel, F. A.
Chief Staff Officer 4300
Economic Section

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
CIVIL AFFAIRS SECTION
APO 394

Ref:- 9/172/CA

21 Oct '44.

REMARKS:- Approval by Allied Control Commission
of Italian Government Bureau.

TO:- C.C.S.
Econ. Sec.
Political Sec.
Establishment Sec.

1. Herewith draft of the proposed letter which I would like to
discuss at next C.C.S. meeting, 24 Oct '44.

gph

C. S. WOODS, Brig
VP CA Sec.
Dep. C. of S.

CSH/yab.

EOS, newly approved draft which
will be put before A/C for 4305

gph

24.10.44

HEADQUARTERS
ALLIED CENTRAL COMMISSION
Office of the Acting Chief Commissioner
ATO Y24

Ref:-

21 Oct '44

My dear Prime Minister,

1. Arising out of our agreement that the Allied Central Commission should see decrees proposed to be passed by the Italian Government in order that the Commission may be in a position to approve matters which are of interest to it, I have the following plan to propose.
2. I am informed that it is the custom for all proposed decrees to be submitted to the Minister of Justice for his consideration of the decrees on technical grounds, and it is at this stage that I think the decrees could usefully be placed before my Legal Advisers. In many cases of course decrees will already have been considered in conjunction with one of the technical sections or sub-commissions of the Commission and its consideration by my Legal Advisers would be purely formal, but in other cases where decrees have not been promulgated in conjunction with this Commission a more detailed inspection would be required. However I can assure you that everything will be done to reduce any delay necessitated by such inspection to the minimum.
3. As decrees of necessity frequently undergo changes during their consideration by the Council of Ministers, it would be necessary for my Legal Advisers to be kept informed of these changes and this I

technical grounds, and it is at this stage that I think the decrees could usefully be placed before my Legal Advisers. In many cases of course decrees will already have been considered in conjunction with one of the technical sections or sub-sections of the Convention and its consideration by my Legal Advisers would be purely formal, but in other cases where decrees have not been transmitted in conjunction with this Convention a more detailed inspection would be required. However I can assure you that everything will be done to reduce any delay necessitated by such inspection to the minimum.

3. In cases of necessity frequently undergo changes during their consideration by the Council of Ministers, it would be necessary for my Legal Advisers again to see the decree before it is officially passed, and this I suggest could usefully be done when the decree is presented for registration before the Corte di Cassazione.

4. If you agree with the foregoing, my dear Prime Minister, will you please give the necessary instructions to the Minister of Justice and I will ask the Chief Legal Adviser to arrange the details with the Minister.

Yours sincerely,

WILLIAM W. STUBBS
Commandant, JUSO.

Acting Chief Commissioner 4307

WWS/ybs

Declassified E.O. 12356 Section 2.3 AND No. 7504

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CIVIL AFFAIRS BRANCH

Ref:- 9/17.5/34

12 Oct '44.

SUBJECT:- Approval by AOC of Italian Government decrees.TO:- COS.

1. After discussion with the Directors of the Legal and Finance sub-commissions the following plan for securing that all decrees in which AOC is interested are approved by it before becoming law is submitted for your approval. The plan will of course have to be discussed in detail with the Italian Government before it can be put into effect.
2. At present there is no co-ordinated plan for supervising the issue of decrees; when a sub-commission is interested in certain legislation it takes the matter up with the appropriate Ministry and such sub-commission, if it desires, consults the Chief Legal Adviser on any legal points that may arise. All negotiations are carried on between the sub-commission and the Minister concerned, and the Chief Legal Adviser is not concerned therewith otherwise than as purely a legal adviser (See Directive dated 5th Mar '44 copy attached). While certainly not the universal practice, some of the Ministries have been cooperative in submitting in advance, to their opposite AOC sub-commission for approval, decrees they propose to submit to the Council of Ministers for enactment even when it is believed that AOC would not really be interested. This system has worked quite well in practice over many months and it is not desired to interfere in any way therewith (except to modify the Directive in a few minor particulars to bring it up to date) but to devise a system to ensure no decree escapes a preview by AOC.
3. All decrees when they have been passed by the Council of Ministers have to be registered with the Corte Dei Conti and published in the official Gazette before becoming law. An officer of the Finance sub-commission already sees all decrees when presented to the Corte Dei Conti for registration in order to see that they are financially acceptable. It is recommended that an officer of the Legal sub-commission should also be assigned to this work and should, with the officer from the Finance sub-commission examine all decrees when presented for registration. It is not thought that beyond any original legal advice referred to the

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decrees; when a sub-commission is interested in certain legislation it takes the matter up with the appropriate Ministry and such sub-commission, if it desires, consults the Chief Legal Adviser on any legal points that may arise. All negotiations are carried on between the sub-commission and the Minister concerned, and the Chief Legal Adviser is not concerned therewith otherwise than as purely a legal adviser (See Directive dated 5th Mar '44 copy attached). While certainly not the universal practice, some of the Ministries have been cooperative in submitting in advance, to their opposite AOC sub-commission for approval, decrees they propose to submit to the Council of Ministers for enactment even when it is believed that AOC would not really be interested. This system has worked quite well in practice over many months and it is not desired to interfere in any way therewith (except to modify the Directive in a few minor particulars to bring it up to date) but to devise a system to ensure no decree escapes a preview by AOC.

5. All decrees when they have been passed by the Council of Ministers have to be registered with the Corte Dei Conti and published in the Official Gazette before becoming law. An officer of the Finance sub-commission already sees all decrees when presented to the Corte Dei Conti for registration in order to see that they are financially acceptable. It is recommended that an officer of the legal sub-commission should also be assigned to this work and should, with the officer from the Finance sub-commission examine all decrees when presented for registration. It is not thought that, beyond any original legal advice referred to above, examination by the legal sub-commission at an earlier stage will be of much value owing to the last minute alterations which are almost invariably made in decrees. However, if the Secretary of the President of the Council has received any copy of a draft decree before it has been discussed it would expedite the examination of decrees if a copy was handed at the earliest possible moment to the legal sub-commission. If it is possible to persuade the Government to revert to the system whereby the Minister of Justice sees all decrees before submission to the Council of Ministers the task of the legal sub-commission will be even more simplified.

- 4. It will be the duty of the legal sub-commission to cause an accurate translation to be made of all decrees, and it will then be the duty of the Chief Legal Adviser to advise the Chief Commissioner whether any such decrees are of interest to AOC either:
 - a) as affecting the execution of the Armistice terms, or
 - b) as affecting the war effort.The exact principles on which the Chief Legal Adviser is to act in expressing his opinion as to whether or not a decree is of interest to AOC

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will have to be the subject of a careful directive to him.

5. If a decree contains nothing in which AOC is interested, then of course no further step is taken to stay its registration or publication. If, however, the decree is one in which the Chief Legal Adviser advises that AOC is interested, it will be the duty of the appropriate Deputy C.O.S. to report to the C.O.S. as to whether the principles and policy of the decree are in accordance with the principles and policy of AOC. If there is a divergence the matter will be taken up by the AOC with the Prime Minister. In practice of course in many instances these decrees will be cleared direct between the Legal sub-commission and the sub-commission concerned without reference to higher authority as it will be the duty of the legal officer assigned to this duty to keep in close touch with the work of the sub-commissions in this respect.

6. If this outline plan is adopted it is estimated that one additional legal officer must be assigned to the Legal sub-commission and the he will require the services of at least 2 Italian legal experts; for the work of translating is lengthy and arduous and the meaning and operation of the decrees can only be properly interpreted by Italian legal experts. If this additional staff, together with two extra typists and two typewriters, is not provided the plan will break down owing to the inevitable delays in translating and typing. The question of payment of these experts also arises and I propose to bring up the whole question at the next C.O.S. meeting.

G. R. J.
G. R. J. UPJON Brigadier.
VP CA Sec.
Dep C. of S.

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G.R. URJOHN Brigadier.
VP CA Sec.
Det C. of S.

Copy to Econ. Sec.
Finance sub-commission
Legal sub-commission.
Political Section

Encl ACC/H13/L 5 March 44.

GRU/yab.

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RECEIVED
ADMINISTRATIVE DIVISION
LEGAL SUB-COMMISSION
200 5/11

200/4113/2

200/4113/2

SUBJECT: Italian Legislation.

TO: Distribution Belge.

1. In the course of meeting between Sub-Commissions and their respective members in the Italian Government and discussion on matters of policy it frequently becomes necessary for sub-commissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.
2. The method of preparation of decrees by the Italian Government is as follows:
Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.
3. When a Sub-Commission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not a bill. When considering the terms of the draft decrees with the Ministry concerned the Sub-Commission should at this stage consult the Legal Sub-Commission to see that the draft decrees in fact carry out what the Sub-Commission has in mind.
4. It is then to the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Sub-Commission concerned and if any difficulty arises therein the latter should consult the Legal Sub-Commission.

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4 It is then to the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Sub-Commission concerned and if any difficulty arises therein the latter should consult the Legal Sub-Commission.

5 The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is not operative in territory still occupied by the Allied Forces. If the Sub-Commission concerned desire to make such decree operative in occupied territory the Legal Sub-Commission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.

6 A part from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Sub-Commission and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any effects may be ascertained and that any appropriate action may be taken thereon sooner rather than later.

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7. Contravene when a Sub-Commission is considering the submission to the Executive Commissioner of proposals which involve the presentation of a new General or Regional Order, they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply, of course, where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation policy).
8. In order that co-ordination of views and requirements of Sub-Commissions can be handled, Sub-Commissions will, at the earliest practical time, advise the appropriate VZ of any proposed course. This course may be initiated either by Sub-Commissions or by one of the Ministries of the Italian Government, the VZ will then decide whether or not it is necessary for him to deal primarily with the appropriate Minister. The latter course will be adopted when a course involves several Sub-Commissions and will avoid Italian Government being required to deal with several branches of the Control Commission over the course.

By Command of Lieut General WILSON MACFARLANE.

S. J. LUSH,
Brigadier,
Executive Commissioner.

ADMINISTRATION: Vice President, Administrative Section (8)-per distribution
Vice President, Economic Section (12) to Sub-Commissions

Army Sub-Commission

Navy Sub-Commission

Air Force Sub-Commission

Tele-communications Sub-Commission

War Materials Sub-Commission

Displaced Persons Sub-Commission

Civil Affairs Branch

Italian Refugee Branch

Security Branch

Public Relations Branch

Political Section.

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